

TOWN OF DIGHTON
STORMWATER BYLAW REGULATIONS
2008

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SECTION 1. RESPONSIBILITY FOR ADMINISTRATION

The Board of Health shall implement and administer the rules and regulations formulated under the provisions of the Stormwater Bylaw. The Board of Health may appoint an employee, agent, board, or commission as designee to carry out in part or in total specific duties as provided for in the town's Stormwater Bylaw.

SECTION 2. REGULATIONS

The Board of Health may promulgate rules and regulations to effectuate the purposes of the town's Stormwater Bylaw. Failure of the Board of Health to promulgate such rules and regulations shall not have the effect of suspending or invalidating the town's Stormwater Bylaw.

SECTION 3. PROHIBITED ACTIVITIES

1. Illicit Discharges – No person shall dump, discharge, cause or allow to be dumped or discharged any pollutant or non-stormwater discharge into municipal separate storm sewer systems (MS4), into a watercourse, or into the waters of the Commonwealth.
2. Illicit Connections – No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
3. Obstruction of Municipal Storm Drain System – No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Board of Health.

A) Exemptions

Discharge or flow resulting from fire fighting activities.

The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwater provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

1. Waterline flushing;
2. Flow from potable water sources;
3. Springs;
4. Natural flow from riparian habitats and wetlands;
5. Diverted stream flow;
6. Rising groundwater;
7. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
8. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
9. Discharge from landscape irrigation or lawn watering;
10. Water from individual residential car washing;
11. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;

12. Discharge from street sweeping;
13. Non-toxic dye testing, provided verbal notification is given to the Board of Health prior to the time of the test;
14. Non-stormwater discharge permitted under an National Pollutant Discharge Elimination System (NPDES) permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency (EPA) or the Department of Environmental Protection (DEP), provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations, and
15. Discharge for which advanced written approval is received from the Board of Health as necessary to protect public health, safety, welfare or the environment.

SECTION 4. ENFORCEMENT

The Board of Health shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil remedies for such violation.

1. Civil Relief – If a person violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the Board of Health may seek injunctive relief in a court of competent jurisdiction restraining the person from the activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
2. Orders – The Board of Health may issue a written order to enforce the provisions of this bylaw or regulations thereunder, which may include :
 - Elimination of illicit connections or discharges to the MS4;
 - Performance of monitoring, analyses, and reporting;
 - That unlawful discharges, practices or operations shall cease and desist; and
 - Remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed.

3. Non-compliance Orders – Should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Dighton may, at its option, undertake such work, and expenses thereof shall be charged to the violator. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Dighton, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board of Health within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file protest or within thirty (30) days following a decision of the Board of Health affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. Ch. 59, s57 after the thirty-first (31st) day at which the costs first become due.

4. Appeals – The decisions or orders of the Board of Health shall be final. Further relief shall be to a court of competent jurisdiction.
5. Non-Criminal Disposition - As an alternative to criminal prosecution or civil action, the Town of Dighton may elect to utilize the non-criminal disposition procedure set forth in M.G.L. C.40, s 21D, in which case The Board of Health of the Town of Dighton shall be the enforcing agent. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
6. Criminal Penalty – Any person who violates any provision of this bylaw, or regulation, order or permit issued thereunder, shall be punished by a fine as provided for in any and all applicable chapters and sections of the Massachusetts General Laws. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
7. Remedies Not Exclusive – The remedies listed in these bylaw regulations are not exclusive of any other remedies available under applicable federal, state or local law.

SECTION 5. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

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

SECTION 6. TRANSITIONAL PROVISIONS

Unless otherwise provided for herein, residential property owners shall have thirty (30) days from the effective date of the bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.

SECTION 7. LAND DISTURBANCE AND PRE/POST-CONSTRUCTION RUNOFF CONTROL

Applicability –No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than 5,000 square feet of land or will disturb less than 5,000 square feet of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than 5,000 square feet of land without a permit from the Board of Health, its designee, or as otherwise provided for in this bylaw.

A. Exemptions

- Maintenance of existing landscaping, gardens, or lawn areas associated with a single family dwelling conducted in such a way as not to cause a nuisance;
- Construction of fencing that will not substantially alter existing terrain or drainage patterns;
- Construction of utilities other than drainage (gas, water, electric, telephone, sewer, etc.) which will not alter terrain or damage patterns;

- Normal maintenance and improvement of land in agricultural or aquacultural use; and,
- Disturbance of 5,000 square feet or more of land that are subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the current version of the DEP Stormwater Handbook as reflected in a valid Order of Conditions issued by the Conservation Commission,
- Disturbance of 5,000 square feet or more of land in accordance with a validly issued comprehensive permit pursuant to M.G.L. C. 40B, s.20-23, provided the application for said permit was filed prior to the date these regulations were enacted.

