

**RULES AND REGULATIONS REGARDING  
THE USE OF PUBLIC SEWERS AND  
STORM DRAINS IN THE  
TOWN OF WINCHESTER, MASSACHUSETTS**



Adopted by the Winchester Select Board September 13, 2021

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## 1.0 GENERAL PROVISIONS

**1.1 Purpose.** This publication sets forth the Rules and Regulations for the use of 1) Sanitary Sewers (Section 3); 2) the Municipal Separate Storm Sewer System (“MS4”) (Section 4); and 3) stormwater and erosion control measures for applicable development or redevelopment (Section 5), in the Town. These Rules and Regulations also apply to projects that do not otherwise require relief from the Town’s Zoning Board of Appeals, Planning Board, or Conservation Commission and meet the criteria outlined herein.

The purpose of these Rules and Regulations is to protect public health, safety, general welfare, and the environment by regulating illicit connections and discharges to the MS4 and Sanitary Sewer system and, directly or indirectly, to a Watercourse or into the waters of the Commonwealth; to control the adverse effects of construction site stormwater runoff; and to control the adverse effects of post-construction runoff, decreased groundwater recharge, and Nonpoint Source Pollution associated with construction.

**1.2 Authority.** These Rules and Regulations are adopted by the Winchester Select Board under the authority granted by the federal Clean Water Act (40 C.F.R. § 122.34); the Home Rule Amendment of the Massachusetts Constitution; M.G.L. c. 83, §§ 10 and 13; and Chapter 7, Section 1 of the Town’s Code of Bylaws. These Rules and Regulations shall not contravene nor render ineffective any permit issued by a state or federal agency or any of the lawfully established rules and regulations of the Massachusetts Water Resource Authority (MWRA), or any bylaws, rules, or regulations promulgated by the Town.

**1.3 Administration.** The Director of the Department of Public Works shall administer, implement and enforce Section 3 (Sanitary Sewers) and Section 4.4 (MS4 Connection Application Procedures) of these Rules and Regulations. The remainder of the Rules and Regulations shall be administered by the Town Engineer, and by the permit granting authority that issues permits which require review by the Town Engineer under these Rules and Regulations. Any powers granted to or duties imposed upon the Director or Engineer may be delegated by the Director or Engineer to their employees or agents.

### 1.4 Waiver or Modification.

a. The Director or Engineer may waive or modify any portion(s) of these Rules and Regulations as applied to a particular project, where he or she makes a written finding that such action is (1) allowed by federal, state, and local statutes and/or regulations; (2) in the public interest; and (3) consistent with the purpose and intent of these Rules and Regulations.

b. Each request for a waiver shall be made in writing to the Director or Engineer. Such a request shall be accompanied by an explanation or documentation supporting the waiver request.

c. Nothing stated in this Section shall be interpreted to mean that the Town or Director or Engineer has the right to waive any federal, state, or local laws, or MWRA requirements as referenced herein or otherwise applicable.

**1.5 Severability.** If any term of these Rules and Regulations, or the application thereof to any person or circumstance shall, to the extent, be determined to be invalid or unenforceable, the remainder of these Rules and Regulations shall not be affected thereby, and each term or provision of these Rules and Regulations shall be valid and be enforced to the fullest extent permitted by law.

**1.6 Fees.** The Director or Engineer may impose fees for reviews of compliance with these Rules and Regulations for any project that does not also require review from the Town Zoning Board of Appeal, Planning Board, or Conservation Commission, but requires review under these Rules and Regulations.

In accordance with M.G.L. c. 44 § 53G, the Director or Engineer may impose reasonable fees for the employment of outside consultants to assist the Director or Engineer in their review of issues governed by these Rules and Regulations and may deposit such fees in a special account. Any such account shall be established by the Town Treasurer in the Town treasury and shall be kept separate and apart from other monies. The special account, including accrued interest, if any, shall be expended at the direction of the Director or Engineer without further appropriation; provided, however, that such funds are to be expended by it only in connection with carrying out its responsibilities under these Rules and Regulations to review the particular permit application. Any excess amount in the account shall be repaid to the Applicant at the conclusion of the Application review. The Applicant may appeal the selection of the consultant to the Select Board, but solely on grounds that the consultant has a conflict of interest or lacks necessary qualifications to undertake the review. The Director's or Engineer's determination that consultant review is necessary is not subject to appeal.

**1.7 Maintenance and Recordkeeping.** The Owner of a property on which work has been completed pursuant to these Rules and Regulations, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore any facilities authorized under these Rules and Regulations, and follow any operations and maintenance practices required by these Rules and Regulations or permits issued pursuant to these Rules and Regulations. Owners shall maintain physical or digital records of the installation of all work completed and of all inspections, maintenance, repairs, replacement, and disposal activities, and shall retain the records for at least five years. Such records shall be made available to the Town upon request.

**1.8 Entry to Inspect, Test and Enforce.** The Director or Engineer shall be permitted to enter all properties for the purposes of inspecting, observing, sampling, and testing, in accordance with the provisions of these Rules and Regulations, as well as enforcing these Rules and Regulations. Such individuals shall be permitted to make tests of the MS4 and Sanitary Sewer systems, including smoke and dye tests, and shall be permitted to perform reasonable visual inspections inside buildings in order to test for illicit connections to the MS4 and/or unauthorized or excessive discharges to the MS4 or Sanitary Sewer.

**1.9 Easements.** The Director or Engineer shall be permitted to enter all private properties through which the Town holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of any portion of the MS4 or Sanitary Sewer lying within said easement. All entry and subsequent work (if any) on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**1.10 Damage to System.** No User, Owner, or Applicant shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Sanitary Sewer or MS4.

## **2.0 DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in all sections of these Rules and Regulations shall be as follows. Terms not defined in these Rules and Regulations shall be construed according to their customary and usual meaning unless the context indicates a special or technical meaning.

