

**TOWN OF HUDSON
STORMWATER DIVISION
RATES, RULES AND REGULATIONS**



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SECTION I: GENERAL PROVISIONS

1.1 AUTHORITY AND RESPONSIBILITY

The Select Board (herein referred to as the “Authorized Enforcement Agency/Board”) shall have power to establish regulations for the administration of the National Pollutant Discharge Elimination System (herein referred to as “NPDES”), Municipal Separate Storm and Sewer System (herein referred to as “MS4”) Permit. The Stormwater Utility Fee Rates, Rules and Regulations (Regulations) are promulgated by the Board, among other purposes, to promote the health and safety of the public, to protect property from flooding and the damage caused by stormwater runoff, to protect and manage water quality by controlling the level of pollutants in stormwater runoff and the flow of water as conveyed by manmade and by natural stormwater management systems and facilities, and to meet state and federal regulatory requirements under the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) General Permit.

Pursuant to the Hudson Stormwater Utility By-Laws and provisions of Massachusetts General Laws Chapter 83, Section 16, the Town of Hudson Select Board hereby establishes a charge for the demand upon (i.e., use) of the stormwater management and flood control services of the Town, to be known as the “Stormwater Utility Fee,” for the purposes of providing revenue related to the Stormwater Management Services provided by the Town. These Regulations are consistent with and provide additional information in support of the Stormwater Utility By-Laws to assist the Town and rate payers with the implementation and management of the Stormwater Utility Fee.

The Director of Public Works or any of his designees may enter the premises of any stormwater connection, or illicit discharges to verify compliance with the Stormwater Utility Bylaw. Any illicit connections or discharges found by the Department of Public Works must be removed in accordance with *Section III* of these regulations.

The Director of Public Works or any of their designees may enter the premises of construction activities (as subject to Section 1.3) to verify compliance of these Rules and Regulations.

The Department of Public Works may make repairs, extensions or improvements, or provide new main pipes on stormwater management systems established by the Town.

The Department of Public Works does not guarantee uninterrupted service nor does it assure consistent stormwater retention, conveyance, flow, or volume to the Town’s stormwater management systems.

These Stormwater Management Rules and Regulations are promulgated by the Authorized Enforcement Agency and/or their designees of Hudson, Massachusetts under the Town’s General Bylaws *Article VI, Section 52*, the *Stormwater Utility Bylaw* (herein referred to as the “Bylaw”) of the Hudson and may be so cited.

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

The Town will not be responsible for damages caused by shutting off stormwater systems for the purpose of doing repairs on pipes, catch basins, outfalls, outlets, inlets, culverts or any other structures within the stormwater systems. If possible, reasonable notice shall be given to all costumers before infrastructure is shut off, except in the case of emergencies.

Any work done on the public stormwater management system by a private contractor or agent shall only be performed after procurement from the Department of all necessary permits and licenses as hereinafter described.

1.2 RATE SETTING

- a. The Authorized Enforcement Agency shall establish reasonable rates for the cost of administering and implementing the stormwater management program of the Town. The initial rates, and any later modifications, shall be based upon recommendation of staff and shall be set by the adoption of a stormwater

fee schedule by vote of the Select Board. The schedule of said rates shall be on file in the office of the Town Clerk of the Town of Hudson.

- b. The billing rate structure shall consist of the following based on the square feet of impervious area on a developed parcel, which is derived from a Town-wide analysis of impervious area where the median or typical single-family residential property has approximately 3,400 square feet of impervious area:
 - i. Single-family residential properties with 500 - 5,000 square feet of impervious area = one billing unit
 - ii. Single-family residential properties with 5,001 - 10,000 square feet of impervious area = 1.5 billing units
 - iii. Non-single-family residential properties = one billing unit per 3,400 square feet of impervious area (minimum one billing unit)
 - iv. Billing units for single-family residential properties with >10,000 square feet of impervious area are calculated as non-single-family residential properties.
- c. Impervious area per parcel is determined by the Town of Hudson by utilizing available Geographical Information Systems (herein referred to as "GIS") data layers to calculate the area of building footprints, building structures, driveways, pathways, pools, sport courts, and parking areas. Any impervious areas within the town-owned right-of-way will not be attributed to the parcel and will not be considered as part of the total impervious area of the parcel.

1.3 APPLICABILITY

- a. These Regulations apply to all activities in accordance with the applicability sections of the Stormwater Utility Bylaw (*Article VI, Section 52 of the Town's General Bylaws*) and further described herein.
- b. Every user of the municipal storm drainage system shall be subject to these Regulations, as they apply, and to any charges, rates, fees, and assessments which are or may be established by the Town of Hudson. Every user of the municipal storm drainage systems shall also be subject to applicable federal, state, and local regulations. In instances where various regulations contain different requirements, the most stringent requirements shall apply.
- c. Projects and/or activities not within the jurisdiction of any of the Town of Hudson Boards, Commissions, or Departments, but still within the jurisdiction of the Bylaw must comply with these Regulations and, if applicable, must obtain a Stormwater Management Review in accordance with the permit procedures outlined herein.

1.4 PURPOSE

These Regulations establish procedures and standards for compliance with the Bylaw. Any person or entity within the Town are required to meet all applicable federal and state requirements of the National Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer Systems General Permit, commonly known as the "NPDES MS4 permit."

The Stormwater Utility Fee Rates, Rules and Regulations are promulgated by the Select Board, among other purposes, to promote the health and safety of the public, to protect property from flooding and the damage caused by stormwater runoff, to protect and manage water quality by controlling the level of pollutants in stormwater runoff and the flow of water as conveyed by manmade and by natural stormwater management systems and facilities, and to meet state and federal regulatory requirements under the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) General Permit. Pursuant to the provisions of Massachusetts General Laws Chapter 83, §16, the Town of Hudson Select Board hereby establishes a charge for the use of the

stormwater management and flood control services of the Town, to be known as the “Stormwater Utility Fee,” for the purposes of providing revenue related to the Stormwater Management Services provided by the Town.

1.5 SERVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this by-law shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

1.6 DEFINITIONS

Unless the context specifically indicated otherwise, the following terms and phrases, as used in these Regulations, shall have the meanings hereinafter designated:

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

AUTHORIZED ENFORCEMENT AGENCY - shall mean the Hudson Select Board (Board), Department of Public Works, its employees, officers, or agents designated to enforce the Town of Hudson’s Stormwater Utility By-Laws and Regulations. The Authorized Enforcement Agency, shall administer, implement, and enforce these rules and regulations. Any powers granted to or duties imposed upon the Authorized Enforcement Agency may be delegated in writing by the Authorized Enforcement Agency to its employees, agents, or other Hudson Departments.

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

CLEAN WATER ACT- The federal law (33 U.S.C. § 1251 et seq.), protecting and promoting clean water and any subsequent amendments thereto.

CLEARING- Any activity that removes the vegetative surface cover. Clearing activities generally include grubbing activity as defined below.

CONSTRUCTION ACTIVITY- Activities subject to the *National Pollutant Discharge Elimination System* (NPDES) Construction General Permits, and local permits issued by the Town of Hudson.

CONSTRUCTION AND WASTE MATERIALS- Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter, sanitary waste at a construction site that may adversely impact water quality, and clearing/grubbing wastes such as stumps and asphalt.

CREDIT - “Credit” shall mean a reduction in the amount of a Stormwater Utility Fee charged to the owner of a particular property where that property owner owns, maintains and operates on-site or off-site stormwater management systems or facilities, or provides services or activities that reduce or mitigate the Town’s cost of providing stormwater management services, in accordance with the Town’s credit policy outlined in the Stormwater Utility Credit Manual (Credit Manual).

DEVELOPABLE- A parcel of land, as designated by the Board of Assessors or other local jurisdictional authority, that can be altered from its natural state to include impervious surface area.

DEVELOPED- for the purpose of the *Stormwater Utility* as described in *Section II: Stormwater Utility* means property altered from its natural state by construction or installation of greater than or equal to five hundred (500) square feet of impervious surfaces.

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

DIRECTOR- The Director of the Department of Public Works.

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

DRAINAGE RELEASE FORM- The document issued by the Department of Public Works to a user of the municipal storm sewer system to tie into public stormwater infrastructure provided it follows these Rules and Regulations.

DRAINAGE SYSTEM – Any natural and manmade channels, swales, ditches, swamps, rivers, streams, creeks, wetlands, branches, reservoirs, ponds, drainage ways, inlets, catch basins, gutters, pipes, culverts, bridges, head walls, wing walls, storm sewers, lakes, and other physical works, properties, and improvements that transfer, control, convey or otherwise influence the movement of stormwater runoff.

ENVIRONMENTAL SITE MONITOR- Trained professional approved by the Authorized Enforcement Agency and retained by the owner or owner’s technical representative to periodically inspect the work and report to the Authorized Enforcement Agency.

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 SEDIMENT CONTROL PLAN- A document containing narrative, drawings, and details developed by an Environmental Site Monitor which includes BMPs, or equivalent measures designed to control surface runoff, erosion and sedimentation during preconstruction and construction related land disturbances. The plan is required as part of the application for a Stormwater Management Review/Site Plan Review/ or any Planning or Building Department permit applications.

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

GEOGRAPHICAL INFORMATION SYSTEMS- A software or application used to produce maps to display natural and man-made features including, but not limited to impervious areas, building footprints, lakes, ponds, rivers, streams, creeks, reservoirs, topographical elevations, roads, utilities, and easements.

GENERAL LAWS, or M.G.L.- The General Laws of the Commonwealth of Massachusetts.

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 OR TOXIC MATERIALS - Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, corrosive, flammable, reactive, toxic, radioactive, or infectious characteristics, may cause or significantly contribute to a substantial present or potential hazard to human health, safety, or welfare, or to property or the environment. Hazardous or Toxic materials include, but are not limited to, any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as “Hazardous” or “Toxic” under M.G.L. c.21C and c.21E, and 310 CMR 30.000 and 310 CMR 40.0000.

ILLICIT CONNECTIONS - An illicit connection is defined as either of the following:

- a. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the municipal storm drain system, including but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the municipal storm drain system, and any connections to the municipal storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
- b. Any drain or conveyance connected from a commercial or industrial land use to the municipal storm drain system which has not been documented in plans, maps, or equivalent records and approved by the Town.

ILLICIT DISCHARGE- Any direct or indirect non-stormwater discharge to the municipal storm drain system, except as exempted in *Section 3.5*

ILLICIT DISCHARGE DETECTION AND ELIMINATION MANUAL- The latest revision documenting policies and procedures to identify and remove illicit discharges and is available for viewing at the Department of Public Works.

IMPERVIOUS SURFACE- any material or structure on below or above the ground that prevents water infiltrating the underlying soil. Impervious surfaces include, without limitation, roads, sidewalks, paved parking lots, driveways, rooftops, buildings or structures, artificial turf, compacted gravel or soil traveled ways, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

INDUSTRIAL ACTIVITY- Activities subject to *National Pollutant Discharge Elimination System* Industrial Permits.

LAND-DISTURBING ACTIVITY, LAND DISTURBANCE, or DISTURBANCE of LAND - Any activity, including clearing and grubbing, that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LOW IMPACT DEVELOPMENT-An approach to environmentally friendly land use development. It includes landscaping and design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques capture water on site, filter it through vegetation, and let it soak into the ground.

MASSACHUSETTS ENDANGERED SPECIES ACT -(MGL c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the “taking” of any rare plant or animal species listed as “Endangered,” “Threatened,” or of “Special Concern”.

