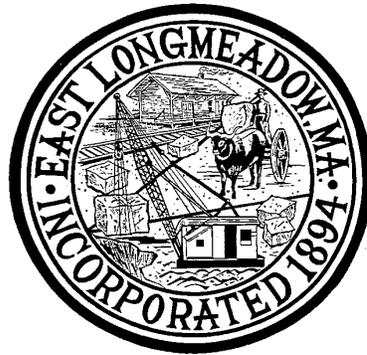

**RULES AND REGULATIONS
FOR THE
MANAGEMENT OF STORMWATER
EAST LONGMEADOW, MASSACHUSETTS**

**Town of East Longmeadow
Department of Public Works
January 23, 2012**



Adopted by the East Longmeadow Board of Public Works at a Public Meeting
on January 23, 2012.

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Section 1

General

1.1 Authority

These Rules and Regulations are adopted by the Board of Public Works as the Stormwater permitting and enforcement agency pursuant to the Town of East Longmeadow General Bylaws Section 4.090(B) and Section 8.070. The Board of Public Works authorizes the Department of Public Works to act as its agent in implementing and enforcing these regulations.

1.2 Purpose

The purpose of these Stormwater Management Rules and Regulations is to better manage land development in order to protect, maintain, and enhance the public health, safety, and general welfare of the citizens of East Longmeadow by establishing minimum requirements and procedures to control the Adverse Impacts associated with Stormwater Runoff.

1.3 Applicability

This by-law shall apply to activities that result in disturbance of one or more acres (43,560+ square feet) of land. In determining whether an activity is subject to jurisdiction under this by-law, the Department of Public Works and Applicant shall consider the entirety of the project, including any likely future expansion, and not separate phases or segments thereof. The Applicant shall not phase or segment a project to evade, defer or curtail review under this by-law. Except as authorized by the Department of Public Works pursuant to these regulations, no Person shall perform an activity that results in disturbance of one or more acres of land.

1.4 Exemptions

The following uses and activities are exempt from compliance with this by-law:

1. Storm water discharges resulting from land disturbance activities that are subject to an Order of Conditions issued by the Conservation Commission under the Wetlands Protection Act;
2. An agricultural activity which is in compliance with an approved soil conservation plan prepared or approved by the United States Natural Resource Conservation Service;
3. Logging which is in compliance with a timber management plan approved under the Forest Cutting Practices Act by Massachusetts Department of Conservation and Recreation;
4. Activities that do not disturb more than one acre (43,560 square feet) of land;
5. Construction of municipal utilities;
6. In-kind repairs to a Stormwater treatment system deemed necessary by the East Longmeadow Board of Public Works or Department of Public Works; and

Section 1 General

7. An emergency activity that is immediately necessary for the protection of life, property or the environment, as determined by the Board of Public Works or the Department of Public Works.

1.5 Amendments

These Rules and Regulations or any portion thereof may be amended from time to time in accordance with the General Bylaws Section 4.090 (B) and Section 8.070.030.

The Application for Stormwater Management Permit shall be governed by the Stormwater Rules and Regulations in effect at the time of submission of such application.

1.6 Coordination with Municipal Departments and Other Agencies

Compliance with these Rules and Regulations does not preclude the need to comply with other local, state and federal regulations.

1.7 Effective Date

These regulations become effective after approval by the Board of Public Works and publication.

Section 2

Definitions

As used in these Rules and Regulations, the following terms shall mean:

Adverse Impact: Harmful effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Applicant - A Person, as hereinafter defined, who applies for the approval of a plan of a Paper Street Development. Applicant shall include an owner, his/her agent, representative or assigns.

Best Management Practices (BMP): Structural or biological devices that temporarily store or treat Stormwater Runoff to reduce flooding, remove Pollutants, and provide other amenities. They can also be nonstructural practices that reduce Pollutants at their source. Examples of BMPs are described in the Massachusetts Department of Environmental Protection's (MassDEP) stormwater design manual: Stormwater Management Handbook, Volume 2: Chapter 2: Structural BMP Specifications for the Massachusetts Stormwater Handbook (February 2008, MassDEP, as updated or amended).

Board of Public Works: The permitting and enforcement agency.

Construction Activity: Disturbance of the ground by removal of surface cover, grading, excavation, clearing or filling.