**APPLICANT** means a person, individual, partnership, association, firm, company, corporation, trust, authority, agency, or department who seeks authorization for construction or use requiring approval under these Rules and Regulations, which may include applicants for site plan review, special permits, Notice of Intent (NOI), subdivision approval, and building permits.

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

**BIOCHEMICAL OXYGEN DEMAND (BOD)** means the quantity of oxygen used in the biochemical oxidation of organic matter in a specified time, at a specified temperature and under specified conditions. BOD measurement is a method used to assess the strength of wastewater.

**BUILDING SEWER** also referred to as house connection, service, or lateral, means the pipe connecting a building's plumbing system to a Sanitary Sewer or other approved place of disposal. The property owner is responsible for all upkeep, maintenance, and repair of said Building Sewer from its origin in the building to its connection to the Town-owned sanitary sewer.

**DIRECTOR** means the Director of the Department of Public Works (DPW) of the Town of Winchester, or their authorized deputy, agent, or representative.

**DOWNSPOUT** means a pipe that conveys water from the roof of a building into the MS4 or into the ground. Downspouts are also known as roof drains or roof leaders.

**ENGINEER** means the Town Engineer of the Town of Winchester, or their authorized deputy, agent or representative.

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

**GARBAGE** means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and/or from the handling, storage, and sale of produce and food stuffs.

**GREEN INFRASTRUCTURE** means a range of measures that use plant or soil systems permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, and promote evaporation of stormwater and reduce flows to sewer systems or to surface water.

**HAZARDOUS MATERIAL** means material including but not limited to, any material, in whatever form, 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, when improperly stored, treated, transported, disposed of, used, or otherwise managed.

**ILLICIT CONNECTION** means a surface or subsurface drain or conveyance which allows an Illicit Discharge into the MS4 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 approved, allowed or permitted prior to the effective date of these Rules and Regulations.

**ILLICIT DISCHARGE** means direct or indirect discharge to the MS4 or into a Receiving Water or Watercourse that is not composed entirely of stormwater, except as may be exempted in these Rules and Regulations or in compliance with a NPDES Stormwater Discharge Permit.

**IMPERVIOUS SURFACE** means any material or structure on or above the ground that prevents water from infiltrating into the underlying soil, including without limitation roads, paved parking lots and driveways, sidewalks, and rooftops.

**INFEASIBLE** means not technologically possible, or not economically practicable and achievable in light of best industry practices.

**INDUSTRIAL WASTE** means any liquid wastes that result from any industrial manufacturing or cleaning processes, trade, or business.

**INFILTRATION AND INFLOW** means water other than wastewater entering a Sanitary Sewer. Infiltration means the act of conveying surface water runoff into the ground to permit groundwater recharge and the reduction of stormwater runoff from a site. Infiltration enters the system through defective pipes, joint connections or manhole walls. Inflow results from the illicit connection of roof leaders, sump pumps, and cross connections from the MS4 to the Sanitary Sewer.

**LOW IMPACT DEVELOPMENT (LID)** means a set of strategies that seek to maintain natural hydrologic systems both during and after the development process. This approach is implemented by engineering a site such that post-development hydrologic function remains close to predevelopment conditions by using design techniques that infiltrate, filter, store, evaporate, and detain stormwater runoff close to its source. Low Impact Development includes, but is not limited to, strategies to preserve and recreate natural landscape features and limit impervious cover.

**MWRA** means the Massachusetts Water Resources Authority.

**MUNICIPAL STORMDRAIN SYSTEM** or **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** means 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, or other drainage structure that together comprise the storm drainage system owned or operated by the Town.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT** means a permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.

**NATURAL OUTLET** means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**NEW DEVELOPMENT** means any construction activities or land alteration resulting in total earth disturbances equal to or greater than one-acre (or activities that are part of a

larger common plan of development disturbing greater than one-acre) on an area that has not previously been developed to include impervious cover.

**NONPOINT SOURCE POLLUTION** means pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants to waters of the United States.

**OIL** means insoluble or partially soluble oils of any kind or origin or in any form, including, without limitation, crude or fuel oils, lube oil or sludge, asphalt, insoluble or partially insoluble derivatives of mineral, animal or vegetable oils.

**OWNER** means to any person, or entity, who individually, or jointly or severally with others holds legal title to any land or premises, or has been legally assigned the care, charge, or control of any premises as agent, manager, executor, administrator, trustee, lessee, or guardian of the estate of, or by, the holder of legal title.

**pH** means the logarithm of the reciprocal of hydrogen ions in a solution, expressed in moles per liter.

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

**PROCESS WASTEWATER** means water that comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product during manufacturing or processing.

**RECEIVING WATERS** means any watercourse, river, pond, wetland, ditch, lake, aquifer, ocean, or other body of surface water or groundwater that receives a discharge of wastewater, stormwater, or effluent.

**RECHARGE** means the process by which groundwater is replenished by precipitation or by the percolation of runoff into the soil through stormwater management infrastructure.

**REDEVELOPMENT** means any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances equal to or greater than one-acre (or activities that are part of a larger common plan of development disturbing greater than one-acre) that does not meet the definition of New Development.

**RUNOFF** means rainfall, snowmelt, or irrigation water flowing over the ground surface.

**SANITARY SEWER** means the public sewer system which includes pipes or conduits that carry sewage and to which storm, surface, and groundwater are not intentionally admitted, and is controlled by a public authority. All owners of abutting properties shall have equal rights to connect to the public sanitary sewer. The Building Sewer is considered to originate at the building and terminate at the point of connection to the Sanitary Sewer.

**SEDIMENTATION** means the process of depositing material that has been suspended and transported in water.

**SEPTAGE** means the liquid and solid wastes of sanitary sewage origin that are removed from a cesspool, septic tank, or similar receptacle.

**SEWAGE** means liquid and water-carried wastes from residences, businesses, institutions, and industrial establishments, together with such ground, surface, and stormwater as may be present. Sewage includes Wastewater.

**SEWAGE TREATMENT PLANT** means any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS** means all facilities for collecting, pumping, treating, and disposing of sewage.