MASSACHUSETTS STORMWATER POLICY- The Policy and guidance Handbook issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts *Wetlands Protection Act* MGL c. 131 s. 40 and the Massachusetts *Clean Waters Act* MGL c. 21, ss. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MASSACHUSETTS STORMWATER HANDBOOK- The Handbook issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts *Wetlands Protection Act* M.G.L. c. 131 s. 40 and the Massachusetts *Clean Waters Act* M.G.L. c.21, ss. 23-56. The Handbook provides detailed guidance on the Massachusetts Stormwater Policy.

MAXIMUM EXTENT PRACTICABLE - The limits of available technology and the practical and technical limits on an owner in planning and designing stormwater management practices to reduce potential for pollutants to enter the municipal storm drainage system or waters of the Commonwealth.

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

MUNICIPALITY- Refers to the Town of Hudson.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMITS- General, group, and individual stormwater discharge permits issued by the United States Environmental Protection Agency which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR DISCHARGES FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES- Permit required by the EPA for construction activities that disturb one acre or more of land, either by itself or as part of a larger development. Permit requires a Notice of Intent (NOI) to be submitted to the EPA and the development of a Stormwater Pollution Prevention Plan (SWPPP).

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

NON-STORMWATER DISCHARGE - Any discharge to the municipal storm drain system that is not composed entirely of stormwater.

OFF-SITE MITIGATION – An approach whereby pollutant removal practices are implemented at redevelopment or retrofit sites at another location in the same Hydrologic Unit Code (HUC)12 watershed, as approved by the 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 ensure that it continues to function as designed. The plan must be conveyed to the future property owners along with the title/deed.

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

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

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

OWNER'S TECHNICAL REPRESENTATIVE -A Massachusetts Registered Professional Engineer in a competent field and retained by the owner to certify that design, construction, and maintenance are completed in accordance with the applicable local, state, and federal stormwater requirements.

PERSON -Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, legal entity, agency, public or quasi-public body, authority, department, or

political subdivision of the Town of Hudson, the Commonwealth, or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

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

POINT SOURCE -Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants may be discharged.

POLLUTANT -Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, degraded soils, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinses); and noxious or offensive matter of any kind.

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

PRE-CONSTRUCTION -All activity in preparation for construction.

PREMISES -Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

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 (310 CMR 10.00).

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

RECHARGE -The replenishment of underground water reserves.

REDEVELOPMENT -Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

REQUEST FOR INFORMATION- A document issued by the Authorized Enforcement Agency and submitted to an Owner or the Owner's Technical Representative.

RESPONSIBLE PARTY(IES) or PERSON(S) -owner(s), persons with financial responsibility, and persons with operational responsibility.

RESOURCE AREA- Areas specified in the Massachusetts Wetlands Protection Act MGL c. 131, § 40.

SEDIMENT -Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION -The process or act of deposition of sediment.

SITE -Any lot or parcel of land or area of property where land disturbances are, were, or will be performed.

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

SOIL -Earth materials including duff, humic materials, sand, rock, gravel or similar material.

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

STORMWATER - Surface water that results from precipitation and that travels over natural or developed land surfaces to discharge into a drainage system or a surface water body. Stormwater includes stormwater runoff, snow melt runoff, rain, and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN -A plan required as part of the application for a Stormwater Management Review/Site Plan Review or any other Planning or Building Permits.

STORMWATER MANAGEMENT SERVICES –All services provided by the Town which relate to the:

- a. Transfer, control, conveyance or movement of stormwater runoff through the Town;
- b. Maintenance, repair and replacement of stormwater management systems and facilities owned, controlled, or maintained by the Town;
- c. Planning, development, design and construction of additional stormwater management systems and facilities to meet current and anticipated needs; Planning, development, design and construction of additional stormwater management systems and facilities to meet current and anticipated needs, which may include reducing the discharge of stormwater pollutants to wetlands or waterways, ensuring that the rate or volume of runoff discharged to wetlands or waterways approximates pre-development hydrology, or preventing or remediating flood damage;
- d. Regulation, oversight, and enforcement of the use of stormwater management services, systems and facilities; and
- e. Compliance with applicable State and Federal stormwater management regulations and permit requirements including, but not limited to, public education and outreach. Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

STORMWATER MANAGEMENT SYSTEMS AND FACILITIES – natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, culverts and bridges, headwalls, stormsewers, outfalls and other physical works, properties and improvements which transfer, control, convey, detain, retain, treat or otherwise influence the movement of stormwater runoff.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) -plan required for permit coverage under the NPDES General Permit for Discharges from Large and Small Construction Activities. The SWPPP is a detailed plan describing how erosion and sediment controls and other BMPs will be implemented on a construction site.

STORMWATER UTILITY FEE- the quarterly user fee imposed pursuant to this by-law by the Town of Hudson which will be dedicated to the provision of public stormwater management services.

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

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

TOTAL MAXIMUM DAILY LOAD or TMDL: A calculation of the total amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. Pursuant to 303(s) of the Clean Water Act, a TMDL includes waste load allocations (WLAs) for point source discharges, load allocations (Las) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations.

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

UNDEVELOPABLE LAND- All land including crops, forest land, pasture, conservation or recreation as designated by the Assessor.

UNDEVELOPED LAND- all land that is not altered from its natural state to an extent that results in greater than five hundred (500) square feet of impervious surface area.

VERIFICATION OF LAND DISTURBANCE FORM- A checklist attached to the Site Plan Review, and Definitive Subdivision Plan applications as issued by the Planning Board.

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, groundwaters, and vernal pools.

WETLANDS - Coastal and freshwater wetlands, including wet meadows, marshes, swamps, and bogs, as defined and determined pursuant to G.L. c. 131, § 40 and 310 CMR 10.00 et. seq.

SECTION II STORMWATER UTILITY

2.1 SCOPE OF RESPONSIBILITY FOR STORMWATER MANAGEMENT SYSTEMS AND FACILITIES

- a. The Town owns or otherwise has rights which allow it to operate, maintain, improve and access those stormwater management systems and facilities which are located:
 - i. Within public road rights-of-way;
 - ii. On private property but within easements granted to, and accepted by, the Town of Hudson, or are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or such other lawful means to allow for operation, maintenance, improvement and access to the stormwater management system facilities located thereon; and
 - iii. On public land which is owned by the Town and/or land of another governmental entity upon which the Town has agreements providing for the operation, maintenance, improvement and access to the stormwater management systems, flood control systems, and facilities located thereon.
- b. Operation, maintenance and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the Town, and for which the Town lacks a lawful right of entry, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by state and federal laws and regulations.

2.2 PURPOSES OF THE STORMWATER UTILITY FUND

Receipts from the Stormwater Utility fee, to the extent consistent with G.L. c. 44, s. 53 F1/2, shall be used for the following purposes:

- (a) The acquisition by gift, purchase or condemnation of real and personal property, and interests therein,

necessary to construct, operate, and maintain stormwater management systems and facilities;

- (b) All costs of administration and implementation of the stormwater management program, including the cost of labor and equipment attributable to the stormwater management program and the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements;
- (c) Payment on principal and interest on debt obligations;
- (d) Engineering and design, debt service and related financing expenses, construction costs for new facilities (including costs for contracted services) and enlargement or improvement of existing facilities;
- (e) Operation and maintenance of the stormwater system, including catch basin cleaning, ditch maintenance, street sweeping, pipe repairs, and stormwater facility repairs;
- (f) Capital investments including stormwater best management practices (BMPs) and components (e.g., purchase of plants, soils, and other amenities to support stormwater management alternatives utilizing vegetation);
- (g) Illicit discharge detection and elimination;
- (h) Monitoring, surveillance, and inspection of stormwater control devices;
- (i) Water quality monitoring and water quality programs;
- (j) Retrofitting developed areas for pollution control;
- (k) Inspection and enforcement activities;
- (l) Billing and related administrative costs; and
- (m) Other activities which are reasonably necessary, including costs related to regulatory compliance.

2.3 RATES

- (a) The Select Board shall establish reasonable rates for the cost of administering and implementing the stormwater management program of the Town. The initial rates, and any later modifications, shall be based upon recommendation of staff and shall be set by the adoption of the Stormwater Fee Schedule by vote of the Select Board. The schedule of said rates is included in Appendix A and shall be on file in the office of the Town Clerk of the Town of Hudson.
- (b) The billing rate structure shall consist of the following based on the square feet of impervious area on a developed parcel, which is derived from a Town-wide analysis of impervious area where the typical single-family residential property has approximately 3,400 square feet of impervious area:
 - (1) Single-family residential properties with 500 – 5,000 square feet of impervious area = one billing unit
 - (2) Single-family residential properties with 5,001 – 10,000 square feet of impervious area = 1.5 billing units
 - (3) Non-single-family residential properties = one billing unit per 3,400 square feet of impervious area (minimum one billing unit)
 - (4) Billing units for single-family residential properties with >10,000 square feet of impervious area are calculated as non-single-family residential properties.
 - (5) Commercial properties = one billing unit per 3,400 square feet (minimum one billing unit)

- (6) Industrial properties = one billing unit per 3,400 square feet (minimum one billing unit)
- (c) Impervious area per parcel is determined by the Town of Hudson by utilizing available GIS data layers to calculate the area of building footprints, building structures, driveways, pathways, pools, sport courts, and parking areas. Any impervious areas within the town-owned right-of-way will not be attributed to the parcel and will not be considered as part of the total impervious area of the parcel.

2.4 STORMWATER UTILITY FEE EXEMPTIONS

- (a) The Town of Hudson finds that all developed property in the Town contributes to runoff and either uses or benefits from the maintenance of the stormwater system. Therefore, except as provided in this section or otherwise provided by law, no developed public or private property located in the Town of Hudson shall be exempt from the Stormwater Utility Fee charges. No exception, credit, offset, or other reduction in Stormwater Utility Fee charges shall be granted based on age, tax status, economic status, race, religion or other condition unrelated to the cost of providing stormwater management services and facilities.
- (b) The Town establishes exemptions to the Stormwater Utility Fee as follows:
 - 1. Undevelopable land.
 - 2. Railroad rights-of-way (tracks). However, railroad stations, maintenance buildings, and/or other developed property used for railroad purposes shall not be exempt from Stormwater Utility Fee charges.
 - 3. Public streets, highways, rights-of-ways, and Town owned properties. All other State, Federal, and County properties are subject to the user fee charges on the same basis as private properties.

2.5 STORMWATER UTILITY FEE CREDITS

- (a) The Director of Public Works or his or her designee (the “Director”) (or their designee) is hereby authorized to grant credits to property owners to be applied against the Stormwater Utility Fee based on the technical and procedural criteria set forth in the Stormwater Utility Credit Manual (Credit Manual) in Appendix B. The Credit Manual shall be implemented as of the effective date of these regulations.
- (b) The following properties are eligible for a credit, provided they meet the requirements of this section: non-single-family residential, which includes commercial and industrial properties, multi-family properties, townhomes, condominiums, and similar residential properties with shared property or common areas. Single-family residential properties are not eligible for credits.
- (c) Credits shall be given for properties that reduce the peak rate of runoff from the property and/or treat for stormwater runoff water quality, as demonstrated through a historical or current stormwater design standard.
- (d) A 20% credit on the calculated fee for a property shall be granted if the property owner can demonstrate that a stormwater management system exists either on-site or off-site, it was designed to an historical stormwater design standard (i.e., prior to 2008) that provides a demonstrated level of water quantity management and/or quality treatment, and it is owned and operated by the property owner. A simple credit application shall be submitted in accordance with the Credit Manual in Appendix B.
- (e) A 40% credit on the calculated fee for a property shall be granted if the property owner can demonstrate that a stormwater management system exists either on-site or off-site, it was designed to meet or exceed the current stormwater design standards (2008 Massachusetts Stormwater Handbook Guidelines), and it is owned and operated by the property owner. A comprehensive credit application shall be submitted in accordance with the Credit Manual in Appendix B.
- (f) Any credit allowed against the Stormwater Utility Fee is conditioned on continuing compliance with the Town’s design and performance standards as stated in the Credit Manual in Appendix B and/or upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. The Authorized Enforcement Agency may revoke a credit at any time for noncompliance with applicable

standards and criteria as established in these Stormwater Utility Regulations. Annual inspection, maintenance, and reporting requirements to demonstrate compliance are outlined in the Credit Manual.