Design Storm: A rainfall event of specified size and return frequency that is used to calculate the Runoff volume and Peak Discharge rate to a BMP.

Detention: The temporary storage of Stormwater Runoff in a BMP, which is used to control the Peak Discharge rates, and which provides gravity settling of Pollutants.

Discharge of Pollutants: The addition of a Pollutant or combination of Pollutants into a Municipal Separate Storm Sewer System (MS4) or into the Waters of the Commonwealth from any source.

Drainage Area: That area contributing Runoff to a single point measured in a horizontal plane, which is enclosed by a Ridgeline.

Groundwater: Water beneath the surface of the ground.

Illicit Discharge: Direct or indirect Non-Stormwater Discharge to an MS4, except as specifically exempted in Illicit Stormwater Section 8.07.100. (D). The term does not include a discharge in compliance with a National Pollutant Discharge and Elimination System (NPDES) Stormwater discharge permit or resulting from fire fighting or other municipal activities, not including Construction Activities.

Illicit Connection: Surface or subsurface drain or conveyance, which allows an Illicit Discharge into an MS4. Illicit Connections include conveyances which allow a Non-Stormwater Discharge to an MS4 including sewage, process Wastewater or wash water and connections from indoor drains, sinks or toilets, regardless of whether said connection was previously allowed, permitted or approved before the effective date of this by-law.

Section 2 Definitions

Impervious Surfaces: Material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious Surfaces include paved roads, paved parking lots, sidewalks, and rooftops.

Infiltration: The downward movement of water from the surface to the subsoil.

Municipal Separate Storm Sewer System (MS4): The system of conveyances designed or used for collecting or conveying Stormwater, including road or street with a drainage system, gutter, curb, inlet, piped storm drain, pumping facility, Retention or Detention basin, drain channel, reservoir, and other drainage owned or operated by the Town of East Longmeadow.

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 Discharges: Discharge to the MS4 not composed entirely of stormwater.

Outfall: The part of a storm drain or other Stormwater structure where the contents are released.

Peak Discharge: The maximum rate of flow during a storm.

Permeable Soils: Soil materials with a sufficiently rapid Infiltration rate so as to greatly reduce or eliminate surface and Stormwater Runoff.

Person: An individual, group of individuals, association, partnership, corporation, company, business, organization, trust, estate, administrative agency, public or quasi-public entity, the commonwealth or political subdivision thereof or the federal government, to the extent permitted by law and an officer, employee or agent of such Person.

Pollutant: Any element or property of sewage, agricultural, industrial, commercial or residential waste, Runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is introduced into the MS4 or Waters of the Commonwealth. Pollutants shall include, but not be limited to: dredged spoil, solid waste, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, hot fluids, wrecked or discarded equipment, rock, sand, and industrial, municipal, agricultural and residential waste discharged into water.

Recharge: The process by which Groundwater is replenished by precipitation through the percolation of Runoff and surface water through the soil.

Retention: The holding of Runoff in a basin without release except by means of evaporation, Infiltration, or emergency bypass.

Ridgeline: The maximum elevation that connects the upper boundary of a watershed.

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

Stormwater: Runoff from precipitation or snow melt.

Stormwater Management Facility: A structural Stormwater management measure, including Stormwater management basins and filtration or other treatment systems.

Swale: A depression or wide shallow ditch used to temporarily store, route, or filter Runoff.

Uncontaminated Water: Water containing no Pollutants.

Section 2 Definitions

Uncontaminated Groundwater: Groundwater containing no Pollutants.

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: Sanitary waste or sludge and water used during manufacturing, cleaning or processing of materials that enter the MS4 or waters of the Commonwealth.