**SITE** means the area extent of proposed construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover.

**SLUG** means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds more than five (5) times the average 24-hour concentration or flows during normal operation, for any period of time in excess of 15 minutes.

**SMALL DEVELOPMENT** means any construction activities or land alteration that require a Building Permit and result in an increase of 500 square feet or more of Impervious Surface on a Site.

**STORMWATER** means any water resulting from rainfall or other precipitation that runs off surfaces during or after such a meteorological event.

**SUSPENDED SOLIDS** means solids that either float on the surface or are in suspension in water, wastewater or other liquids, and which are removable by laboratory filtering.

**TOTAL SUSPENDED SOLIDS (TSS)** means undissolved organic or inorganic particles in water.

**USER** means any individual person or legal entity that discharges wastewater or stormwater directly, or indirectly, into the Sanitary Sewer or MS4 owned by the Town.

**WASTEWATER** means 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, by-product or waste product.

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

### **3.0 SANITARY SEWERS**

**3.1 Permitted Use of Sanitary Sewers.** Sanitary Sewers shall be used only for the conveyance and disposal of Sewage. Conveyance and disposal must be authorized by a written approval from the Director and, if applicable, the MWRA.

**3.2 New Discharges and Changes in Use.** Any user, owner, or Applicant proposing to construct, uncover, make connection with or opening into, use, alter, disturb, or add new discharge into the Sanitary Sewer system, or any appurtenance thereof, or proposing a substantial change in the volume or character of pollutants that are being discharged into the Sanitary Sewer, shall notify the Director at least 30 days prior to the proposed change or connection, and shall obtain a written permit or approval from the MWRA, if required.

#### **3.3 Prohibited Uses.**

a. No User or Owner shall discharge or cause to be discharged any stormwater, surface water, surface runoff, subsurface drainage, water seeping into buildings or excavations from soils or other underground sources, groundwater, roof runoff, roof downspout, exterior drainage foundation, yard drains, basement drains, sumps, or road/street drains, uncontaminated cooling water, or unpolluted process waters to any Sanitary Sewer.

b. No User or Owner shall obstruct or interfere with the normal flow of Sewage into or out of the Sanitary Sewer without prior, written approval of the Director and/or the MWRA, as appropriate.

c. No connections shall be made to the Sanitary Sewer that are intended to discharge inflow. Such prohibited connections include roof leaders, roof drains, cellar drains, sump pumps, catch basins, french drains, and uncontaminated cooling water discharges. Building Sewers with existing inflow sources that discharge directly or indirectly to the Sanitary Sewer must have such sources of inflow removed in a manner approved by the Director. It shall be a willful violation of these Rules and

Regulations to reconnect any inflow source that has been disconnected pursuant to these Rules and Regulations.

**3.4 Standard of Review.** Proposed use of the Sanitary Sewer will be prohibited if, in the sole opinion of the Director, such use:

- a. does not satisfy the performance standards set forth in this Section,
- b. may result in physical damage to structures or equipment, interference with operation or processing, or unreasonable near-term or long-term maintenance or expense;
- c. would create or maintain a nuisance; or
- d. can reasonably be expected to result in significant harm to any individual's personal health or safety, to the environment, to the Sanitary Sewer, or to any Watercourse or Receiving Waters.

**3.5 Requirements and Performance Standards.**

a. **Existing Connections.** The connection of the Building Sewer to the Sanitary Sewer shall conform to all requirements of the building and plumbing code or other applicable rules and regulations of the Town and the Commonwealth, or in their absence, the procedures set forth in appropriate specifications of the ASTM. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved, in writing, in advance of any installation work being initiated, by the Director. Non-approved materials and excavations may, at the Director's sole discretion, be required to be removed at the sole expense of the Applicant.

b. **Maintenance of Building Sewers.** The Owner is responsible for all upkeep, maintenance, and repair of a Building Sewer from its origin in the building to its connection to the Sanitary Sewer.

c. **Separate Sewers.** Separate Building Sewers shall be provided for each unit within a multi-family home. Where one building stands to the rear of another on an interior lot, and no private sewer is presently available or can be constructed to the rearmost building through an adjoining alley, court, yard, easement or driveway, the Building Sewer from the front most building may be extended to the rear building and the whole considered to be one Building Sewer.

Pre-existing Building Sewers may be used in connection with new or substantially rehabilitated buildings only when they are found, on examination and test by the Director, to meet all requirements of these Rules and Regulations. The cost of any examination and testing required by the Director as a precondition to such approval

shall be performed at the Applicant's sole expense.

d. **Gravity Discharge.** All Building Sewers conveying Wastewater shall discharge by gravity to the Sanitary Sewer. Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. In all new or substantially rehabilitated buildings in which any Building Sewer is too low to permit gravity discharge, wastewater shall be lifted by an approved means and allowed to discharge by gravity (*i.e.* not under pressure) to the Sanitary Sewer.

e. **Prohibited Discharges of Pollutants.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the sole opinion of the Director that such wastes could harm either the Sanitary Sewer, Sewage treatment process, or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, safety, public property, or constitute a nuisance. In forming an opinion as to the acceptability of such wastes, the Director shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (1) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (2) Waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the MWRA's sewage treatment plant.
- (3) Waters or wastes having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (4) Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers; or other interference with the proper operation of the sewage systems, such as, but not limited to ash, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