- (g) In order to obtain a credit, the property owner must apply to the Town on the form provided in the Credit Manual in Appendix B.
- (h) When an application for a credit is deemed complete by the Director, the Director may either grant or deny the credit. Credits applied for by the property owner and granted by the Town shall apply to the annual Stormwater Utility Fees beginning with the next quarterly billing cycle following the date that the credit application was submitted. Credit will not be applied retroactively to prior quarterly billing cycles, except for the initial billing cycle for the stormwater utility fee.
- (i) Once a credit is granted it will remain in effect for as long as the property owner demonstrates continued compliance, as outlined above in subsection (f). Credits do not transfer when property ownership is transferred or sold.
- (j) The Director of Public Works, at his or her discretion, may charge a \$500 administrative fee for review and processing the application for Stormwater Utility Fee Credits. The fee, if applicable, shall be paid at the time of the application submission and made payable to the Treasurer/Collector.

2.6 STORMWATER UTILITY FEE BILLING, DELINQUENCIES, COLLECTIONS AND ABATEMENTS

- (a) Failure to receive a Stormwater Utility bill is not justification for non-payment. The property owner, shall be obligated to pay the appropriate Stormwater Utility fee for that property. If a property is unbilled, or if no bill is sent for a particular parcel of developed land, the Town may back bill for the fees as applicable for a period not to exceed six years of charges, but no late fees or delinquency charges of any kind shall be charged or recovered from any property owner so back billed.
- (b) Stormwater Utility bills shall be committed to the Treasurer/Collector or Director of Public Works (or their designee) for collection. The Treasurer/Collector shall notify the Board (or their designee) of the amounts collected, and shall keep records of all paid and unpaid Stormwater Utility bills.
- (c) In any case of nonpayment of a Stormwater Utility bill for thirty (30) days after the same is due, the Treasurer/Collector shall send a notice to the delinquent, and shall inform the Board (or their designee) in writing that such notice has been sent.
- (d) In accordance with Sections 16A through 16F of Chapter 83 of the General Laws, charges for the Stormwater Utility fee, together with interest thereon and costs relative thereto, shall be a lien upon the real estate for which the charge was billed. Such lien shall take effect by operation of law on the day immediately following the due date of such charge and, unless dissolved by payment or abatement, shall continue until such charge has been added to or committed as a tax in accordance with the requirements of Section 16C of Chapter 83 of the General Laws, and thereafter, unless so dissolved, shall continue as provided in Section 37 of Chapter 60 of the said General Laws.
- (e) In addition to the method of collection specified in Sections 16A through 16F of the General Laws, the overdue charge may be collected through any other lawful means.
- (f) In the event that a property owner believes the Stormwater Utility fee is improperly calculated or is otherwise incorrect, the property owner may, within thirty (30) days from the date of issuance of the Stormwater Utility bill, and after payment of the bill in full, apply to the Director of Public Works for an abatement. The Director of Public Works shall have sixty (60) days to consider the request for abatement.

and render a written decision which may deny the abatement, grant the abatement in full or grant the abatement in part.

- (g) Stormwater Utility bills shall be sent quarterly.
- (h) Stormwater Utility billing units are calculated based on the total impervious area per parcel and the tiers per property type outlined the Stormwater Fee Schedule in Appendix A.

2.7 APPEALS AND HEARINGS

In the event that a property owner is aggrieved by a written decision of the Director denying an application for abatement in whole or in part, or denying an application for a credit, in whole or in part, the property owner shall have thirty (30) days from the date of the written decision to file an appeal to the Board. The appeal shall be in writing and shall specify the grounds thereof. Upon the filing of the notice of appeal, the Board shall make available all documents constituting the record upon which the particular decision was made. The Board shall set a date for hearing which shall be within ninety (90) days of the date of the filing of the appeal and notice thereof setting forth the place, date and time of hearing shall be sent to the property owner no less than ten (10) days prior to the hearing date. The Board shall render a written decision within thirty (30) days of the conclusion of the hearing affirming the action or reversing the action. If reversing the denial of an abatement, the decision shall specify the sum to be abated, which shall not exceed the amounts paid. If reversing the denial of a credit, the decision shall specify the credit to be applied prospectively against future charges unless the property owner has paid the full amount of the Stormwater Utility fee as charged and has also requested an abatement.

2.8 ANNUAL REPORT

The DPW will prepare an annual report to the Select Board providing information relating to the work and project finances by the Stormwater Utility Fee in the previous year, including, to the extent practicable, an account of expenditures from the Stormwater Enterprise Fund and projected future expenditures.

2.9 SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of these Stormwater Utility Regulations shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

SECTION III MUNICIPAL STORM DRAINAGE SYSTEM USE AND ILLICIT DISCHARGE DETECTION AND ELIMINATION

3.1 STORMWATER MANAGEMENT SYSTEMS

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

3.2 PROHIBITIONS

- a. The construction, use, maintenance or continued existence of illicit connections to the municipal storm drainage system is prohibited.
- b. No person shall discharge or cause or allow to be discharged any non-stormwater into the drainage systems.
- c. No person shall throw, deposit, leave, maintain, or keep, or permit to be thrown, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution, in or upon any public or private property, driveway, parking area, street,

alley, sidewalk, component of the municipal storm drain system, or waters of the Commonwealth. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempt from this prohibition.

d. Catch Basins:

- i. No person shall directly or indirectly dump, discharge or cause or allow to be discharged into any catch basin, any solid waste, construction debris, paint or painting product, antifreeze, hazardous waste, oil, gasoline, grease and all other automotive and petroleum products, solvents and degreasers, drain cleaners, commercial and household cleaners, soap, detergent, cleaning or wash waters ammonia, food and food waste, fats, wax, oil and grease, grass or yard waste, leaves, animal feces, dirt, sand, gravel or other pollutants.
- ii. Any person determined by the municipality to be responsible for the direct or indirect discharge of any of the above substances to a catch basin may be responsible for all clean-up costs and for paying any penalties assessed by the municipality or other federal state or local agencies.

3.3 WASTEWATER SYSTEM CONNECTIONS

Any wastewater system which is or has been connected to the municipal storm drainage system, as a result of a false application, misrepresentation, or non-disclosure on a construction permit, or which was connected to the municipal storm drainage system by way of obtaining a wastewater system connection and plumbing permits through any means which circumvented the limitations created by these or any previous Regulations or Bylaws on the matter shall be immediately disconnected from the municipal storm drainage system by the Owner or by the municipality at the Owner's expense. Work conducted to remove and eliminate the illicit connection or discharge shall comply with Town's *Illicit Discharge Detection and Elimination Manual*.

3.4 FLOW OBSTRUCTIONS PROHIBITED

- a. No person shall place any dam or other flow restricting structure or device in any Drainage System or watercourse without first having obtained written authorization from the Authorized Enforcement Agency.
- b. No person shall place or deposit into any outfall, drainage system, stormwater drain or watercourse within the municipality any garbage, yard waste, pet waste, soil, rock or similar material, or any other substance which obstructs flow in the municipal storm drainage system or damages the system or interferes with the proper operation of the system or which constitutes a nuisance or a hazard to the public. In the event that such an obstruction occurs, the Authorized Enforcement Agency may cause such obstruction to be removed or cause such damage to be repaired and to recover applicable costs pursuant to the provisions of these Regulations.

3.5 AUTHORIZED DISCHARGES TO STORMWATER DRAINS

- a. In accordance with the MS4 Permit, the following non-stormwater discharges and flows to the municipal storm drain system and to waters of the Commonwealth are exempt from the prohibition on illicit discharges, provided that, in the opinion of the Authorized Enforcement Agency, the source is not a significant contributor of a pollutant to the municipal storm drain system or to waters of the Commonwealth:
 - i. Potable water line flushing;
 - ii. Uncontaminated pumped groundwater and other discharges from potable water sources;
 - iii. Landscape irrigation and lawn watering;
 - iv. Diverted stream flows;
 - v. Rising groundwater;
 - vi. Air conditioning condensation;
 - vii. Natural springs;
 - viii. Individual residential and occasional non-commercial car washing;
 - ix. Flows from riparian habitats and wetlands;

- x. Dechlorinated swimming pool discharges (provided that the chlorine content is < 1 ppm, water has been allowed to stand for one week prior to draining, and that the discharge is performed in such a way as not to cause a nuisance);
- xi. Street sweeping waters;
- xii. Flows resulting from firefighting activities;
- xiii. Non-stormwater discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, or a surface water discharge permitted by DEP, provided that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided further that written approval has been granted by the Authorized Enforcement Agency Director for any discharge to the municipal storm drain system;
- xiv. Any other non-stormwater discharges that are not a source of pollutants to the municipal storm drain system nor waters of the Commonwealth, as set forth in a written determination by the Authorized Enforcement Agency.
- xv. With an approved *Drainage Release Form*, the following discharges are allowed;
 - i. Groundwater infiltration to the municipal storm drain system
 - ii. Uncontaminated water from crawl space pumps;
 - iii. Uncontaminated foundation and footing drains;
 - iv. Uncontaminated non-industrial roof drains;

3.6 AUTHORIZATION TO DISCHARGE TO MUNICIPAL STORM DRAINAGE SYSTEMS

- a. No person shall cause or allow any non-stormwater discharges to the municipal storm drainage system without having first obtained a *Drainage Release Form* from the Authorized Enforcement Agency. Discharges to stormwater drains that require written authorization include, but are not limited to, dewatering drainage, subsurface drainage, non-contact cooling water, non-contact industrial process waters, uncontaminated cooling water, uncontaminated industrial process water, or water associated with the excavation of a foundation or trench, hydrological testing, groundwater treatment/remediation, removal or installation of an underground storage tank, foundation drains, crawl space pumps, footing drains or utility access chamber discharges. The decision to approve such discharges rests entirely with the Authorized Enforcement Agency. Such discharges shall comply with all other applicable requirements.
- b. Persons seeking to discharge pursuant to written authorization from Authorized Enforcement Agency shall also obtain, when applicable, a NPDES Permit, coverage under a NPDES Permit or a NPDES Exclusion for the discharge. A copy of which shall be provided to the Authorized Enforcement Agency.
- c. Any *Drainage Release Forms* issued to the user may stipulate special conditions and terms as deemed necessary or appropriate by the Authorized Enforcement Agency.
- d. Authorization shall be denied, revoked, suspended or modified if the Authorized Enforcement Agency determines that the discharge, whether singly or in combination with others, is or may cause or contribute to a water quality, or water quantity problem, or may cause or contribute to a violation of the Town's MS4 Permit.

3.7 NPDES NOTICE OF INTENT AND PERMIT

- a. The owner of any property or project located within the Town and subject to the requirements of a NPDES Permit for a Stormwater Discharge associated with Industrial Activity or for construction purposes shall submit to the Authorized Enforcement Agency a copy of the completed *NPDES Multi-Sector General Permit Notice of Intent* or individual application as submitted to EPA, and the information identified in items i. through viii. below, as applicable:
 - i. Address of the building (or premises) where the discharge will take place and the name and address of the building (or premises) owner.