Section 3

Permit Application Submission

3.1 Administrative Procedures and Requirements

Unless exempt under Section 1.4 of these Rules and Regulations, prior to disturbance of one or more acres (43,560+ square feet) of land, an Applicant shall file five (5) copies of a completed application package for a Stormwater Management Permit to the Department of Public Works. The Stormwater Management Application shall consist of the following:

1. A properly executed Application Form signed by the Applicant and all other owners of record, and providing all information requested. See Application Form in Appendix A.
2. A Stormwater Management and Erosion Control Plan, which shall be prepared and signed by a professional engineer licensed by the Commonwealth and which shall contain sufficient information to describe the nature and purpose of the proposed development. The plan, with contents as described in Section 3.3, shall serve as the basis for subsequent construction.
3. Supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which Stormwater Runoff shall be managed for the entire development.
4. Ongoing maintenance agreement.
5. A list of requested waivers, if applicable. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrate that strict compliance with the Bylaw or Rules and Regulations is not necessary to meet the purposes or objectives of the bylaw.
6. A non-refundable application fee, payable to the Town of East Longmeadow, in the amount calculated as follows:

Project Type	Permit Review and Inspection Fee
Minor Project – Single or Multifamily Residential	\$100
Minor Project – Commercial or Residential Subdivision (less than 5 acre disturbed)	\$500
Major Project – Commercial or Residential Subdivision (greater than 5 acre disturbed)	\$500 + \$100 per acre above 5 acres

If, in the judgment of the Department of Public Works, consulting services are necessary or appropriate, the Applicant shall, prior to a determination on an application, deposit with the Town, an amount determined by the Department of Public Works to be sufficient to cover the full costs of such services. All such consultants shall be selected by the Department of Public Works and paid out of said deposit. The Town will reimburse the Applicant for any credits remaining after a consultant has been paid within thirty (30) days of said payment. In the event the deposit is insufficient to cover consultant services, the outstanding balance is to be paid by the Applicant pursuant to procedures

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outlined in paragraphs 5.1 of these Rules and Regulations within 30 days of receipt of invoice for the outstanding balance.

3.2 Waivers

The Board of Public Works may waive strict compliance with any requirement of these rules and regulations upon written findings of fact setting forth the basis for the waiver by the Board of Public Works or the Department of Public Works. Any request for a waiver shall be made in writing at the time of the application.

3.3 Stormwater Management and Erosion Control Plan Contents

The Stormwater Management and Erosion Control Plan shall be prepared and signed by a professional engineer licensed by the Commonwealth which meets the design requirements provided by this by-law. The plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources; and the effectiveness and acceptability of measures proposed for managing Stormwater Runoff. The plan must be designed to meet the Massachusetts Stormwater Management Standards as set forth in Section 4.2, and the erosion and sediment control performance standards in Section 4.3, and the Stormwater Management Handbook (February 2008, MassDEP, as updated or amended). The Applicant shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan. The minimum information submitted for support of a Stormwater Management and Erosion Control Plan shall be as follows:

1. A project narrative including a brief description of the project, amount and type of existing and proposed Impervious Surfaces, and how and where Stormwater will be controlled,
2. A locus map,
3. The existing zoning, and land use at the site,
4. The proposed land use,
5. The location(s) of existing and proposed easements,
6. The location of existing and proposed utilities,
7. The site's existing and proposed topography with contours at two-foot intervals,
8. The existing site hydrology,
9. A description and delineation of existing Stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which storm water flows,
10. A delineation of 100-year flood plains, if applicable,
11. Estimated seasonal high Groundwater elevation (November to April) in areas to be used for Stormwater Retention, Detention, or Infiltration,
12. The existing and proposed vegetation and ground surfaces with Runoff coefficient for each,
13. A Drainage Area map showing pre and postconstruction watershed boundaries, Drainage Area and storm water flow paths,
14. A description and drawings of the components of the proposed drainage system including:

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- a. Locations, cross sections, and profiles of brooks, streams, drainage Swales and their method of stabilization,
 - b. All measures for the Detention, Retention or Infiltration of water,
 - c. All measures for the protection of water quality,
 - d. The structural details for all components of the proposed drainage systems and storm water management facilities,
 - e. Notes on drawings specifying materials to be used, construction specifications, and typicals,
14. Expected hydrology with supporting calculations,
 15. Proposed improvements including location of buildings or other structures, Impervious Surfaces, and drainage facilities, if applicable,
 16. 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, clearing, stripping, interim grading, construction, final grading, material stockpiling areas and vegetative stabilization,
 17. A description of construction and waste materials expected to be stored on site, and 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,
 18. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures, and
 19. A maintenance schedule for the period of construction.