B. Administration

The Dighton Planning Board shall administer, implement and enforce this section of the regulations as it pertains to any development activities requiring Planning Board approval. Notwithstanding, however, the Dighton Zoning Board of Appeals shall administer, enforce, and issue any permits required by this regulation or the town's Stormwater Bylaw for any activities associated with an application for a comprehensive permit pursuant to M.G.L. C. 40B, s. 20-23. The Dighton Conservation Commission shall administer, implement and enforce this section of the regulations as it pertains to any development activities subject to review under the Massachusetts Wetlands Regulations or the Town of Dighton Wetlands Bylaw. Any powers granted to or duties imposed upon the Planning Board and/or the Conservation Commission may be delegated in writing to its employees or agents. Henceforth, the Dighton Planning Board and Conservation Commission shall be referred to as the "Administering Authority" of the **"SECTION 7. LAND DISTURBANCE AND PRE/POST-CONSTRUCTION RUNOFF CONTROL"** section of these regulations.

C. Waivers

The Administering Authority may waive strict compliance with any requirement of the stormwater bylaw or the rules and regulations promulgated thereunder where such action is allowed by federal, state, and local statutes and/or regulations; is in the public interest; and is not inconsistent with the purpose and intent of the stormwater bylaw.

D. Rules and Regulations

The Board of Health may periodically amend and adopt rules and regulations relating to the procedures and administration of the stormwater bylaw by majority vote of the Board after conducting a public meeting to receive comments on any proposed revisions. Such public meeting will be adequately publicized at least seven (7) days prior to the meeting date according to town rules, regulations and/or bylaws.

E. Permits and Procedures

A completed application for a Land Disturbance Permit shall be filed with the Administering Authority. A permit must be obtained prior to the commencement of land disturbing activity that may result in the disturbance of an area of 5,000 sq. ft. or more except as otherwise provided for herein.

The Stormwater Management Permit Application consists of three (3) parts: **Erosion and Sediment Control Plan, Stormwater Management Plan; Operations and Management Plan.**

When one (1) or more of the standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

F. The EROSION AND SEDIMENT CONTROL PLAN shall contain the following information:

- Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan
- Title, date, north arrow, names of abutters, scale, legend, and locus map;
- Location and description of natural features including:
 - Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
 - Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities, and
 - Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
- Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
- Existing soils, volume and nature of imported soil materials;
- Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;
- Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
- 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 areas to be disturbed;
- Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
- Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
- Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit;

- Stormwater runoff calculations in accordance with the current version of the DEP Stormwater Handbook;
- Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
- A description of construction and water materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
- A description of provisions for phasing the project where 5,000 square feet of area or greater is to be altered or disturbed;
- Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control,; and
- Such other information as required by the Administering Authority.

G. The **design requirements** of the Erosion and Sediment Control Plan are to:

- Minimize total area of disturbance;
- Sequence activities to minimize simultaneous areas of disturbances;
- Minimize peak rate of runoff in accordance with the current version of the DEP Stormwater Handbook;
- Minimize soil erosion and control sedimentation during construction provided that prevention of erosion is preferred over sedimentation control;
- Maximize groundwater recharge;
- Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturers' specifications and good engineering practices;
- Prevent off-site transport of sediment;
- Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
- Comply with applicable federal, state, and local laws and regulations including waste disposal, septic system regulations, and air quality requirements, including dust control;
- Prevent significant alteration of habitats

H. STORMWATER MANAGEMENT PLAN – The Stormwater Management Plan shall fully describe the project in drawings and narrative. It shall include:

- A locus map;
- The existing zoning and land use at the site;
- The proposed land use;
- The location(s) of existing and proposed easements;
- The location of existing and proposed utilities;
- The site's existing and proposed topography with contours at two (2) foot intervals;
- The existing site hydrology;
- A description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows;
- A delineation of 100-year flood plains, if applicable;
- Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration;
- The existing and proposed vegetation and ground surfaces and runoff coefficients for each;
- A drainage area map showing pre and post construction watershed boundaries, drainage area, and stormwater flow paths;
- A description and drawings of all components of the proposed drainage system including:
 - Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization;
 - All measures for the detention, retention or infiltration of water;
 - All measures for the protection of water quality;
 - The structural details for all components of the proposed drainage systems and stormwater management facilities;
- Notes on drawings specifying materials to be used, construction specifications, and typicals; and
- Expected hydrology and supporting calculations.
- Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable.

- Timing schedules and sequence of development, including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization;
- A maintenance schedule for the period of construction; and
- Any other information requested by the Administering Authority or its designee.