- ii. Name of a contact person, title and phone number;
 - iii. A site plan or sketch which shows the location of the connection of the building stormwater drain or the point(s) of discharge to the municipal storm drainage system, including the street name, size of the stormwater drain to which the stormwater will discharge and the outfall to which the discharge will be conveyed and discharged. The plan shall also depict direct discharges to waterbodies subject to a TMDL, or impaired waterbodies if applicable. The segment ID from the 303(d) Integrated List and the waterbody name shall be shown on the plan or the sketch.
 - iv. Standard Industrial Code (SIC Code) of the facility;
 - v. A description of the product or services provided by the facility;
 - vi. A description of the nature of the discharge;
 - vii. Existing NPDES permit, if any.
 - viii. Town utilities servicing facility.
- b. Any person subject to a NPDES permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Authorized Enforcement Agency pursuant to or as a condition of his recommendation concerning a proposed special permit variance, subdivision approval, site plan approval, or building permit; during any enforcement proceeding or action; or for any other reasonable cause.

3.8 SPILL NOTIFICATION

In accordance with the Bylaw, a release of materials resulting in or which may result in discharge of pollutants or illicit discharges into stormwater, to the municipal storm drainage system, or waters of the Commonwealth, the person shall take all necessary steps to ensure discovery, containment, and cleanup of the release. In the event of a release of oil or hazardous waste to the municipal storm drainage system, the person shall immediately notify the Authorized Enforcement Agency and the Town's Fire and Public Works Departments and the Board of Health. In the event of a release of a non-hazardous pollutant to the municipal storm drainage system, the reporting person shall notify the Authorized Enforcement Agency, and the Massachusetts Department of Environmental Protection, in person, email, or by phone no later than 3:30 p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Authorized Enforcement Agency within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to correct and prevent its recurrence. Such records shall be retained in accordance with the Massachusetts Public Records Law.

3.9 TRANSITIONAL PROVISIONS

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

SECTION IV: PRE-CONSTRUCTION TO POST-CONSTRUCTION STANDARDS

4.1 STORMWATER MANAGEMENT REVIEW REQUIREMENTS

- a. The Applicant/Owner is required to submit plans and documentation prior to any land disturbance activity that results in:
 - i. Total land disturbance of one acre or more.

- ii. Total land disturbance less than one acre if the disturbance is part of larger common plan of development or sale that would disturb one or more acres.
 - iii. Any project that discharges to the Town's separate storm and sewer system.
 - iv. Any project meeting the applicability section of the latest version of the Massachusetts Stormwater Management Handbook.
 - v. Any land disturbance greater 10,000 square feet or greater than 50% of the parcel or lot, whichever is less.
 - vi. Any activity that will increase impervious surface area by more than 50%.
 - vii. Land disturbance on a 10% slope or greater.
- b. The Authorized Enforcement Agency shall review all *Verification of Land Disturbance* forms. Any checkboxes indicating "yes" or that trigger the Massachusetts Stormwater Standards, shall trigger a Stormwater Management Review, of which, the Authorized Enforcement Agency shall issue a final decision (as pursuant to *Section 4.2.a. below*), and conduct inspections, and any necessary enforcement action, as necessary.
 - c. The Owner is required to be the applicant of the permit, unless written authorization is granted by the Authorized Enforcement Agency.
 - d. The Authorized Enforcement Agency and his/her designees will refer to the policy, criteria and information including specifications, guidance, and standards of the latest edition of the Massachusetts Stormwater Policy.
 - e. Information requests. The Owner shall submit all additional information requested by the Authorized Enforcement Agency to issue a decision on the application.
 - f. In the case of site dewatering, the duration of the permit shall not exceed the time period necessary to keep a site dewatered during construction. A property owner may apply to the Authorized Enforcement Agency for an extension of authorization for construction site dewatering if so approved by the appropriate state or federal agency. Such application shall be submitted to the Authorized Enforcement Agency a minimum of fourteen 14 days prior to the expiration of the existing approval.
 - g. Peer Review. The Authorized Enforcement Agency at its discretion shall determine that a proposed project's size, scale, complexity, or potential impacts warrants the retention of third-party independent peer review consultants. Third-party consultants shall provide professional guidance to assist the Authorized Enforcement Agency with the necessary review and analysis needed to render informed decisions that comply with all pertinent regulations. Consultant review fees shall be based on an estimated review cost and shall be outlined in a scope of work to be approved by the Authorized Enforcement Agency. All third-party consultant fees shall be deposited into an account established pursuant to MGL Chapter 44, Section 53G.

4.2 ACTIONS OF THE AUTHORIZED ENFORCEMENT AGENCY

- a. The Authorized Enforcement Agency action, rendered in writing, shall consist of either:
 - i. Approve the Application and issue a permit if it finds that the proposed plan will protect the municipal storm sewer system and water quality, and meets the objectives and requirements of these Regulations;
 - ii. Approve the Application and issue a permit with conditions, modifications, requirements for operation and maintenance requirements of permanent structural Best Management Practices, designation of responsible party, or restrictions that the Authorized Enforcement Agency determines are required to ensure that the project will protect the municipal storm sewer system

and water quality, and will meet the objectives and requirements of these Regulations;

- iii. Place the application “On Hold” based on a lack of information after the Enforcement Agency submitted a Request for Information, and the applicant has been unresponsive over the course of a 60 days from the date of the *Request for Information*; or
 - iv. Reject the application and deny a permit if it finds that the proposed plan will not protect the municipal storm sewer system and water quality or fails to meet the objectives and requirements of these Rules and Regulations. If the Authorized Enforcement Agency or any other designated reviewers finds that the Owner has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the Authorized Enforcement Agency may disapprove the application.
- b. Issuance of the Stormwater Management Review is subject to the following:
- i. No Stormwater Management Review shall be issued until the required application packages are approved.
 - ii. As a condition of permit issuance, the Owner shall agree to allow any inspections to be conducted by the Authorized Enforcement Agency.
 - iii. Where a bond, letter of credit, or other surety is required, the Stormwater Management Review shall not be issued until the surety has been obtained and approved.
- c. A decision of the Authorized Enforcement Agency shall be final. Further relief of a decision by the Authorized Enforcement Agency made under this Regulation shall be reviewable in a Court of competent jurisdiction. The remedies listed in this Regulation are not exclusive of any other remedies available under any applicable federal, state or local law.
- d. Plan and Project Changes. The Owner must notify the Authorized Enforcement Agency in writing of any drainage change or alteration in the system authorized in a Stormwater Management Review before any change or alteration is made. If the Authorized Enforcement Agency determines that the change or alteration is significant, based on the Stormwater Management Standards in *Section IV*, and accepted construction practices, the Authorized Enforcement Agency may require that an amended application be filed. If any change or alteration from the Stormwater Management Review occurs, the Authorized Enforcement Agency may require the installation of interim erosion and sediment control measures before approving the change or alteration.
- e. Project Completion. At completion of the project the Owner or Owner’s Technical Representative shall submit to the Authorized Enforcement Agency the Final Report and all supporting documentations as pursuant to *Section 4.11*.
- f. Intent and Consistency with Other Plans. The intent of this permit is to ensure compliance with the State and municipality’s Stormwater Standards as well as compliance with the NPDES MS4 Permit issued to the municipality by the EPA. Submittals to other Town departments, boards, and commissions, State or Federal Agencies, may be utilized and supplemented to fulfill all requirements of the Stormwater Management Review.
- g. Minor and Major Projects. For the purpose of these Regulations, applications shall be divided into Minor and Major categories. The application procedures and submittal requirements for Minor and Major applications are described in *Sections 4.4* and *4.5*.
- i. A Minor project is any activity where land disturbance is undertaken on a single property that results in:
 - 1. A total cumulative impervious surface that meets or exceeds 50% of the lot;
 - 2. A total cumulative disturbance of 10,000 square feet, or greater than 50% of the parcel or lot, whichever is less.
 - ii. A Major project is any project subject to these Rules and Regulations where land disturbance results in:
 - 1. A total cumulative disturbance of one acre or more;

2. A larger common plan of development or sale that results in a part of a total cumulative disturbance of land that meets or exceeds one acre of area;
3. Applicable to the latest revision of the *Massachusetts Stormwater Management Handbook*;
4. Discharging to the Town's separate storm and sewer system.

4.3 DESIGN, CONSTRUCTION, AND DOCUMENTATION REQUIREMENTS

The applicant, owner or their technical representative shall submit the following documentation to the Authorized Enforcement Agency.

- a. Design Standards. In order to complete the permit requirements and ensure that developers and landowners meet Massachusetts standards, the Owner shall use the following (most recent edition) references to aid in structural and non-structural best management practices design and implementation:
 - i. Town's *National Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer Systems General Permit*, commonly known as the "NPDES MS4 permit."
 - ii. Massachusetts Stormwater Policy and *Massachusetts Stormwater Handbook*, hereinafter referred to as the Massachusetts Stormwater Policy for the purposes of these Regulations.
 - iii. *Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas*, issued by the Massachusetts Department of Environmental Protection.
 - iv. Massachusetts Department of Transportation Project Development and Design Guide
 - v. Where a discrepancy is present between these aids and these Regulations, the stricter shall apply.
- b. All plans (including, but not limited to proposed plans, stormwater management plan, erosion control plans, revised or amended plans, and as-built plans) shall be drawn at a scale of 1-inch equals 40 feet on sheets not larger than 24 inches by 36 inches registered to the Massachusetts State Plane Coordinate System. All elevations shall refer to NAVD88. Plans shall be shown at a scale of one inch equal to 40 feet (1"=40') indicating property bounds of parcels and adjoining streets. A more suitable scale may be used if site conditions warrant the need. Each sheet shall show the following criteria at a minimum:
 - i. A north arrow, date, revision dates, graphic bar scale, proposed and existing street names, sheet number (i.e., Sheet 3 of 7), and a title block with owner's name and project name.
 - ii. Match lines, if required, shall be shown on all sheets.
 - iii. Each sheet shall be certified by a Registered Engineer with registration number(s).
 - iv. General information, data, and elements consisting of the following:
 1. Property bounds of the existing parcel showing distance and bearings of boundary lines and easements (along with easement purpose),
 2. Existing contours at 2-foot or smaller shall be shown based on NAVD 88 datum,
 3. Names and widths of streets abutting the proposed development/redevelopment and within close proximity,
 4. Location of bounds and type of bounds of the existing parcel(s) of land and relevant buildings thereon, and
 5. Address, map/parcel number, area of the existing parcel(s).
- c. Non-structural Stormwater Management Strategies
 - i. To the maximum extent practicable, non-structural stormwater management strategies set forth in *Section 4.3. d.* shall be incorporated into the design. The Owner shall identify the nonstructural measures incorporated into the design of the project. If the Owner contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in *Section 4.3. d.*, below into the design of a particular project, the Owner shall identify the strategy considered and provide a basis for the contention.
 - ii. Non-structural stormwater management strategies incorporated into site design shall:
 1. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss,

2. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces,
3. Maximize the protection of natural drainage features and vegetation,
4. Minimize the decrease in the "time of concentration" from preconstruction to post construction,
5. Minimize land disturbance including clearing and grading,
6. Minimize soil compaction,
7. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides,
8. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas, and
9. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:
 - a) Site design features that help to prevent accumulation of trash and debris in drainage systems,
 - b) Site design features that help to prevent discharge of trash and debris from drainage systems,
 - c) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments, and
 - d) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Massachusetts Stormwater Policy.

d. Construction Standards:

- i. New building stormwater drain laterals, stormwater drains, special stormwater facilities, and appurtenances tributary to the municipal stormwater drainage system shall be designed and constructed in conformance with the current Department of Public Works (DPW) standards and specifications. In the absence of such specifications, the materials and procedures set forth in the Massachusetts Department of Transportation Standard Specifications for Highways and Bridges and Supplemental Specifications most recent edition; and the American Society for Testing and Materials, the ASCE/WEF Manual of Practice - *Design and Construction of Urban Stormwater Management Systems* most recent edition shall apply, subject to the prior written approval of Authorized Enforcement Agency.
- ii. Low Impact Development (LID) site planning and design strategies shall be used to the maximum extent feasible.

e. Landscaping Standards:

- i. All open areas, exclusive of areas to remain in an existing natural state shall be landscaped utilizing both natural and man-made materials such as grasses, trees, shrubs, paving materials and outdoor furniture that are appropriate to the local climate and anticipated uses of the project.
- ii. Type and arrangement of street trees shall be acceptable to Authorized Enforcement Agency and/or his/her authorized designee.
- iii. All required landscaping shall be maintained in good condition at all times.