3.4 Performance Guarantee

The Applicant shall file performance guarantee in the form of a cash bond prior to the submittal of a building permit application for the construction of a development requiring a Stormwater Management Facility. A performance guarantee for the project under the Subdivision Control Law will meet this criterion. The amount of the security shall not be less than the total estimated construction cost of the Stormwater Management Facility. The bond so required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved Stormwater Management Plan, compliance with all of the provisions of this by-law and other applicable laws and regulations, and any time limitations. The bond shall not be fully released without a final inspection of the completed work by the Department of Public Works, submission of "as-built" plans, and certification of completion by the authorized permitting agency of the Stormwater Management Facilities being in compliance with the approved plan and the provisions of this by-law.

3.5 Review Procedures

Review of Applications for Stormwater Management Permits shall follow the procedures provided below.

1. A Stormwater Management and Erosion Control Plan (or an application for waiver) shall be submitted to the Department of Public Works for review and approval. Five (5) clearly labeled copies of the Stormwater Management Plan shall be submitted.

Section 3 Permit Application Submission

2. The Department of Public Works shall have seven days from the receipt of the application to review the application for administrative completeness. If found incomplete, it shall be returned by First Class Mail to the Applicant within 10 (ten) business days of filing, with written notice of the deficiencies.
3. The Department of Public Works as authorized permitting agency shall distribute copies of the Stormwater Management Permit application to the Planning Department and the Conservation Commission for review, as deemed appropriate, and shall consider comments submitted by said departments during the review period.
4. The Department of Public Works shall take final action within 28 days of the determination the application is a complete application unless such time is extended by agreement between the Applicant and the Department of Public Works.
5. The authorized permitting agency must find that the Stormwater Management and Erosion Control Plan submitted with the permit application meets the following criteria:
 - a. The Stormwater Management and Erosion Control Plan is consistent with the purposes and objectives of these Rules and Regulations;
 - b. The Stormwater Management and Erosion Control Plan meets the performance standards described in Section 4.
6. The authorized permitting agency's action, rendered in writing, shall consist of either:
 - a. Approval of the Stormwater Management Permit application based upon determination that the proposed plan meets the purposes in Section 1.2 and the standards in Section 4 of these rules and regulations, and shall adequately protect the water resources of the community and is in compliance with the requirements set forth in this by-law;
 - b. Approval of the Stormwater Management Permit application subject to conditions, modifications or restrictions required by the Board of Public Works which shall ensure that the project meets the purposes in Section 1.2 and the standards in Section 4 of these rules and regulations, and adequately protects water resources, set forth in this by-law;
 - c. Disapproval of the Stormwater Management Permit application based upon a determination that the proposed plan, as submitted, does not meet the purposes in Section 1.2 and the standards in Sections 4 or adequately protect water resources, as set forth in these rules and regulations.
 - d. If the Department of Public Works modifies or disapproves such a plan, it shall state in writing its reasons for its action and shall rescind such disapproval when the plan has been amended to conform to the Rules and Regulations of the Department of Public Works
7. Failure of the authorized permitting agency to take final action upon an application within the time specified above shall be deemed to be an approval of said application.

3.6 Plan Changes

The Applicant must notify the Department of Public Works in writing of any changes in the project authorized in a Stormwater Management Permit before any change or

Section 3 Permit Application Submission

alteration is made. The Department of Public Works may approve changes, or if the DPW determines that the change or alteration is significant, based on the Stormwater Management requirements of these Rules and Regulations and accepted construction practices, the DPW may require that an amended Application be filed and reviewed. If any change or alteration from the Stormwater Management Permit occurs during construction activities, the DPW may require the installation of interim measures before approving the change or alteration.

3.7 Permit Extensions

A Stormwater Management Permit shall be valid for three years from the date the permit is issued, except that compliance with the Operation and Maintenance Plan shall be a continuing and ongoing requirement. The Department of Public Works may grant extensions for additional time upon written request submitted no later than 30 days prior to the extension of the permit.

Section 4

Performance Standards and Design Requirements

4.1 Basic Requirements

The basic design criteria methodologies and construction specifications, subject to the review and approval of the Department of Public Works, shall be consistent with those generally found in the most current edition of the Stormwater Management Handbook, Volume 2: Chapter 2: Structural BMP Specifications for the Massachusetts Stormwater Handbook (February 2008, MassDEP, as updated or amended), unless the Department's regulations modify or alter said methodologies or specifications.