- (5) Any Septage.
- (6) Sludges or deposited solids resulting from an industrial or pretreatment process.
- (7) Waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (8) Waters or wastes designated as prohibited discharges in 40 C.F.R. § 403.5.
- (9) Any liquid or vapor having a temperature higher than 150°F (65°C).
- (10) Any water or waste containing fats, wax, grease, or Oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150°F (0 and 65°C).
- (11) Any Garbage that has not been properly shredded. Properly shredded Garbage is waste created by the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles may be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension. The installation and operation of any Garbage disposal or grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Director.
- (12) Any waters or wastes containing Iron, Chromium, Copper, Antimony, Arsenic, Barium Beryllium, Boron, Cadmium, Lead, Manganese, Mercury, Nickel, Selenium, Silver, Tin, Zinc, and similar objectionable or toxic metal substances; or wastes exerting an excessive chlorine requirement unless treated to reduce their concentrations to the minimum levels attainable by chemical precipitation processes, or other equally effective methods. In no case, however, shall the Director allow metal concentrations be higher than those concentrations allowed by applicable Federal and State law and MWRA Rules and Regulations.
- (13) Waters or wastes containing amounts of toxic or objectionable nonmetals in excess of concentrations attainable by acceptable control technology, including, but not limited to: Ammonia, Cyanides, Herbicides, Pesticides, Phenols, Sulfates,

Chlorides, Polychlorinated Biphenyls (PCBs), Sulfides. In no case, however shall allowable nonmetal concentrations be higher than those concentrations allowed by applicable Federal and State law and MWRA Rules and Regulations.

(14) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director, at their sole discretion, in compliance with applicable State, Federal or MWRA Rules and Regulations.

(15) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works of the MWRA.

(iv) Unusual volume of flow or concentrations of wastes constituting "Slugs."

(16) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed or are amenable to treatment only to such degree that the MWRA's sewage treatment plant effluent cannot meet the discharge requirements of other agencies having jurisdiction over discharges to Receiving Waters.

f. **Dilution.** The attainment of specific levels of pollutant concentrations in the effluent discharged to Sanitary Sewer by dilution in the absence of treatment is prohibited.

g. **Discharge of Sanitary Sewage and/or Wastewaters with Characteristics Enumerated Above.** If any waters or wastes are discharged, or are proposed to be discharged, to the Sanitary Sewer, and such waters contain the substances or possess the characteristics enumerated in this Section 3.6, and if, in the Director's sole judgment, such waters or wastes if discharged may have a deleterious effect upon the sewerage system process, equipment, or Receiving Water, or may

otherwise create a hazard to life, safety or constitute a public nuisance, the Director may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the Sanitary Sewer;
- (3) Require control over the quantities and rates of discharge when such controls shall bring the discharge into compliance with applicable standards.

h. **Pretreatment.** If the Director permits pretreatment or the equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director, and shall also be subject to the requirements of all applicable codes, ordinances, and laws. Such plants and equipment shall be maintained continuously in satisfactory and effective operation by the owner or User's sole expense and to the satisfaction of the Director.

i. **Hazardous Wastes.** Any User, Owner, or Applicant connected to the Sanitary Sewer shall comply with the Hazardous Waste Regulations as referenced in 40 C.F.R. § 403.12 (p) and amendments thereto.

j. **Protective Devices.** Grease, oil, and sand interceptors shall be provided when, in the sole opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease, oil, any flammable wastes, sand, or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type and capacity approved by the Director, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease interceptors approved by the MWRA shall be installed in Building Sewers serving restaurants, hotels, boarding houses that prepare and serve food, or businesses of a similar nature. Maintenance, operation, and repair of all installed interceptors shall be at the sole responsibility and expense of the owner or User and shall be subject to inspection by the Director, or an authorized representative, upon a schedule to be determined, in advance, by the Director.

Garages and other establishments where gasoline is used or wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, can be discharged and which are connected with Sanitary Sewers, shall be provided with a suitable trap or separator. All traps or separators shall be of a type and capacity approved by the MWRA and the Director, and shall be located so as to be readily and easily accessible for cleaning and inspection. If appropriate, inspection of such traps and separators shall be conducted upon a schedule to be determined by the Director, in advance.

k. **Sampling and Measurement of Industrial Wastes.** When required by the Director, the owner of any property serviced by a Building Sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation sampling and measurement of the wastes. Such manhole, when required, shall be accessibly at all hours and on all days, shall be safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed and maintained at the owner's sole expense, so as to be safe and accessible at all times.

l. **Methods of Analysis.** All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this document shall be conducted in accordance with procedures established by the USEPA in 40 C.F.R. Part 136, and amendments thereto, in accordance with the latest edition of the "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, or with any other test procedures approved by the Director, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Sanitary Sewer to the point at which the Building Sewer is connected. Sampling shall be carried out in accordance with techniques approved by the Director, and other appropriate agencies, to reflect the effect of constituents upon the Sanitary Sewer, to determine the existence of hazards to life, safety and property and to determine compliance with applicable local, state, and federal pretreatment standards.

**3.6 Connection to MWRA-owned Sanitary Sewer.** Where a person seeks to make a direct connection to a Sanitary Sewer owned and operated by the MWRA, the Town shall require the person to supply such information as would enable the Director to determine whether to approve the desired connection. If the Director approves the proposed connection, the Town shall then apply, on the person's behalf, to the MWRA for its approval of such a connection. No Town permits for direct connections to MWRA sewers shall be made without written proof of approval by the MWRA. All fees relating to obtaining a permit from the MWRA shall be paid, in full, in advance, by the Applicant and not by the Town.

**3.7 Cost of Installation and Repair.** All costs and expenses incident to the installation and connection of all Building Sewers shall be the sole responsibility of the User, Owner, or Applicant. Repair and maintenance of the Building Sewer shall be the responsibility of the Owner for which the sewer service is being provided. The Applicant, Owner, or User shall indemnify the Town from any loss or damage that may directly, or indirectly, be determined to have been occasioned by the repair or installation of Building Sewers.

### **3.8 Construction.**

a. **Safety.** All excavations for Building Sewer installations shall, at all times, be equipped with appropriate lighting and adequately isolated with barricades, fencing, or other suitable means so as to protect the public from access and hazard. Streets, sidewalks, parkways, and other public property and/or private property disturbed in the course of the work shall be restored to their prior condition, or better, in a manner satisfactory to the Director. All work shall be performed in accordance with the “Rules and Regulations Governing Utility Petitions and Street Opening Permits in the Town of Winchester, Massachusetts”.

b. **Construction and Material Specifications.** The size, slope, alignment, materials of construction of a Building Sewer and the methods to be used in excavating, placing of the pipes, jointing, testing, and backfilling shall all conform to the requirements of the building and plumbing code(s), or other applicable Rules and Regulations of the Town (including the “Special Provisions for the Construction of Roadways including the Installation of Water, Sewer and Drains in the Town of Winchester”) and the Commonwealth, and the procedures set forth in appropriate specifications of the ASTM, as such may exist at the time of approval.