- iv. Native plants shall be used on the project site. No invasive are allowed as shown on the *Massachusetts Prohibited Plant List* issued by the Department of Agricultural Resources.

4.4 MINOR STORMWATER MANAGEMENT REVIEW APPLICATION

- a. The Owner or his/her Technical Representative shall file with the Authorized Enforcement Agency a completed application package for a Minor Stormwater Management Review. The Stormwater Management Review application package shall include:
 - i. A completed Minor Stormwater Review Checklist for a Stormwater Management Review form obtained from the Authorized Enforcement Agency with original signatures of all owners of the subject property;
 - ii. An Erosion and Sediment Control Plan pursuant to Section 4.7 of these Rules and Regulations.
 - iii. A Stormwater Management Plan (pursuant to *Section 4.64.8*), and an Operations and Maintenance Plan (pursuant to *Section 4.8*) may be required per the Stormwater Management Review.
 - iv. A Site Plan complete with Stormwater BMP calculations and Erosion and Sediment Control measures shown;
 - v. A Project Narrative addressing how the Owner complies with and/or meeting the Standards set forth in *Section 4.3* to the maximum extent practicable. Include with this narrative a copy of the calculations performed to ensure compliance. Certification that Operations and Maintenance of BMPs will be performed in perpetuity;
 - vi. All copies of the application form and materials listed above must be filed with the Authorized Enforcement Agency. The date of receipt by the Authorized Enforcement Agency shall be the official filing date.
- b. Minor Stormwater Management Review Conditions. The Minor Stormwater Management Review shall have the following conditions:
 - i. The development shall not alter the flow of stormwater runoff leaving the site, nor shall it alter the stormwater flow to any adjoining properties, public ways, or resource areas.
 - ii. To the maximum extent practicable, the Owner shall manage stormwater runoff from the development by using Infiltration Best Management Practices. Stormwater runoff from onsite impervious surfaces shall be directed to Infiltration Best Management Practices to promote groundwater recharge and reduce stormwater runoff from the project site. Infiltration Best Management Practices shall be selected and sized using the latest edition of the Massachusetts Stormwater Policy.
 - iii. The Owner shall provide and maintain erosion and sedimentation controls until the site is permanently stabilized.
 - iv. The Owner and/or successor shall perpetually inspect and maintain the site and stormwater management systems.
 - v. The Owner shall prevent construction impacts such as erosion, sedimentation and other pollutant discharges during construction by providing Construction Best Management Practices prior to the commencement of land disturbing activities. Construction Best Management Practices shall be selected, located, inspected and maintained using the latest edition of the Massachusetts *Erosion and Sediment Control Guidelines for Urban and Suburban Areas* available online.

4.5 MAJOR STORMWATER MANAGEMENT REVIEW APPLICATION

- a. A completed Major Stormwater Review Checklist for a Stormwater Management Review form obtained from the Authorized Enforcement Agency with original signatures of all owners of the subject property;
- b. To the greatest extent practicable, the Town requires development and redevelopment project proponents to attenuate runoff and infiltrate rainfall on the property, to minimize and mitigate against runoff and contaminants leaving private properties, both during construction and once completed. New development and redevelopment projects shall comply, and document proposed compliance for the MS4 Permit and the Massachusetts Stormwater Policy.
- c. The application for a Stormwater Management Review shall consist of the submittal of a Stormwater Management Plan to the Authorized Enforcement Agency via attachments to the Planning/Building Permits. This Stormwater Management Plan shall contain sufficient information for the Authorized Enforcement Agency and relevant Town Departments to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the Owner for reducing adverse impacts from stormwater. The Plan shall be designed to meet the design and construction standards as set forth in *Section 4.3*. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include the documents, calculations, and information pursuant to *Section 4.6*. A Stormwater Management Plan (pursuant to *Section 4.64.8*), and an Operations and Maintenance Plan (pursuant to *Section 4.8*) are required for the Stormwater Management Review.
- d. Major Stormwater Management Standards. Projects shall meet the *Section 4.3* and the following standards:
 - i. Stormwater Management Design Calculations and Standards
 1. Drainage systems shall have adequate capacity to handle all storm water runoff presently flowing through the property/site, as well as to dispose of any additional runoff generated by the proposed development up to the 100-year storm event. Rainfall data used for stormwater design shall utilize the 24-hour event from the most recent and recognizable data by the State and Federal entities.
 2. Calculations shall be prepared, sealed and stamped by the Owner's Technical Representative for pre- and post-development conditions to show peak rates of runoff for the 2-, 10-, 25- and 100-year storm events using software program-based SCS TR-55 and/or TR-20 stormwater modeling methods, NOAA Atlas 14, NOAA Atlas 14 Plus, or the latest modeling methods per the Massachusetts Stormwater Standards. Calculations and assumptions shall be clearly shown. Calculations shall be supported by soil logs and USDA NRCS soil maps. The stormwater volume to be recharged to groundwater shall be determined using the methods in the Massachusetts Stormwater Policy and MS4 Permit.
 3. Test pits shall be performed in the location of all proposed infiltration, retention or detention facilities to determine depth to groundwater, depth to refusal, and soil classification. If the system proposes recharge to groundwater an infiltration test shall also be performed. Soil testing must be conducted in accordance with the Massachusetts Stormwater Policy. All soil testing shall be witnessed by the Town Engineer or his/her designee. Additional testing may be required by the Town Engineer at his/her discretion.
 4. 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), structural and non-structural stormwater best management practices (BMPs) shall be implemented that are consistent with each such TMDL.
 5. To the extent the project will discharge, directly or indirectly, to an impaired water body not subject to a TMDL, structural and non-structural stormwater BMPs shall be implemented to optimize the removal of a pollutant or pollutants responsible for the impairment.

6. The design of treatment and infiltration practices must follow the guidance in in the latest revision of the Massachusetts Stormwater Handbook.
7. Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federal or State approved BMP design guidance or performance standards (e.g. Massachusetts Stormwater Policy and design guidance manuals) may be used to calculate BMP performance.
8. Capacity of drainage systems shall be adequate to carry all stormwater run-off presently flowing through the proposed project area, as well as to dispose of any additional run-off generated by the proposed project up to and including the run-off from a 100-year storm, including a minimum of one foot of freeboard, using the following methods:
 - a) The flow from storms of up to a 25-year frequency and 24-hour duration shall be conveyed through the municipal storm drainage system on the developed site.
 - b) Storm drain piping and grate inlets shall be designed for a 25-year storm event;
 - c) Detention facilities and culverts shall be provided to accommodate all runoff, up to and including the run-off generated by the 100-year, 24- hour storm.
 - d) Stream crossing culverts shall be designed in accordance with the latest revision of the Massachusetts *Stream Crossing Handbook*.
 - e) At a minimum, detention basin routing calculations shall be prepared for the 10, 25 and 100-year storm events.
9. Drainage pipe systems shall be designed to accommodate the 25-year storm event, maintain velocities between 2.5 and 10 feet per second, provide self-cleaning flow velocities, and provide calculations using the Mannings Equation.
10. The combination of storage and design release rate shall not result in a storage duration greater than seventy-two (72) hours.
11. Maximum total depth of detention/retention area shall be four feet (4') as measured from the lowest outlet point to the lowest point of the emergency overflow per the *Massachusetts Stormwater Handbook*.
12. Outlet control structures shall be designed to minimize required maintenance for proper operation. Each stormwater detention/retention area shall be provided with a method of emergency overflow in the event of a storm in excess of the 100-year frequency type.
13. Drainage swales shall be designed to accommodate the 25-year storm event and velocities below 4 feet per second.
14. At the discretion of the Authorized Enforcement Agency, the drainage system may discharge to an existing, adjacent municipal drainage system if the Owner can show that the municipal drainage system provides sufficient capacity to accommodate both the existing runoff and the proposed additional runoff from the project during a 25-year frequency and a 24-hour duration storm event.
15. Hydraulic calculations, prepared by the Owner's Technical Representative, shall note the specific engineering and/or computer program to be used. Hydraulic calculations shall be submitted to substantiate all design features of any proposed or existing drainage system utilized by the project. Computations for run-off shall be made in accordance with standard engineering practice and in compliance with MassDEP standards. Hydraulic calculations shall include the following:
 - a) Runoff area boundaries shown on a plan

- b) Methodology used
 - c) Soil and land use characterization and design storm parameters
 - d) Soil conditions and ground water
 - e) Pipe size calculation
 - f) Detention and retention basin and outlet control calculations as applicable
 - g) Total suspended solid (TSS) removal rates and calculations
 - h) Infiltration calculations as applicable
 - i) Culvert analysis and calculation as applicable
- 16. A continuous design element (i.e. railing or hedge) shall border any detention/retention basin area with interior side slopes greater than three-to-one (3:1). Drainage basins shall be designed to facilitate access for maintenance vehicles, equipment, and personnel.
- 17. If a proposed drainage system will carry water across land outside the development boundaries to an approved outfall, appropriate drainage rights shall be secured by the Owner and at the Owner's expense.
- 18. 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.
- 19. Retention and detention ponds, and methods of overland flow may be used to retain, detain, and treat any increased and accelerated runoff which the development may generate.
- 20. There shall be a minimum of two feet (2') of naturally occurring soils between the detention basin bottom and the maximum annual ground water table;
- 21. Intermittent surface water courses and such as swales, forebays, detention/retention basins shall be vegetated and appropriately reinforced along the low flow channel.
- 22. The use of drainage facilities coordinated with landscaped buffers, open space and conservation areas is encouraged.
- 23. If it is necessary to carry drainage across lots within the development, storm drainage easements shall be provided, of such width and construction as will be adequate to accommodate the volume and velocity of the run-off. However, no such easement shall be less than twenty feet (20') in width. Proposed easement language shall be submitted to the Authorized Enforcement Agency or his/her designee. The Owner is responsible for drafting easement deed language for approval by the Authorized Enforcement Agency. The Owner shall record final approved easement deed at the Middlesex South Registry of Deeds with accompanying plans. Drainage easement plans must show the following:
 - a) Title- with reference to Department of Public Works and location of the easement.
 - b) Location of easement and a description clearly within the location of the easement.
 - c) Accurate title information with respect to parcel and/or property subject to easement grant.
 - d) Access areas and inspection ports, if applicable.
 - e) Metes and bounds.
- 24. Neighboring properties shall not be negatively impacted by flooding due to excessive runoff caused by the development.
- e. Off-site stormwater mitigation is not allowed and all projects must contain and convey stormwater discharges from their sites.

- f. When one or more of the Standards cannot be met, an Owner may demonstrate that an equivalent level of environmental protection will be provided. Additional design standards are referenced in *Section 4.3*.