4.2 Stormwater Management Performance Standards

Projects that require a Stormwater Management Permit must meet the standards of the Massachusetts Stormwater Management Policy. These standards are:

1. No new Stormwater conveyances (e.g. Outfalls) shall discharge untreated Stormwater directly to or cause erosion in wetlands or Water of the Commonwealth.
2. Stormwater Management Facilities must be designed so that post-development Peak Discharge rates do not exceed predevelopment Peak Discharge rates.
3. 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 predevelopment or existing site conditions, based on soil types.
4. For new development, Stormwater Management Facilities must be designed to remove 80 percent of the average annual load (post development conditions) of total suspended solids (TSS). It is presumed that this standard is met when:
 - a. Suitable nonstructural practices for source control and pollution prevention are implemented;
 - b. Stormwater management Best Management Practices (BMPs) are sized to capture the prescribed Runoff volume; and
 - c. Stormwater management BMPs are maintained as designed.
5. Stormwater discharges from areas with higher potential Pollutant loads require the use of specific Stormwater management BMPs (see Stormwater Management Handbook, February 2008, MassDEP, as updated or amended). The use of Infiltration practices without pretreatment is prohibited.
6. Stormwater discharges to critical areas must utilize certain Stormwater management BMPs approved for critical areas (see Stormwater Management Handbook, February 2008, MassDEP, as updated or amended). Critical areas are outstanding resource waters (ORWs), cold-water fisheries, vernal pools and Recharge areas for public water supplies.
7. Redevelopment of previously developed sites must meet the Stormwater management standards to the maximum extent practicable, as determined by the Board of Public Works. However, if it is not practicable to meet all the standards,

Section 4 Performance Standards and Design Requirements

new (retrofitted or expanded) Stormwater Management Facilities must be designed to improve existing conditions.

8. Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.
9. All Stormwater Management Facilities must have an operation and maintenance plan to ensure that systems function as designed. The operation and maintenance plan must be implemented for the life of the system.
10. All Illicit Discharges to the Stormwater Management Facilities are prohibited.

When the proposed discharge may have an impact upon a sensitive receptor, including streams, wetlands, vernal pools, and/or storm sewers, the authorized permitting agency may require an increase in these minimum requirements, based on existing Stormwater Management Facility capacity.

4.3 Erosion and Sediment Control Performance Standards

The erosion and sediment control plan should be designed to meet the following performance standards:

1. Minimize total area of disturbance.
2. Sequence activities to minimize simultaneous areas of disturbance.
3. Minimize peak rate of Runoff in accordance with the MassDEP Stormwater Policy.
4. Minimize soil erosion and control sedimentation during construction. Prevention of erosion is preferred over sedimentation control.
5. Divert Uncontaminated Water around disturbed areas.
6. Maximize Groundwater Recharge.
7. Install and maintain all erosion and sediment control measures in accordance with the manufacturers' specifications and good engineering practices
8. Prevent off-site transport of sediment.
9. Protect and manage on- and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project).
10. Comply with applicable federal, state and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control.
11. Prevent Adverse Impact from the proposed activities to habitats mapped by the Massachusetts Natural Heritage and Endangered Species Program as estimated habitats of rare wildlife and certified vernal pools, and priority habitats of rare species.
12. Institute interim and permanent stabilization measures. The measures shall be instituted on a disturbed area as soon as practicable but no more than 14 days after Construction Activity has temporarily or permanently ceased on that portion of the site.
13. Properly manage on-site construction and waste materials.
14. Prevent off-site vehicle tracking of sediments.

Section 5

Inspections, Operation and Maintenance

5.1 Basic Requirements

Inspection shall be carried out at appropriate times during the development of the Stormwater Management Facility as described in Section 5.2. The Applicant shall notify the Town Engineer/Superintendent of Public Works or his/her designee, at least 48 hours before carrying out each operation to be inspected.

The Town Engineer/Superintendent of Public Works or his/her designee may make arrangements with consultants to carry out such inspections and/or provide consulting services with regard to the project, on behalf of the Town.

The costs of inspection shall be born by the Applicant and paid to the Town of East Longmeadow by certified check or money order within thirty (30) business days of the inspection. Inspection costs shall include but not be limited to: on-site inspections, "portal-to-portal" travel, off-site analysis of plans, water testing, and soil testing. In the case of consultant services, a deposit shall be made to the Town as described in Section 3.1.