**3.9 Sewer Inspections.** The Applicant shall notify the Director when the Building Sewer is ready for inspection and connection to the Sanitary Sewer. The connection shall be made under the supervision of the Director and no backfilling shall occur until all appropriate inspections are made.

**3.10 Professional Certification; Bonding; Insurance.** All plans showing proposed Sanitary Sewer connections shall be prepared and stamped by a registered professional engineer licensed in the Commonwealth of Massachusetts. The Licensing, bond, and insurance requirements for all contractors performing work in public or private ways shall be in accordance with the requirements laid out in the “Rules and Regulations Governing Utility Petitions and Street Opening Permits in the Town of Winchester, Massachusetts”. Any deviation from the prescribed procedures and materials must be approved, in writing, in advance of any installation work being initiated, by the Director.

**3.11 Suspension of Service.** The Town may suspend a Sanitary Sewer approval when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge that, in the opinion of the Director, presents, or may present, an imminent or substantial endangerment to the health, safety or welfare of persons or the environment, or may cause the Town to violate any condition of its NPDES permit.

Any User or Owner notified of a suspension shall immediately stop or eliminate any flows, of any kind or amount, to the Sanitary System. In the event of a failure of the User, Owner, or Applicant to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including, but not limited to, the immediate

severance of the Sanitary Sewer connection. The Town shall reinstate the approval, wastewater treatment service, and/or connection upon proof of the elimination of the non-complying discharge. All Town expenses, including reasonable attorney's fees, to accomplish the suspension and restoration of such services shall be the complete, sole expense of the User or Owner. A detailed written statement submitted by the User or Owner to the Director fully describing the circumstances and causes of the harmful contribution and the measure(s) the User or Owner has taken to prevent any future occurrence shall be submitted to the Director within 10 business days of the date of the occurrence.

#### **4.0 DISCHARGES TO STORM DRAINS/THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

##### **4.1 Purpose and Policy Statement.**

The purpose of these MS4 Rules and Regulations is to protect, maintain, and enhance the public safety, environment, health, and general welfare by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, decreased groundwater recharge, and Nonpoint Source Pollution; to prohibit, investigate, and eliminate illicit discharges to the MS4; and to comply with the requirements of U.S. EPA's Massachusetts MS4 Permit.

**4.2 Applicability.** These Rules and Regulations shall apply to all water that is generated on any developed or undeveloped lands and entering the MS4, or entering, directly or indirectly, into a Watercourse or waters of the Commonwealth, except as explicitly exempted by federal or state law, Town Bylaw, these Rules and Regulations, or other applicable law, or where a waiver has been issued pursuant to these Rules and Regulations.

##### **4.3 Prohibited Activities; Exemptions.**

###### **a. Prohibited Activities.**

(1) Illicit Discharges. No person shall dump, discharge, spill, cause, or allow to be discharged any pollutant or non-stormwater discharge into the MS4, onto an impervious surface directly connected to the MS4, or directly, or indirectly, into a Watercourse or waters of the Commonwealth or the United States. Upon notice from the Town, parties responsible for illicit discharges must immediately cease improper disposal practices as soon as possible. If elimination of an illicit discharge within 60 days after notice is not possible, the responsible party must provide an expeditious schedule for its elimination, report the dates of identification and

schedules for removal, and immediately commence actions necessary for elimination.

(2) Illicit Connections. No person shall construct, use, allow, maintain, or continue any illicit connection to the MS4, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of connection. Upon notice from the Town, parties responsible for illicit connections must remove the illicit connection as soon as possible. If elimination of an illicit connection within 60 days after notice is not possible, the responsible party must provide an expeditious schedule for its elimination, report the dates of identification and schedules for removal, and immediately commence actions necessary for elimination.

(3) Obstruction of MS4. No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior consent from the DPW Director.

(4) Dumping. No person shall dump or dispose of yard waste (leaves, grass clippings, etc.) into open Watercourses that are Receiving Waters for the MS4.

b. **Exemptions.** The following non-stormwater discharges or flows are exempt from the prohibitions of this section provided that the source is not a significant contributor of a pollutant to the MS4 or, directly or indirectly, to a watercourse of the United States, as determined by the Engineer.

- (1) Waterline and hydrant flushing;
- (2) Flow from potable water sources;
- (3) Natural flow from riparian habitats, springs, wetlands, diverted streamflow, and rising groundwater;
- (4) Discharge of flow resulting from fire-fighting activities;
- (5) Discharge from de-chlorinated swimming pool water (less than one part per million 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;
- (6) Discharge from landscape irrigation or lawn watering;
- (7) Water from individual residential car washing;

- (8) Discharge from street sweeping;
- (9) Dye testing, provided verbal notification is given to the Engineer prior to the time of the test;
- (10) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation, so long as such equipment is not connected to stormwater remediation system or MS4 connection;
- (11) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20);
- (12) Uncontaminated pumped groundwater (i.e. sump pump), provided that where a pump intake exists inside a structure, the Owner or User has obtained a permit authorizing such discharge from the Engineer;
- (13) Non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the USEPA, provided that the discharge is in full compliance with the requirements of the written approval, waiver, or order and applicable laws and Rules and Regulations;
- (14) Discharge for which advanced writing approval is otherwise required and received from the Engineer as necessary to protect public health, safety, welfare, or the environment.