4.6 STORMWATER MANAGEMENT PLAN

- a. The Town of Hudson requires new development and redevelopment project proponents to attenuate runoff and infiltrate precipitation on the property to minimize and mitigate against runoff and contaminants leaving private properties, both during construction and once completed.
- b. The Stormwater Management Review shall consist of submittal of a Stormwater Management Plan to the Authorized Enforcement Agency. This Stormwater Management Plan shall contain sufficient information for the Authorized Enforcement Agency and relevant Town Departments to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the Owner for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Design and Construction Standards as set forth in *Section 4.3*. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:
 - i. Contact information, including name, address, telephone numbers of the Owner, Owner Technical Response, and person or firm preparing the Plan
 - ii. A locus map showing the parcel in relation to the surrounding properties
 - iii. The existing and proposed land use at the site,
 - iv. Critical area boundaries at the site,
 - v. The location(s) of existing and proposed easements and utilities,
 - vi. The site's existing and proposed topography with contours at intervals no greater than 2-feet (NAVD 88) with spot elevations provided when needed,
 - vii. The existing site hydrology,
 - viii. A description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows,
 - ix. A delineation of 100-year flood plain, if applicable,
 - x. Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration,
 - xi. The existing and proposed vegetation and ground surfaces with runoff coefficient for each,
 - xii. A drainage area map showing pre- and post-construction watershed boundaries, drainage areas, NRCS hydrologic soil group boundaries (A, B, C, and D soil groups), flow paths for time of concentration, points of analysis and location of soil tests.
 - xiii. A description and drawings of all components of the proposed drainage system including:
 - 1. Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,
 - 2. All measures for the detention, retention, or infiltration of water,
 - 3. All measures for the protection of water quality,
 - 4. The structural details for all components of the proposed drainage systems and stormwater management facilities,

5. Notes on drawings specifying materials to be used, construction specifications, and typical details, and
 6. Expected hydrology with supporting calculations.
- xiv. A description and drawings of all components of the proposed drainage system,
 - xv. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,
 - xvi. Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,
 - xvii. The name, address, and cell phone number of the best management practices manager and a proposed schedule for the inspection and maintenance of all best management practices.
 - xviii. A narrative section which includes a discussion of each measure, the Operations and Maintenance Plan (as pursuant to *Section 4.8*) its purpose, its construction sequence and installation timing as they apply to the site and the project proposed,
 - xix. Any other information requested by the Authorized Enforcement Agency.
- c. Projects shall meet *Section 4.3* and the following standards:
 - i. Each stormwater detention/retention area shall be provided with a method of emergency overflow in the event of a storm in excess of the 100-year frequency type.
 - ii. Project proponents subject to the Massachusetts Stormwater Policy shall comply to the latest revision of the Massachusetts Stormwater Handbook, and the MS4 Permit.
 - d. When one or more of the Standards cannot be met, an Owner may demonstrate that an equivalent level of environmental protection will be provided. Additional design standards are referenced in *Section 4.3*.

4.7 EROSION AND SEDIMENT CONTROL PLAN

- a. The application for a Stormwater Management Review shall consist of submittal of an Erosion and Sediment Control Plan to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sediment controls. The Owner shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in *Section 4.7. b. below*.
- b. The design requirements of the Erosion and Sediment Control Plan are:
 - i. Minimize total area of land disturbance,
 - ii. Sequence activities to minimize simultaneous areas of land disturbance,
 - iii. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy,
 - iv. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sediment control,
 - v. Divert uncontaminated water around disturbed areas,
 - vi. Maximize groundwater recharge,

- vii. Install and maintain all erosion and sediment control measures in accordance with manufacturer specifications and good engineering practices,
- viii. Prevent off-site transport of sediment; depositing or washing soil into a waterbody or the storm drainage system is prohibited,
- ix. Protect and manage on and off-site construction and waste material storage area (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project),
- x. Comply with applicable Federal, State and local laws and regulations including, but not limited to waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control,
- xi. Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable, and before a 2-year rainfall event, but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site,
- xii. Properly manage on-site construction and waste materials,
- xiii. Prevent off-site vehicle tracking of sediments. Graveled roads, access drives and parking areas of sufficient width and length are required to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed and disposed by street cleaning (not flushing) before the end of each workday,
- xiv. Install measures intended to keep soil on site or out of water bodies, storm drainage systems or the public right-of-way as the first step in any development. These measures shall be made functional prior to any upslope development taking place,
- xv. Remove and dispose any soil, per State guidelines that enters the public right-of-way, private driveway entrances, silt sacks, or catch basins.
- xvi. Protect stormwater inlets that are functioning during the course of the development by approved sediment control measures so that sediment-laden water cannot enter the inlets without first being filtered.
- xvii. Apply permanent or temporary soil stabilization to denuded development site areas in conformance with the following schedule:
 - 1. All denuded sites shall immediately be provided with either temporary or permanent soil stabilization.
 - 2. Temporary erosion and sediment control measures to reduce dust and sediment transport shall be applied as soon as practicable, or before a 2-year rainfall event, but in no case more than seven days after land disturbing activity occurs.
 - 3. Ground cover shall be installed on any portion of a site that is denuded for more than six months. Sports fields or playgrounds surrounded by vegetative cover or permanently installed curbing are exempt from this requirement.
 - 4. Temporary measures shall be maintained until permanent measures are established.
 - 5. Permanent non-permitted land disturbing activities may achieve compliance with the standards set out in subsections 1. through 4. above, with the installation and maintenance of approved permanent BMPs.

6. There shall be no stockpiling of soil or other material within 30 feet of any resource area. Secure or protect soil stockpiles throughout the project with temporary or permanent soil stabilization measures. The Owner is accountable for the protection of all stockpiles on the site, and those transported from the site. Depositions of soil may be subject to additional regulations requiring permit, review or erosion and sediment control.

c. Erosion and Sediment Control Plan Content

- i. Names, addresses, and telephone numbers of the Owner and person(s) or firm(s) preparing the Plan,
- ii. Title, date, names of abutters, scale, legend, and locus map,
- iii. Location and description of natural features including:
 1. 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.
 2. Flood zones, wetlands, lakes, ponds, streams, rivers, and other waterbodies, as well as the 100-foot Buffer Zone to all bordering vegetated wetlands, if applicable.
 3. Habitats mapped by the Massachusetts Natural Heritage and Endangered Species Program as “Endangered,” “Threatened,” or of “Special Concern”, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred 500 feet (500’) of any construction activity.
 4. Lines of existing abutting streets showing drainage and driveway locations and curb cuts.
- iv. Existing soils, volume and nature of imported soil materials,
- v. A depiction or description of areas of soil disturbance,
- vi. A depiction or description of cut and fill areas,
- vii. Topographical features including existing and proposed contours at intervals no greater than two 2 feet (2’) with spot elevations provided when needed,
- viii. 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,
- ix. Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans),
- x. 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, earth movement schedule, and construction and waste material stockpiling areas,
- xi. Proposed schedule for the inspection and maintenance of all best management practices during construction.
- xii. The outline of any areas, including drainage ways, steep slopes and proposed stockpile of topsoil that shall be restored and/or seeded immediately,
- xiii. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable,
- xiv. Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit,

- xv. Stormwater runoff calculations in accordance with the Massachusetts Stormwater Policy, if applicable
 - xvi. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures,
 - xvii. A description of construction and waste materials expected to be stored on-site and intended disposal methods. The Stormwater Pollution Prevention Plan (SWPPP) shall include 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,
 - xviii. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed,
 - xix. If a subdivision, a general note indicating the responsibility to maintain erosion/sedimentation controls during construction and, until sale of the lots involved, including the frequency of maintenance and that temporary ground cover or erosion/siltation control shall be established on any unbuilt lots where required by the Authorized Enforcement Agency.
 - xx. Plans must be stamped and/or certified by the Owner's Technical Representative, and
- d. In the event of extreme flooding, silt sacks may be removed temporarily to avoid any impacts to public health and safety. The Owner's Technical Representative shall provide documentation ahead of the event notifying the removal of the silt sack. Any sediment or pollutant discharges to public infrastructure impacted must be cleaned by the Owner.

4.8 OPERATION AND MAINTENANCE PLAN

- a. Operation and maintenance of private facility construction are the responsibility of the Owner.
- b. If the Operation and Maintenance Plan identifies a person other than the Owner (for example, a public agency, private agency, or homeowners' association) as having the responsibility for maintenance, the Plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable bylaw or regulation.
- c. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
- d. If the person responsible for maintenance identified under *Section 4.8. b.* above is not a public agency, the operation and maintenance and any future revisions based on *Section 4.8. g.* below shall be recorded upon the deed of record for each property on which the maintenance described in the Operation and Maintenance Plan must be undertaken.
- e. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
- f. The person responsible for maintenance identified under *Section 4.8. b.* above shall maintain a detailed log as detailed in *Section 4.8. l.*
- g. The person responsible for maintenance identified under *Section 4.8. b.* above shall evaluate the effectiveness of the Operation and Maintenance Plan at least once per year and adjust the Plan and the deed as needed.

- h. The person responsible for maintenance identified under *Section 4.8. b.* above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the Operation and Maintenance Plan and the documentation required by *Section 4.8. l.*
- i. The requirements of *Sections 4.8. c. and 4.8. d.* do not apply to stormwater management facilities that are dedicated to and accepted by the municipality.
- j. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it needs maintenance or repair, the Authorized Enforcement Agency shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to affect maintenance and repair of the facility in a manner that is approved by the Authorized Enforcement Agency or their designee. The Authorized Enforcement Agency, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality may immediately proceed to do so and shall bill the cost thereof to the responsible person.
- k. Nothing in this *Section 4.8* shall preclude the Authorized Enforcement Agency from requiring the posting of a performance or maintenance guarantee.
- l. An Operation and Maintenance Plan is required at the time of application for all projects. The Operation and Maintenance Plan shall be designed to ensure compliance with the Stormwater Management Review, these rules and regulations, and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Authorized Enforcement Agency shall make the final decision of what maintenance option is appropriate in a given situation. The Authorized Enforcement Agency will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The Operation and Maintenance Plan shall remain on file with the Authorized Enforcement Agency and shall be an ongoing requirement. The Operation and Maintenance Plan shall include:
 - i. The name(s) of the owner(s) for all components of the system.
 - ii. Maintenance agreements that specify:
 - 1. The names and addresses of the person(s) responsible for operation and maintenance,
 - 2. The person(s) responsible for financing maintenance and emergency repairs,
 - 3. A Maintenance Schedule for all drainage structures, including swales and ponds,
 - 4. A cost estimate for the operation and maintenance of the stormwater drainage system, including long-term replacement costs,
 - 5. A list of easements with the purpose and location of each, and
 - 6. The signature(s) of the owner(s).
 - iii. Map showing locations of all stormwater facilities including but not limited to catch basins, manholes, drainage piping, and stormwater devices.
 - iv. Detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspection and copies of all maintenance-related work orders.
 - v. Record of annual report documenting compliance with the Operations and Maintenance Plan.
- m. Stormwater Management/Drainage Easement(s)
 - i. Easements shall be granted to the Town where drainage is conveyed directly to the separate storm sewer system. Stormwater management easements shall be provided by the property owner(s) as necessary for:
 - 1. The owner shall provide access for stormwater infrastructure inspections and maintenance/repair and reinstallation;
 - 2. Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and
 - 3. Direct maintenance access by heavy equipment to structures requiring regular cleanout.
 - ii. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.