Projects shall meet the Standards of the current version of the DEP Stormwater Handbook, which are as follows:

- No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.
- Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
- Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
- For new development, stormwater management systems must be designed to remove eighty percent (80%) of the average annual load (post-development conditions) of Total Suspended Solids (TSS) and be achieved by following procedures outlined in the DEP Stormwater Handbook. It is presumed that this standard is met when:
 - Suitable nonstructural practices for source control and pollution prevention are implemented;
 - Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
 - Stormwater management BMPs are maintained as designed.
- Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs. The use of infiltration practices without pretreatment is prohibited.
- Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas. Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.
- Redevelopment of previously developed sites must meet the current version of the DEP Stormwater Handbook to the maximum extent practicable. However, if it is not practicable to meet all of the Handbook's requirements, new retrofitted or expanded stormwater management systems must be designed to improve existing conditions.

I. OPERATIONS AND MANAGEMENT PLAN - An Operations and Management Plan (O&MP) is required at the time of application for all projects. The maintenance plan shall be

designed to ensure compliance with the Permit, the Bylaw, these 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 Administering Authority shall make the final decision of what maintenance option is appropriate in a given situation. The Administering Authority 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 approved O&MP shall remain on file with the Administering Authority, shall be prepared in compliance with and recorded at the Bristol County Northern District Registry of Deeds, and shall be an ongoing requirement. The O&MP shall include:

- The name(s) of the owner(s) for all components of the system;
- The signature of the owner(s);
- Maintenance agreements that specify the names and addresses of the person(s) responsible for operation and maintenance; the person(s) responsible for financing maintenance and emergency repairs.
- A Maintenance Schedule for all drainage structures, including swales and ponds;
- A list of easements with the purpose and location of each;
- Identification, purpose and recordable meet-and-bound descriptions of all stormwater management easements located on-site and/or off-site as necessary for access for facility inspections and maintenance; preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; direct maintenance access by heavy equipment to structures requiring regular cleanout;
- The purpose of each easement shall be specified in the maintenance agreement signed by the property owner;
- Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Administering Authority;
- Easements shall be recorded with the North Bristol County Registry of Deeds prior to issuance of a Certificate of Completion by the Administering Authority.

Changes to Operation and Maintenance Plan

- The owner(s) of the stormwater management system must notify the Administering Authority of changes in ownership or assignment of financial responsibility.
- The maintenance schedule in the Maintenance agreement must be amended to achieve the purposes of this bylaw by mutual agreement of the Administering Authority 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.

The Stormwater Management Permit application package shall include:

- A completed Application Form with original signatures of all owners;
- A list of abutters, certified by the assessor's office;
- Three (3) copies of the Erosion and Sediment Control Plan as specified above;
- Three (3) copies of the Stormwater Management Plan as specified above;
- Three (3) copies of the Operation and Maintenance Plan as specified above;
- Payment of the application and review fees; and,
- One (1) copy of the Application Form and the certified list of abutters filed with the town

clerk.

SECTION 8. INSPECTION AND SITE SUPERVISION

A. Pre-construction Meeting – Prior to the start of clearing, excavation, construction, or land disturbing activity, the applicant, applicant's technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the Administering Authority or its designee to review the permitted plans and their implementation,

B. The Administering Authority or its designee shall make inspections as hereunder required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the land disturbance permit as approved. The permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Administering Authority, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Administering Authority or its designee at least two (2) working days before each of the following events:

- Erosion and sediment control measures are in place and stabilized;
- Bury inspection to ensure erosion control practices are in accord with the filed plan;
- Site clearing has been substantially completed;
- Rough grading has been substantially completed;
- Final grading has been substantially completed;
- Close of the construction season; and
- Final landscaping (permanent stabilization) and project final completion.

C. Permitted Inspections – The permittee or his/her agent shall conduct and document inspections of all control measures (no less than weekly) or as specified in the permit, and prior to and following anticipated storm events. An "anticipated storm event" is defined as a one-half inch (1/2") rainstorm event. The purpose of such inspection will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to the Administering Authority or its designee in a format approved by the Administering Authority.

SECTION 9. ENTRY

Filing an application for a permit grants the Administering Authority and its employees or agents permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

SECTION 10. SURETY

The Administering Authority may require the permittee to post before the start of land disturbance 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 Administering Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Administering Authority 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 Administering Authority has received the final report as required by the following

section and issued a certificate of completion.

SECTION 11. FINAL REPORTS

Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a professional engineer (PE), surveyor, or Certified Professional in Erosion and Sediment Control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.

SECTION 12. CERTIFICATE OF COMPLETION

After the stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual stormwater management system installed. The Administering Authority or its designee shall inspect the system to confirm its "as-built" features. This inspector shall also evaluate the effectiveness of the system following a one-half inch (1/2") rainstorm event. If the inspector finds the system to be adequate, he/she shall so report to the Administering Authority. The Administering Authority will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw and these regulations.