#### **4.4 MS4 Connection Application Procedures.**

a. Application Process. No person shall construct, use, maintain, or continue in existence any direct connection to the MS4, or cause or allow others under its control to do so without first completing a Drainage Release Form (see Appendix A), which must be signed by the DPW Director at their sole discretion and recorded by the applicant at the Middlesex County Registry of Deeds. All costs associated with the application process, design, construction, as-built plan development, maintenance and inspection of the connection, shall be the sole responsibility of the Applicant. It is the responsibility of the Applicant to ensure that all necessary approvals required under these Regulations are obtained prior to the commencement of work, including if necessary a Street Opening Permit from DPW for any work within the right-of-way.

b. Connection Criteria. All decisions concerning eligibility for connection shall be made by the DPW Director in accordance with the following criteria:

- (1) The Applicant must demonstrate a need for the connection and that no reasonable alternate means of disposal exists.
- (2) The Applicant must demonstrate that there is suitable capacity in the drainage system to which the proposed connection will be made.
- (3) All materials and construction shall be in accordance with the Town's specifications and contained in or referenced herein.
- (4) The proposed connection must be made solely for the disposal of stormwater as authorized under these Rules and Regulations.

c. Connection Plans and Engineering Calculations. Prior to sign-off on the Drainage Release Form, the Applicant shall provide the DPW Director with plans and calculations prepared by a professional engineer registered in the Commonwealth of Massachusetts showing the size and location of the existing and proposed infrastructure, the associated calculations related to the system sizing, and if necessary, calculations related to item 4.4b(2) above.

#### **4.5 Emergencies, Notification of Spills, Damage.**

a. **Emergency Suspension of Storm Drain Access.** The DPW Director may suspend access to the MS4 to any person or property without prior written notice where such suspension is necessary to stop and actual or threatened discharge or pollutants that present imminent risk of harm to the public health, safety, welfare, or the environment. In the event that any person fails to comply with an emergency suspension order, the Director may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare, or the environment.

b. **Notification of Spills.** Notwithstanding other requirements of local, state, or federal law, as soon as a person responsible for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the MS4 or waters of the Commonwealth or the United States, whether purposeful or accidental, the person shall take all necessary steps to ensure contaminant and clean-up of the release. In the event of a release of Oil or Hazardous Materials, the person shall immediately notify the municipal fire and police departments. In the event of a release of non-Hazardous Material, the reporting person shall notify the DPW Director no later than the next business day. Notification of a release to the Director shall include all pertinent information regarding the release, including proof of notification to the Massachusetts Department of Environmental Protection and/or the MWRA if such notification was required. If the discharge of prohibited materials is 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 prevent its recurrence. Such records shall be retained for at least three years.

## **5.0 STORMWATER MANAGEMENT AND EROSION CONTROL FOR PROJECT DEVELOPMENT**

**5.1 Purpose.** The purpose of these Stormwater Management and Erosion Control Rules and Regulations is to protect, maintain and enhance public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased stormwater runoff, decreased groundwater recharge, erosion and sedimentation, and Point and Nonpoint Source Pollution associated with New Development, Redevelopment, and Small Development projects.

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

Stormwater management systems that are properly designed utilizing low impact development (LID) techniques, green infrastructure (GI), and appropriate BMPs can better simulate natural hydrologic conditions and reduce adverse impacts.

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

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

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

Nonpoint Source Pollution associated with construction site and post-development stormwater runoff.

Nothing in these Rules and Regulations is intended to replace or be in derogation of the requirements of the Town Zoning Bylaw or other bylaw or regulation enacted by the Town. In the event of a conflict between these Rules and Regulations and another Town bylaw, regulation, or guidance, the stricter requirement shall apply.

## **5.2 Applicability and Exemptions.**

a. **Applicability.** Section 5 of these Rules and Regulations apply to New Development, Redevelopment, and Small Development projects, as well as a project of any size which has caused or can reasonably be expected to cause or contribute to a violation of State Water Quality Standards, or as deemed necessary by the Engineer.

b. **Exemptions.** The following activities are exempt from Section 5:

- (1) 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, provided that such maintenance is not adding new Impervious Surface to the Site;
- (2) Repair or replacement of an existing roof of a single-family dwelling;
- (3) Construction of fencing that will not substantially alter existing terrain or drainage patterns;
- (4) Construction of utilities other than drainage (gas, water, electric, communication, etc.) which will not alter terrain, ground cover or drainage patterns;
- (5) Maintenance and improvement of land in agricultural or aquacultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.04; and
- (6) Emergency repairs to stormwater facilities, roads, or drainage systems.

## **5.3 Stormwater Management Review.**

a. **Process.** All project information required by these Rules and Regulations must be submitted to the permitting authority and Engineer for review during the permitting process. A separate application will not be required for all

projects subject to review and approval through a special permit, special permit with site plan review, site plan review, subdivision approval, and/or by the Conservation Commission. Projects subject to this Section 5 that require a building permit, but not one of the foregoing forms of relief, shall submit the required information to the Building Department as part of a building permit application.

b. Contents. An Applicant proposing a project that is subject to review under Section 5 shall provide the following information to the appropriate permit granting authority:

(1) A project narrative describing existing Site conditions, proposed work and methods to mitigate any stormwater impacts, compliance with the design and performance standards of Section 5.4, and any documents required under Section 5.4;

(2) Three (3) copies of project plans that contain information as required under these Rules and Regulations, or as required by the respective permit granting authority;

(3) Supporting calculations stamped by a professional engineer registered in the Commonwealth of Massachusetts demonstrating compliance with these Regulations;

(4) If a Stormwater Pollution Prevention Plan (SWPPP) must be prepared in connection with the project, a copy of that SWPPP; and

(5) Any other information that the Engineer may request.

c. Site Visit. The Engineer may, in their discretion, conduct a Site visit.

d. Review and Recommendation by the Engineer. After review of the application materials, and Site visit, the Engineer shall make a recommendation to the appropriate permit granting authority that the project: (1) will protect the MS4, water resources and meets the objectives and requirements of these Rules and Regulations; (2) will protect the MS4, water resources and meets the objectives and requirements of these Rules and Regulations, with proposed conditions, modifications, or restrictions; (3) will not protect the MS4 or water resources and will not meet the objectives and requirements of these Rules and Regulations; or (4) that further information is necessary for the Engineer to perform a more extensive review.

e. Appeals. If the Engineer determines that a project does not protect the MS4 or water resources and will not meet the objectives and requirements of these Rules and Regulations, the Applicant may appeal that determination to the Select Board.

f. Project Changes. The Applicant must notify the permit granting authority and Engineer in writing of any project change that will increase the project's impacts to stormwater or increase the area of impervious surface by 10% or more, before any change or alteration occurs. If the Engineer determines that the change is significant, the Engineer may require further review.