- iii. Stormwater management easements are required for all areas used for off-site stormwater control.
 - iv. Easements shall be recorded with the municipality's corresponding Registry of Deeds prior to issuance of a final inspection of the site by the Authorized Enforcement Agency.
- n. Changes to Operation and Maintenance Plan
 - i. The owner(s) of the stormwater management system must notify the Authorized Enforcement Agency of changes in ownership or assignment of financial responsibility.
 - ii. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of these rules and regulations by mutual agreement of the Authorized Enforcement Agency and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.
- o. The Owner is required to obtain an annual certification from the Owner's Technical Representative that maintenance is being performed on structural BMPs and submitted to the Authorized Enforcement Agency.
- p. Public drainage facilities: The municipality shall perform operation and maintenance of structural BMPs for public facilities only.

4.9 SURETY

The Authorized Enforcement Agency may require the Owner to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by Town Counsel and be in an amount deemed sufficient by the Authorized Enforcement Agency to ensure that the work will be completed in accordance with the permit. If the project is phased, the Authorized Enforcement Agency may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Authorized Enforcement Agency has received the final inspection report and the final inspection has been conducted as required by *Sections 4.10* and *4.11*, and issued a final inspection of all subsurface utilities, roadways and sidewalks. For subdivisions, the bond may not be fully released until street acceptance.

4.10 SITE INSPECTIONS AND SUPERVISION

- a. Pre-construction Meeting. Prior to the start of any clearing, excavation, construction, grading, or land disturbance, and after an approved Stormwater Management Review, the Owner, Owner's Technical Representative, general site contractor or any other person with authority to make changes to the project, shall meet with the Authorized Enforcement Agency, to the Stormwater Management Review, and approved plans as cited on said permit, and construction implementation.
- b. The Owner's Technical Representative shall inspect the project site and provide certification and reports to the Authorized Enforcement Agency of project completeness at the following stages:
 - i. Initial Site Inspection. Inspection prior to approval of any plan
 - ii. At the sole expense of the Owner, the Owner's Technical Representative shall conduct inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the Owner wherein the work fails to comply with the Stormwater Management Review as approved. The Stormwater Management Review and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Authorized Enforcement Agency, shall be maintained at the site during the progress of the work. The Owner shall notify the Authorized Enforcement Agency at least two (2) working days before each of the following events; The Owner's Technical Representative shall be responsible to observe and assure the project progresses appropriately at the following events;
 - 1. Erosion and sediment and control measures are in place and stabilized

2. Site clearing has been substantially completed
 3. Rough grading has been substantially completed
 4. Final grading has been substantially completed
 5. Close of the construction season
 6. Winterization of construction methods
 7. Final Landscaping (permanent stabilization)
 8. Final completion
- e. Owner Inspections. The Owner or Environmental Site Monitor at the sole expense of the Owner, shall conduct and document inspections of all control measures no less than weekly or as specified in the Stormwater Management Review, and prior to and following anticipated storm events. The Environmental Site Monitor must be a qualified inspector and approved by the Authorized Enforcement Agency, in accordance with the Definitions section of these Regulations. The purpose of such inspections will be to determine the overall effectiveness of the required plans and the need for maintenance or additional control measures. The Owner or Environmental Site Monitor shall submit (daily, weekly or monthly reports as indicated in the permit) to the Authorized Enforcement Agency or designated agent in a format approved by the Authorized Enforcement Agency.
 - f. Bury Inspection. Prior to backfilling of any underground drainage or stormwater conveyance structures the Authorized Enforcement Agency shall be notified.
 - g. Inspections of the Authorized Enforcement Agency. The issuance of a Stormwater Management Review shall allow the Authorized Enforcement Agency to access the site before, during and after construction to verify compliance with approved plans and documents during any of the aforementioned stages.
 - h. Final Inspection. After the stormwater management system has been constructed, the Owner must submit a stamped record plan signed by the Owner's Technical Representative detailing the actual stormwater management system as installed. The record plan will include a statement box on the plan certifying the site review was conducted in accordance with these rules and regulations and all items were constructed according to the approved permit. The Owner or Owner's Technical Representative shall request a final inspection site meeting with the Authorized Enforcement Agency. The Authorized Enforcement Agency shall visit the site with the Owner's Technical Representative to confirm its "as-built" features. As-Built drawings of structural BMPs shall be submitted to the Authorized Enforcement Agency. The final inspection shall be completed and the final report (*Section 4.11*) shall be submitted to the Authorized Enforcement Agency before the surety has been released.
 - i. Access Permission. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Authorized Enforcement Agency may enter upon privately owned property for the purpose of performing their duties under these rules and regulations and may make or cause to be made such examinations, surveys or sampling as the Authorized Enforcement Agency deems reasonably necessary to determine compliance with the Stormwater Management Review.
 - j. If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the Owner before the performance guarantee is released. If the Owner fails to act the municipality may use the surety bond to complete the work. Examples of inadequacy shall be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

4.11 FINAL REPORT

- a. The Owner's Technical Representative shall evaluate the effectiveness of the stormwater BMPs during an actual storm and document the findings. The final report will include certification from the Owner's Technical Representative as to the effectiveness of the installed system during storm events, and detailing any deviations from approved plans and the Stormwater Management Review.
- b. Upon completion of the work, the Owner shall submit a report (including certified as-built construction plans) from the Owner's Technical Representative certifying that all stormwater BMPs, and approved changes and modifications, have been completed in accordance with the conditions of the approved Stormwater Management Review. Any discrepancies should be noted in the cover letter. The final report shall include items in *Sections 4.11. c. and 4.11. d. below*.
- c. CAD Files. Upon project completion, the Owner's Technical Representative shall submit CAD Files georeferenced to the NAVD 88 datum.
- d. As-built Plans. The Owner's Technical Representative shall submit as-built plans to the Authorized Enforcement Agency. The as-built plans shall contain the following items at a minimum:
 - i. Name, and scale
 - ii. Location of structural and nonstructural BMPs designed to convey, retain, or otherwise hold stormwater.
 - iii. Final grading elevations at two- foot contours
 - iv. Elevations of the following items
 1. inverts and outlets and outfalls,
 2. rims,
 3. bottom of stormwater detention or infiltration basins
 - v. Building footprint
 - vi. Parking lot, or driveway footprints
 - vii. Sidewalk and hardscaped surfaces
 - viii. Utility poles, and subsurface utility lines
 - ix. Impervious areas and a calculation of impervious areas in square feet
 - x. Recorded drainage, sewer and water utility easements and driveway easements.
 - xi. Profile of subsurface drainage, sewer and water lines, or stormwater structural BMPs.
 - xii. Any other information as requested by the Authorized Enforcement Agency

4.12 EXEMPTIONS

The provisions of this Regulation do not apply to following circumstances:

- a. Construction activities waived from permit coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities.

- b. Normal maintenance and improvements of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04.
- c. Maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling;
- d. Maintenance of public stormwater BMPs and drainage utilities from the Department of Public Works
- e. The installation of the fencing that will not substantially alter existing terrain or drainage patterns
- f. Construction of utilities other than drainage (gas, water, sewer, electric, telephone, etc.) which will not alter terrain or drainage patterns
- g. Emergency work to protect public health and safety, and property.

4.13 ACTIONS OF THE AUTHORIZED ENFORCEMENT AGENCY UPON FINAL INSPECTION

- a. Upon receipt and review of the *Final Report* as stipulated in *Section 4.11* above, the Authorized Enforcement Agency shall perform a final inspection of the site. If the Authorized Enforcement Agency verifies compliance with approved plans they will issue a letter certifying approval of the final reports and/or upon otherwise determining that all work of the Stormwater Management Review has been satisfactorily completed in conformance with these rules and regulations, which letter shall be submitted by the Owner to the Town of Hudson the Department of Public Works.
- b. Whereas the Authorized Enforcement Agency has determined that the final project has deviated from the approved plans or permit, and the final project cannot meet the interests identified in these rules and regulations, the Authorized Enforcement Agency shall submit a letter explaining the differences between final conditions and approved plans. The letter shall identify how these deviations cannot meet these Rules and Regulations. At the expense of the Owner, the Owner's Technical Representative shall submit to the Authorized Enforcement Agency documentation including plans and a letter with a solution to fix any necessary deviations. Upon approval from the Authorized Enforcement Agency, the Owner, the Owner's Technical Representative, and the general contractor shall implement necessary changes. Upon completion and stabilization of final site work, the Owner's Representative shall submit a final report and include all items as stipulated in *Section 4.11*. above.

SECTION V: ENFORCEMENT

5.1 VIOLATIONS AND ENFORCEMENT

- a. The Department of Public Works, or an authorized agent thereof (hereafter known as Authorized Enforcement Agency) shall enforce these Regulations, the Bylaw, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- b. Civil Relief. If a person violates the provisions of these Regulations, the Authorized Enforcement Agency may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- c. Notice of Violation. Whenever the Authorized Enforcement Agency finds that a person has violated a prohibition or failed to meet a requirement of these Regulations, the Authorized Enforcement Agency may order compliance by written Notice of Violation to the responsible person. Such Notice of Violation may require without limitation:
 - i. The performance of monitoring, analyses, and reporting;
 - ii. The elimination of illicit connections or discharges;
 - iii. A requirement to cease and desist from the violating discharges, practices, operations, or land-disturbing activity until there is compliance with the Bylaw, or other local bylaws, or the MS4 Permit or provisions of the Stormwater Management Review;

- iv. Maintenance, installation or performance of additional erosion and sediment control measures;
 - v. Remediation of erosion and sedimentation resulting directly or indirectly from the Land Disturbing Activity;
 - vi. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - vii. Payment to cover the municipality's administrative and remediation costs; and
 - viii. The implementation of source control or treatment of the stormwater.
- d. If the Authorized Enforcement Agency determines that abatement of a violation, restoration of affected property and/or remediation of erosion and sedimentation is required, the Notice of Violation shall set forth a deadline by which such abatement, remediation, and/or restoration must be completed. Said Notice of Violation shall further advise that, should the violator or property owner fail to abate, restore, and/or perform remediation within the specified deadline, the Town of Hudson may, at its option, undertake such work, and the violator shall reimburse the municipality's expenses.

5.2 PENALTIES

- a. Notice of Violation: Any person found to be violating any provision of these Rules and Regulations except Article III Section 3.5. shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations
- b. Any person violating the provisions of Section III shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.
- c. Fines. Any person who continues any violation beyond the time limit provided for in Section 5.2. a. shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$25 for each violation. Each day or part thereunder that such violation occurs or continues shall constitute a separate offense.
- d. Liability for Losses: Any person violating any of the provisions of these Rules and Regulations shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.
- e. Tax Liens. The Town of Hudson shall require the repayment of services provided to the responsible party which the responsible party was obligated to perform as put forth in Stormwater Management Review Documents submitted and reviewed in accordance with the Regulations. Such services may include but are not limited to the following: removing sediment from stormwater devices, repairing stormwater devices or revegetating stormwater devices. The municipality will send the responsible party a bill for services provided. If the bill is not paid the municipality may impose a tax lien on the responsible party or parties' property.

5.3 APPEALS

Any person receiving a Notice of Violation under *Section 5.2. a.* above may appeal the determination of the Authorized Enforcement Agency to the Town Executive Assistant. The notice of appeal must be received by the Town Executive Assistant within fourteen (14) days from the date of the Notice of Violation. A hearing on the appeal before the Town Executive Assistant or his/her designee shall take place within 15 days from the date of municipality's receipt of the notice of appeal. The decision of the Town Executive Assistant or designee shall be final. Further relief shall be to a court of competent jurisdiction.

5.4 CHARGING COST OF ABATEMENT/LIENS

- a. Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the Authorized Enforcement Agency shall notify the violator and the property owner of the costs incurred by the

municipality, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the Select Board within 15 days of receipt of the notification of the costs incurred. A hearing on the protest by the Select Board shall take place within 30 days from the date of municipality's receipt of the written protest. The decision of the Select Board shall be final. Further relief shall be to a court of competent jurisdiction.