SECTION 13. OTHER BOARDS

The Administering Authority shall give one copy of the application package to the Planning Board, the Conservation Commission, the Board of Health, the Building Inspector, and the Highway Department.

SECTION 14. PUBLIC HEARING

The Administering Authority shall hold a public hearing within twenty-one (21) days of the receipt of a complete application and shall take final action within twenty-one (21) days from the close of the hearing unless such time is extended by agreement between the applicant and the Administering Authority. Notice of the public hearing shall be given by publication in a local newspaper of general circulation, by posting and by first-class mailings to abutters at least seven (7) days prior to the hearing.

SECTION 15. APPLICATION FEE STRUCTURE

The Administering Authority shall obtain with each submission an application fee established to cover expenses associated with the public hearing and application review.

SECTION 16. TECHNICAL SERVICE FEE

The Administering Authority is authorized to retain a registered professional engineer or other professional consultant to advise the Administering Authority on any or all aspects of these plans. Applicants must pay a technical review fee sufficient to cover professional review before the review process may begin at the Administering Authority's discretion.

SECTION 17. ACTIONS

The Administering Authority's action, rendered in writing, shall consist of either:

- Approval of the application based upon determinations that the proposed plan meets the requirements as referenced above and will adequately protect the water resources of the community and is in compliance with the requirements set forth in these regulations; or
- Approval of the application subject to any conditions, modifications or restrictions required by the Administering Authority which will ensure that the project meets the requirements referenced above and adequately protect water resources set forth in these regulations; or
- Disapproval of the application based upon a determination that the proposed application as submitted, does not meet the requirements as referenced above, or adequately protect water resources, as set forth in the stormwater bylaw and these regulations.

SECTION 18. PROJECT CHANGES

The permittee must notify the Administering Authority in writing of any change or alteration of a land-disturbing activity authorized in a permit before any change or alteration occurs. If the Administering Authority determines that the change or alteration is significant based on the design requirements referenced above and accepted construction practices, the Administering Authority may require that an amended application is filed and a public hearing held.

APPENDIX A, DEFINITIONS

ABUTTER: The owner(s) of land abutting the activity.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

ALTER: Any activity that will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage.

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

ANTICIPATED STORM EVENT: A one-half inch (1/2") rainstorm event.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the federal government to the extent permitted by law requesting a soil erosion and sediment control permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY: The Board of Health, its employees or agents designated to enforce this bylaw.

BOARD OF HEALTH: The Board of Health of the town of Dighton or its authorized agent(s) is responsible for coordinating the review, approval and permit process as defined in this bylaw. Other boards, commissions and/or departments participate in the review process as defined in the Stormwater Regulations adopted by the town of Dighton.

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

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

CLEARING: Any activity that removes the vegetative surface cover.

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

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

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

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

EROSION: The wearing away of the land surface by natural and/or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

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

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).

FOREST COMMUNITIES: Areas that sustain biologically diverse populations of native plants, animals, and other organisms that depend on the forest environment for survival and continuation of evolutionary processes.

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

GROUNDWATER: Water beneath the surface of the ground.

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

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

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted on Pages 1 and 2 of these Regulations. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from

fire fighting activities exempted pursuant to this bylaw.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

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

MASSACHUSETTS ENDANGERED SPECIES ACT: (M.G.L. C. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the “taking” of any rare plant or animal specified as Endangered, Threatened, or of Special Concern.

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

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

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

OPERATIONS AND MANAGEMENT PLAN (O&MP): A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

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

OUTSTANDING RESOURCE WATERS (ORWs): Waters 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 Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

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

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

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

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollution shall include without limitation:

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) non-hazardous liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;
- (9) rock, sand, salt, soils;
- (10) construction wastes and residues; and
- (11) noxious or offensive matter of any kind.

PRE-CONSTRUCTION: All activity in preparation for construction.

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

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

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

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

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its

origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

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

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

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

SPECIMEN TREES: Trees with certain characteristics such as size, species, age, historic significance, ecological value, aesthetics, or location singled out for special consideration.

STORMWATER: Storm water runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit.

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 into waters of the Commonwealth of Massachusetts.

TSS: Total suspended solids.

TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious wastes, acid and alkali, and any substance defined as Toxic or Hazardous under M.G.L. Ch. 21C and Ch. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.000.

VERNAL POOLS: Temporary bodies of freshwater, which provide critical habitat for a number of vertebrate and invertebrate wildlife species. All vernal pools are protected under the Town of Dighton Wetlands Protection Bylaw.

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

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the

Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

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

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act M.G.L. c. 131, s.40 and in the town of Dighton's wetland bylaws/ordinances.

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