#### **5.4 Stormwater and Erosion Control Design and Performance Standards, Required Documents.**

a. Performance Standards for New Development, Redevelopment, and Small Development Projects. All projects subject to Section 5 of these Rules and Regulations must comply with the following stormwater and erosion control performance and design standards:

(1) Low Impact Development (LID) site planning and design strategies must be implemented unless Infeasible to reduce the discharge of stormwater from development sites.

(2) Except as expressly provided, impacts from all projects, and the design of treatment and infiltration practices and BMPs, shall meet the Standards set forth in the Massachusetts Department of Environmental Protection's Stormwater Management Handbook. Where an inconsistency exists between state requirements and these Rules and Regulations, the stricter standards shall apply.

(3) Stormwater management systems shall be designed to be consistent with, or more stringent than, the requirements of the 2008 Massachusetts Stormwater Handbook, as amended.

(4) All projects shall be designed such that post-development peak discharge rates do not exceed pre-development rates for the 2, 10, 25, and 100-year, 24-hour Type III storm event. Projects shall also be designed to ensure that post-development discharge volumes do not exceed pre-development values. The use of infiltration and LID techniques for such purposes is preferred.

(5) All stormwater management systems shall be designed using the then-current 24-hour rainfall data, adopted from the web tool "Extreme Precipitation in New York and New England" developed jointly by the Northeast Regional Climate Center (NRCC) at Cornell University and the Natural Resources Conservation Service (NRCS) (as of 2021, the following data shall be used: 2-year storm = 3.2-inches; 10-year storm = 4.9-inches, 25-year = 6.2-inches; and 100-year = 8.9-inches).

(6) Stormwater management systems designed for commercial and industrial projects shall incorporate designs that allow for shutdown and containment where appropriate to isolate the system in the event of an emergency spill or other unexpected event.

(7) The stormwater design and related analysis shall comply with the requirements of Rules and Regulations Governing the Subdivision of Land in the Town of Winchester, Massachusetts, Sections 7.15.4 through 7.15.16, and provide information as required in those Sections.

(8) The Applicant must submit a Stormwater Management System Operation and Maintenance Plan (an "O&M Plan") that complies with the requirements of Rules and Regulations Governing the Subdivision of Land in the Town of Winchester, Massachusetts, Sections 7.15.17, and identifies how the Applicant will comply with O&M obligations for the lifetime of the project, which may include the use of dedicated funds or escrow accounts or the development of long-term maintenance contracts.

(9) The Applicant must submit an Erosion and Sedimentation Control Plan that includes measures to minimize the amount of disturbed area and protects natural resources; stabilize sites when complete or operations have temporarily closed; protect slopes on the construction site; protect all storm drain inlets and armor all newly constructed outlets; use perimeter controls; and stabilize construction site entrances and exits to prevent off-site tracking. Such Erosion and Sedimentation Control Plan shall comply with the Rules and Regulations Governing the Subdivision of Land in the Town of Winchester, Massachusetts, Sections 7.19.

(10) If a project must comply with the Massachusetts Surface Water Quality Standards (314 CMR 4.00) the Applicant must include information sufficient to demonstrate compliance.

(11) For subdivision applications and site plan reviews, plans must comply with the "Rules and Regulations Governing the Subdivision of Land in the Town of Winchester, Massachusetts" and the "Site Plan Review Manual", respectively, in addition to these Rules and Regulations.

(12) The Applicant must describe controls and disposal methods for construction waste, including demolition debris, litter, concrete truck wash out, chemicals, and sanitary wastes.

b. Additional Performance Standards for New Development and Redevelopment Projects. In addition to the requirements of Section 5.4(a), New Development and Redevelopment projects shall also meet the following requirements:

(1) Stormwater management systems on New Development shall be designed to meet an average annual pollutant removal equivalent to 90% of the average annual load to Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 60% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious surface area on the site. Pollutant removal is calculated based on average annual loading and not on the basis of any individual storm event. Stormwater management BMPs must be optimized for phosphorus removal.

(i) Average annual pollutant removal requirements are achieved through one of the following methods:

a. Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with USEPA Region 1's BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by USEPA Region, where available. If USEPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (i.e. State stormwater handbooks and design guidance materials) may be used to calculate BMP performance; or

b. Retaining the volume of runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface area on the New Development Site; or

c. Meeting a combination of retention and treatment that achieves the above standards.

(2) Stormwater management systems on Redevelopment sites shall be designed to meet an average annual pollutant removal equivalent to 80% of the average annual post-construction load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 50% of the average annual load of the Total Phosphorus (TP) related to the total post-construction

impervious surface area on the site. Pollutant removal is calculated based on average annual loading and not on the basis of any individual storm event.

(i) Average annual pollutant removal requirements outlined above are achieved through one of the following methods:

a. Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or

b. Retaining the volume of runoff equivalent to, or greater than, 0.8-inch multiplied by the total post-construction impervious surface area on the redeveloped site; or

c. Meeting a combination of retention and treatment that achieves the above standards.

(ii) Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions unless Infeasible and are exempt from Section (2) above. Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of Section (2) above.