- b. If the amount due is not paid within 10 days of the decision of the Select Board or the expiration of the time in which to file an appeal under this Section, the charges shall be recorded as a municipal charges lien on the property, pursuant to M.G.L. c.40, §58. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. c.59, §57 after the thirty-first day at which the costs first become due.

5.5 EMERGENCY ABATEMENT

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

5.6 EFFECTIVE DATE

These Regulations shall be in full force and effect from and after their passage, approval, recording, and publication as provided by law.

PASSED AND ADOPTED this ____ day of _____, 2023.

Hudson Select Board

_____	_____
_____	_____
_____	_____

Appendix A Stormwater Fee Schedule

Stormwater Fee Schedule

The following rates take effect on the date of approval by the Select Board.

Property Type	Square Feet of Impervious Area	Annual Fee	Quarterly Fee (billed)
Single-Family Residential (SFR Tier 1)	0 – 499	\$0	\$0
Single-Family Residential (SFR Tier 2)	500 – 5,000	\$99	\$24.75
Single-Family Residential (SFR Tier 3)	5,001 – 10,000	\$139	\$34.75
Single-Family Residential (SFR Tier 4)	10,001 or greater	Calculate ¹	Calculate ¹
All Other Properties (Other Tier 4) ²	500 or greater	Calculate ¹	Calculate ¹

Notes:

1. SFR Tier 4 and Other Tier 4 properties = one billing unit per 3,400 sf multiplied by \$24.75 (minimum of one billing unit) for quarterly fee and then multiplied by 4 for annual fee. Billing units are calculated by dividing the total impervious area by 3,400 sf.
2. Includes condominiums, multi-family (greater than 2 units), commercial, and industrial properties.

Appendix B Stormwater Utility Credit Manual

Credit Application Requirements

A Credit Application Form may be submitted at any time for review by the Town. Eligible properties and the credit amount are outlined below, followed by a summary of the application requirements and forms.

Eligible Properties and Credit Amount

The following properties are eligible for a credit, provided they meet the requirements of this section: non-single-family residential, which includes commercial and industrial properties, multi-family properties, townhomes, condominiums, and similar residential properties with shared property or common areas. Single-family residential properties are not eligible for credits.

A 20% credit on the calculated fee for a property shall be granted if the property owner can demonstrate that a stormwater management system exists either on-site or off-site, it was designed to a historic stormwater design standard (i.e., prior to 2008) that provides a demonstrated level of water quantity management and/or quality treatment, and it is owned and operated by the property owner.

A 40% credit on the calculated fee for a property shall be granted if the property owner can demonstrate that a stormwater management system exists either on-site or off-site, it was designed to meet or exceed the current stormwater design standards (2008 Massachusetts Stormwater Handbook Guidelines), and it is owned and operated by the property owner.

20% Credit Applications must include the following:

- ☐ **Completed Application Form** – including a description of each facility and engineering calculations (if available).
- ☐ **Drainage Area Map or Sketch** – showing the location of each facility, property lines, and the estimated total amount of impervious area managed by the facility (in square feet).
- ☐ **Operation and Maintenance Plan** – attach a summary of how the facility(ies) has been and will continue to be operated and maintained with a schedule to ensure it continues to function as designed.
- ☐ **Maintenance Documentation** – documentation that maintenance has been performed per the schedule in the Operation and Maintenance Plan. Documentation may include photos and copies of invoices with a description of work performed by contractors.
- ☐ **Recent Photographs** – provide a date-stamped image or images showing the facility(ies) within one month of the application date or the most recent image(s) prior to snow accumulation (if present).

40% Credit Applications must include the following:

- ☐ **Completed Application Form** – including a description of each facility and engineering calculations that meet or exceed the design criteria in the 2008 MA Stormwater Handbook Guidelines. A previously completed “Checklist for Stormwater Report” and an accompanying comprehensive Stormwater Report that addresses the ten Stormwater Standards can be submitted to provide most of the documentation required in the credit application.
- ☐ **Drainage Area Map and Facility Drawings** – showing the location of each facility, property lines, and the total amount of impervious area managed by the facility (in square feet).
- ☐ **Recent Photographs** – provide a date-stamped image or images showing the facility(ies) within one month of the application date or the most recent image(s) prior to snow accumulation (if present).
- ☐ **Operation and Maintenance Plan** – attach a detailed plan of how the facility(ies) has been and will continue to be operated and maintained to ensure it continues to function as designed, as required by the 2008 MA Stormwater Handbook Guidelines. This plan must include a maintenance schedule for the drainage structure(s). If applicable, include any modifications to the facility(ies).
- ☐ **Maintenance Documentation** – documentation that maintenance has been performed per the schedule in the Operation and Maintenance Plan. Documentation may include photos and copies of invoices with a description

of work performed by contractors.

- ☐ **Certification by a Licensed Professional Engineer** – attesting that the information is accurate, the facility was built in accordance with the original design or any approved modifications, and that the facility is functioning as designed.

Review Fee

The Director of Public Works, at his or her discretion, may charge an administrative fee for review and processing the application for Stormwater Utility Fee Credits. The fee, if applicable, shall be paid at the time of the application submission and made payable to the Treasurer/Collector.

Review Timeline and Credit Applied

When an application for a credit is deemed complete by the Director, the Director may either grant or deny the credit with a response to the applicant within 30 days. Credits applied for by the property owner and granted by the Town shall apply to the annual Stormwater Utility Fees beginning with the next quarterly billing cycle following the date that the credit application was submitted. Credit will not be applied retroactively to prior quarterly billing cycles, except for the initial billing cycle for the stormwater utility fee.

Continuation of Credit and Annual Reporting

Once a credit is granted it will remain in effect for as long as the property owner demonstrates continued compliance annually, except that credits do not transfer when property ownership changes, unless a new application is submitted. Property owners must notify the Town of changes in ownership.

Within one year following the initial credit application and prior to the end of the calendar year, the property owner shall submit an annual report to the Department of Public Works documenting the required inspection and maintenance activities, as well as any changes to the stormwater management facility(ies) and the Operation and Maintenance Plan. This includes submittal of the following documentation outlined in the Credit Application: recent photographs and maintenance documentation.

For complex ownership situations, the Town will accept information from a third party on behalf of the owner to support a Credit Application or Annual Report, for example. Please contact the Town to discuss this information prior to submitting information.

Credit Application Form

The Credit Application Form for 20% and 40% credits is provided on the following page.

Questions and Additional Information

For questions and additional information, please contact the Department of Public Works.

Contact: Maeghan Dos Anjos, Stormwater Manager

Email: mdosanjos@townofhudson.org

Phone: (978) 562-9333



Stormwater Utility Credit Application Form

Submit Completed Applications to:

Town of Hudson, MA
 Department of Public Works
 1 Municipal Drive
 Hudson, MA 01749
 Phone: (978) 562-9333

This form is for eligible property owners in Hudson, MA to apply for a credit to their stormwater utility bill for stormwater management facilities installed and maintained on their property or off-property under their ownership and control. All applications must be filled out completely with supporting documentation attached for it to be evaluated.

Credit Amount (select one):

- ☐ 20% credit for an existing stormwater facility that meets pre-2008 design standards.
- ☐ 40% credit for an existing stormwater facility that meets or exceeds current design standards (2008 or later).

i. Parcel Owner Information	
Owner Mailing Address:	Owner Name:
	Email:
	Phone Number:
	Designee Name and Company:
	Email:
	Phone Number:
Property Address (if different than mailing address):	Impervious Area Managed (sq. ft.):
Stormwater Account Number:	Parcel ID:

ii. Stormwater Facility Type (Check all that apply and include quantity of each)	
<input type="checkbox"/> ___ Deep Sump Catch Basin <input type="checkbox"/> ___ Oil/Grit Separator <input type="checkbox"/> ___ Proprietary Separator <input type="checkbox"/> ___ Sediment Forebay <input type="checkbox"/> ___ Vegetated Filter Strip <input type="checkbox"/> ___ Bioretention Areas and Rain Garden <input type="checkbox"/> ___ Constructed Stormwater Wetland <input type="checkbox"/> ___ Extended Dry Detention Basin <input type="checkbox"/> ___ Proprietary Media Filter <input type="checkbox"/> ___ Sand and Organic Filter <input type="checkbox"/> ___ Wet Basins	<input type="checkbox"/> ___ Drainage Channel <input type="checkbox"/> ___ Grassed Channel <input type="checkbox"/> ___ Water Quality Swale <input type="checkbox"/> ___ Dry Well <input type="checkbox"/> ___ Infiltration Basin <input type="checkbox"/> ___ Infiltration Trench <input type="checkbox"/> ___ Leaching Catch Basin <input type="checkbox"/> ___ Subsurface Structure <input type="checkbox"/> ___ Other: _____ <input type="checkbox"/> ___ Other: _____ <input type="checkbox"/> ___ Other: _____

iii. Facility Description – Include the type of facility(ies), date of installation, and percent pollutant removal efficiency based on the Massachusetts Stormwater Handbook. For 20% credit applications, include any available information.

iv. Required Attachments to the Credit Application:

- ☐ **Drainage Area Map and Facility Drawings** – showing the location of each facility, property lines, and the total amount of impervious area managed by each facility (in square feet).
- ☐ **Recent Photographs** – provide a date-stamped image or images showing the facility(ies) within one month of the application date or the most recent image(s) prior to snow accumulation (if present).
- ☐ **Operation and Maintenance Plan** – attach a detailed plan of how the facility(ies) has been and will continue to be operated and maintained to ensure it continues to function as designed, as required by the 2008 MA Stormwater Handbook Guidelines. This plan must include a maintenance schedule for the drainage structure(s). If applicable, include any modifications to the facility. For 20% credit applications, attach a summary of how the facility(ies) will be operated and maintained with a schedule to ensure it continues to function as designed.
- ☐ **Maintenance Documentation** – documentation that maintenance has been performed per the schedule in the Operation and Maintenance Plan. Documentation may include photos and copies of invoices with a description of work performed by contractors.
- ☐ **Certification by a Licensed Professional Engineer** – attesting that the information is accurate, the facility was built in accordance with the original design or any approved modifications, and that the facility(ies) is functioning as designed. This is not required for 20% credit applications.
- ☐ **Review Fee** – if applicable, payment of the administrative fee.

Owner Certification and Consent

- ☐ I am the property owner, have reviewed the information contained in this application, and believe that it is true and accurate to the best of my knowledge.
- ☐ I commit to maintaining the stormwater management facility(ies) in good working condition.
- ☐ I consent to allowing an inspection by the Town, if requested, to observe the facility(ies) as part of the credit application review process. I also consent to allowing future inspections of the facility(ies) if a credit is approved to verify the facility(ies) is being properly maintained.
- ☐ I understand that if an inspection by the Town indicates that the facility(ies) is not properly maintained that the facility will no longer be eligible for credit if deficiencies are not corrected within a reasonable time frame provided by the Town.

I attest that I, the owner, has legal ownership and maintenance responsibility for the stormwater management facility included in this application.

Signature: _____ **Date:** _____

Credit Application Review (For Town Use Only)

Credit Application Number:	
<i>Received By:</i>	<i>Date Received:</i>
<i>Reviewed By:</i>	<i>Date Reviewed:</i>
<i>Stormwater Account Number:</i>	<i>Parcel ID:</i>
<input type="checkbox"/> Application Administratively Complete <input type="checkbox"/> Review Fee Paid (if applicable) <input type="checkbox"/> Site Inspection Completed (if needed) and Date: _____	
Credit Value	
<input type="checkbox"/> 20% Credit Approved <input type="checkbox"/> 40% Credit Approved <input type="checkbox"/> Credit Denied	
Notes:	