Failure to pay for such services as referenced above within thirty (30) days following the mailing of an invoice shall be sufficient grounds for the Department of Public Works to deny a plan or rescind its approval of a Stormwater Management Permit.

The Applicant has the responsibility to ensure that the approved construction plans are implemented. Use of qualified Persons to furnish adequate and timely engineering supervision during construction is required. Surveillance and field revisions by Town officials or consultants appointed by the Department of Public Works cannot be construed as fulfilling this responsibility.

A cash deposit shall be required and shall be used by the Town to pay for any additional consultants which it finds necessary to hire in order to carry out an effective review of the proposed improvements.

Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the Applicant or rescission of the permit.

5.2 Inspections of Improvements

Filing an application for a permit grants the Department of Public Works, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit. Inspections during the work shall be arranged with the Department of Public Works prior to starting construction. The Department of Public Works will provide the Applicant with a checklist covering these inspections and the Department of Public Works will sign this checklist after satisfactory completion of each step by the Applicant. Inspections shall be requested at least 48 hours in advance of each inspection by notice to the Town's inspector. See Appendix B for the Stormwater Management Inspection Checklist. The Applicant shall arrange for scheduling the following inspections:

Initial inspection. Prior to approval of a plan

Section 5 Inspections, Operation and Maintenance

Erosion control inspections. After erosion control installation, site clearing, rough grading and final grading to ensure erosion control practices are in accordance with the plan.

Bury inspection. Prior to backfilling of underground drainage or Stormwater conveyance structures;

Final inspection. When all site work, including construction of Stormwater Management Facilities and landscaping have been completed.

The Department of Public Works or its agent shall inspect the work and either approve it or notify the Applicant in writing in what respects there has been a failure to comply with the requirements of the approved plan. Any portion of the work which does not comply shall be promptly corrected by the Applicant or the Applicant shall be subject to the penalty provisions of Section 6.3. The town may conduct random inspections to ensure effective control of erosion and sedimentation during all phases of construction, when it has a reasonable basis to believe that a violation of this by-law is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this by-law.

5.3 Post-Construction and Operation and Maintenance

Prior to issuance of a building permit for a site on which Stormwater management is required, the authorized permitting agency shall require the Applicant or owner to execute an operation, maintenance and inspection agreement binding on all subsequent owners of land served by the private Stormwater Management Facility. The agreement shall be designed to ensure that water quality standards are met in all seasons and throughout the life of the system. Such agreement shall provide for access to the facility at reasonable times for regular inspections by the town or its authorized representative and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards. The agreement shall include:

1. *Names of land owners.* The name(s) of the land owner(s) for all components of the system.
2. *Maintenance agreements.* Maintenance agreements that specify:
 - a. The names and addresses of the Person(s) responsible for operation and maintenance.
 - b. The Person(s) responsible for financing maintenance and emergency repairs.
 - c. A maintenance schedule for all drainage structures, including Swales and ponds.
 - d. A list of easements with the purpose and location of each.
 - e. The signature(s) of the owner(s).
3. *Stormwater management easements as necessary for:*
 - a. Access for facility inspections and maintenance.
 - b. Preservation of Stormwater Runoff conveyance, Infiltration, and Detention areas and facilities, including flood routes for the 100-year storm event.
 - c. Direct maintenance access by heavy equipment to structures requiring regular cleanout.
4. *Stormwater management easement requirements.*