## **5.5 Construction; Inspection and Completion.**

a. Pre-construction Meeting. Prior to starting construction, the Applicant, the Applicant's technical representative, the general contractor or any other person with authority to make changes to the project, may be required to meet with the

Engineer, to review the approved plans and their implementation. The need for a pre-construction meeting shall be determined by the Engineer based on the project scope.

b. Engineer Inspection. The Engineer shall inspect New Development and Redevelopment projects, and may inspect Small Development projects at the Engineer's discretion, to determine compliance with these Rules and Regulations and project plans. The approved Erosion and Sedimentation Control Plan and associated plans for grading, stripping, excavating, and filling work shall be maintained at the Site during the progress of the work.

c. Applicant Inspections. For New Development and Redevelopment Projects, the Applicant shall conduct and document inspections of all erosion and sedimentation control measures (i) no less than weekly, and (ii) prior to and following anticipated storm events of 0.25 inches of precipitation over 24 hours. The purpose of such inspections will be to determine the overall compliance and effectiveness of the Erosion and Sedimentation Control Plan, and the need for maintenance or additional control measures. The Applicant shall submit monthly reports to the Engineer or designated agent in a format approved by the Engineer.

d. Final Reports, As-Built Plans, and O&M Plans. Upon completion of the work, the Applicant shall within sixty (60) days submit a report and certified as-built construction plans (the "As-Built Plans") showing that the project been completed in accordance with the approved plans. Any discrepancies should be noted in the cover letter. The As-Built Plan shall, at a minimum, include the following information and shall be stamped by a Professional Land Surveyor and/or Professional Engineer registered in the Commonwealth of Massachusetts. The Engineer may require the inclusion of additional information not set forth herein when deemed reasonably necessary:

- Rim elevation, location, size, length, slope, type, and inverts for all drainage structures and pipes, including roof drains;
- Location, size, and type of all underground stormwater retention/detention facilities and infiltrations systems and on site controls, both structural and non-structural, including, where applicable the number and bottom elevation of infiltration units or stormwater storage chambers; the bottom elevation depth, length, and width of crushed stone surrounding the underground infiltration systems; location of all clean-outs; the actual dimensions of any inlet/outlet control structures, and the invert elevation, size slope and type of all orifices, weirs, inlet and outlet pipes, structures, and headwalls;
- Location of all surface retention/detention basins, drainage swales, or other stormwater management facilities or BMPs;

- The as-built storage volume of stormwater retention/detention facilities;
- Location of all building footprints and lot lines; and
- Location of all driveways, walkways, patios, retaining walls, pools, and other impervious surfaces.
- A copy of the O&M Plan previously submitted, including and clearly marking any proposed changes following completion of construction.

The As-Built plans shall meet the requirements described in the Rules and Regulations Governing the Subdivision of Land in the Town of Winchester, Massachusetts, Sections 7.21.2.

e. Professional Certification. Upon completion of work, the engineer of record for the project shall certify that:

*“Based on site observations by myself or an employee under my direct supervision and/or based on information provided by a registered land surveyor, I hereby certify that all grading, stormwater management systems, water, sewer and other utilities have been constructed in substantial conformance with the approved plans, except as noted herein. I further certify that the drainage and stormwater management system, as constructed, will operate (1) as designed by the engineer of record and (2) as approved by the Town.”*

f. Compliance with As-Built Plans. If the project proponent fails to complete work in accordance with project applications or plans, or in accordance with these Rules and Regulations, the permit granting authority may withhold certificates of occupancy or other final permit approvals.

g. Recording. Applicants shall record the As-Built Plans and O&M Plan for New Development, Redevelopment, and Small Development projects at the Middlesex County Registry of Deeds within thirty (30) days of completion of the project.

## **5.6 Ongoing Maintenance.**

a. The Owner, Applicant, User or any other person or agent in control of such property, shall maintain all stormwater management facilities in good condition consistent with the Massachusetts Stormwater Standards and Handbook and Engineer-approved plans and the O&M Plans submitted by the Applicant, and shall promptly repair and restore facilities as needed. The maintenance of such facilities shall remain the permanent responsibility of the Applicant or his successors and/or assigns.

b. The Owner or User responsible for the operation and maintenance of stormwater management facilities shall retain a qualified inspector who shall submit,

on an annual basis by January 1st of each year, a written certification to the Engineer documenting that work has been done to properly operate and maintain the stormwater management facilities as approved.

c. If notification is provided to the Owner or User of any deficiencies discovered from an inspection of a stormwater facility, the Owner shall have 30 days (which time may be extended by the Engineer) to correct the deficiency. The Engineer shall then conduct a subsequent inspection to ensure completion of repairs.

## **6.0 ENFORCEMENT AND PENALTIES**

**6.1 Orders.** The permit issuing authority, Director, or Engineer may issue a written order to enforce the provisions of these Rules and Regulations, which may include but are not limited to: (1) Elimination of illicit connections or discharges; (2) Performance of monitoring, analyses, and reporting; (3) Requirement that unlawful discharges, practices, or operations shall cease and desist; (4) Implementation of measures designed to minimize the discharge of pollutants until such time as the illicit connection shall be eliminated; and (5) Remediation of pollutants in connection therewith. An order may also require that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and the costs thereof shall be charged to the violator. If the amount due is not received by the expiration of the time in which it is requested by the Town, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. Ch. 59, § 57 after the thirtieth (30) day at which the costs first become due.

**6.2 Noncriminal Disposition.** The Town may elect to utilize the noncriminal disposition procedure set forth in M.G.L. c. 40, § 21D. The penalty for the first violation shall be a warning. The penalty for the second violation shall be \$100. The penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. In addition, the Town shall also be entitled to recovery of any expense, loss, or damage occasioned the Town by reason of such violation including fines, charges, as assessments<sup>F</sup> made or imposed on the Town by any federal or state agencies, including the EPA, DEP or MWRA, as well as reasonable attorney's fees incurred in the determination, filing, resolution, or defense of such charged violations.

**6.3 Remedies Not Exclusive.** The remedies listed in these Rules and Regulations are not exclusive of any other remedies available under any applicable federal, state or local law.