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- a. Purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
 - b. Stormwater management easements are required for all areas used for off-site Stormwater control, unless a waiver is granted by the town.
 - c. Easements shall be recorded with the registry of deeds prior to issuance of a certificate of completion at the expense of the Applicant, and certified copies of the recorded easements shall be filed with the Department of Public Works and Planning Board.
5. *Changes to operation and maintenance plans.*
- a. The owner(s) of the Stormwater Management Facility must notify the authorized enforcement agency in writing of changes in ownership or assignment of financial responsibility.
 - b. The maintenance schedule in the maintenance agreement may be amended to achieve the purposes of this by-law by mutual agreement of the authorized permitting agency and the responsible parties. Amendments shall be in writing and signed by all responsible parties. Responsible parties shall include owner(s), Persons with financial responsibility, and Persons with operational responsibility.
 - c. The agreement shall be recorded by the Applicant and/or owner in the land records of the registry of deeds. Proof of such recording shall be filed by the Applicant and/or owner with the authorized permitting agency.
 - d. The agreement shall also provide that, if after notice by the Department of Public Works to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within 30 days, the Department of Public Works or its designee may perform all necessary work to place the facility in proper working condition. The owner(s) of the land on which the facility is situated shall be assessed the cost of the work and any penalties.
6. *Maintenance responsibility.*
- a. The owner of the property on which work has been done pursuant to this by-law for private Stormwater Management Facilities, or other Person or agent in control of such property, shall maintain in good condition and promptly repair and restore grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.
 - b. A maintenance schedule shall be developed for the life of the Stormwater Management Facility and shall state the maintenance to be completed, the time period for completion, and who shall be legally responsible to perform the maintenance. This maintenance schedule shall be printed on the Stormwater Management and Erosion Control Plan.
 - c. Records of installation shall be maintained on-site in perpetuity. Records of maintenance shall be maintained on-site for a period of at least five years. Installation and maintenance records shall be made available for inspection by the enforcement agency.
 - d. Failure to maintain Best Management Practices shall be considered a violation of this by-law and enforceable under Section 6.

Section 6

Enforcement and Penalties

6.1 Violations

The Department of Public Works agent or employee having actual knowledge or information of a violation of these rules and regulations that he is responsible for enforcing may, as an alternative to seeking a criminal penalty for violation of this by-law, give the offender a ticket in a form in compliance with the requirements of and in the manner established in G.L. c. 40, §21D and Section 8.130 of the East Longmeadow General By-laws.

The Department of Public Works or its agent may enter onto a Person's land to inspect any work performed under a permit issued pursuant to these rules and regulations or to determine if such property is in violation of these rules and regulations if it has a good faith basis to believe an activity requiring a permit is being performed on the property without such a permit.

The Board of Public Works may, for cause shown, suspend or terminate a Person's connection to the MS4 and any permit issued pursuant to this by-law.

6.2 Stop Work Orders

Notice of the intent to suspend or terminate a Person's connection to the MS4 or a permit shall be given in writing to the owner of the property and the permit holder, if different, by delivering via hand delivery or certified mail, to the owner to the address listed for taxation purposes in the Assessor's Office, and the permit holder at the address listed in the application. A copy of the notice of hearing shall be delivered at least ten (10) business days before said hearing date and shall, in addition, be mailed by 1st class mail, postage prepaid at least fourteen (14) days before said hearing.

The notice shall contain the:

1. Name and address of the owner of the property;
2. The name and address of the permit holder if different than the owner;
3. The action contemplated;
4. Statement of violations believed to exist; and
5. A statement that the owner and permit holder may present evidence regarding alleged violations.

If the Board of Public Works or its designee determines in writing that the public health, safety or welfare requires immediate action, it may suspend or terminate MS4 service and any permit immediately. However, in such a case, notice as set forth above, shall be delivered and mailed to the owner and permit holder, if different, informing them that they have fifteen (15) days from the date of the suspension or termination to appeal said action of the Board of Public Works.

6.3 Penalties

The Penalty for each violation of this Stormwater management portion of the rules and regulations adopted hereunder shall be \$200.00 and each day or part thereof shall constitute a separate violation.

The Board of Public Works, in addition to issuing said tickets, may enforce the provisions of this by-law by injunctive relief if it determines that the health, safety or welfare of any resident or member of the public or that the well being of the community is or will be endangered by the violation(s).

Any permit issued pursuant to these rules and regulations shall contain language requiring the Applicant to pay any and all costs, including attorney fees and expert witness fees, incurred by the town in seeking court action regarding the enforcement of this by-law and the rules and regulations adopted hereunder.

6.4 Restoration of Lands

A violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the East Longmeadow Board of Public Works shall take necessary corrective action, the cost of which shall become a lien upon the property until paid.

6.5 Holds on Occupancy Permits

Occupancy permits will not be granted unless corrections to all Stormwater management practices have been made and accepted by the Department of Public Works.

6.6 Severability

The invalidity of any section or provision of this section shall not invalidate any other section or provision thereof.