

**TOWN OF CHATHAM
DEPARTMENT OF PUBLIC WORKS**

STORMWATER MANAGEMENT REGULATIONS

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SECTION 1

GENERAL PURPOSE

Stormwater runoff can transport pollutants present on the ground surface like oil, fertilizers, pesticides, dirt, and bacteria into waterbodies. Because of this, stormwater runoff is a major contributor of water quality impairments and can cause human health and ecosystem impacts. When stormwater cannot soak into the ground it can also cause flooding that damages homes, businesses, infrastructure, and the environment. Conversely, in areas with impervious surfaces, precipitation and resulting stormwater runoff cannot infiltrate into the ground surface, leading to water shortages during periods of less precipitation.

The purpose of these Post-Construction Stormwater Management Regulations is to protect, maintain, and enhance the public health, safety, environment, and community wellbeing by establishing minimum requirements to mitigate adverse impacts of stormwater runoff to waters of the Commonwealth located within and connected to the Town of Chatham.

SECTION 2

AUTHORITY

These regulations are promulgated by the Town of Chatham Department Works (DPW) pursuant to the authority granted to it under Chapter § 238-6 of the Code of the Town of Chatham. These regulations shall complement the Code and shall have the force of law upon their effective date.

SECTION 3

DEFINITIONS

For the purposes of this regulation, the following definitions, under Chapter § 238-2, shall apply:

AUTHORIZED ENFORCEMENT AGENCY — The Department of Public Works, its employees or agents designated to enforce this regulation.

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

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

COMMON PLAN OF DEVELOPMENT — A “larger common plan of development or sale” is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan. This includes land that has been purchased with the intent of phased construction sometime in the future. If the land is parceled off or sold, and construction occurs on plots that are less than one acre by separate, independent builders, this activity will still be considered a common plan of development.

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

GROUNDWATER — Water beneath the surface of the ground.

ILLICIT CONNECTION — A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water

and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

ILLICIT DISCHARGE — Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in § 238-8. The term does not include a discharge in compliance with an NPDES stormwater discharge permit or a surface water discharge permit, or resulting from firefighting activities exempted pursuant to § 238-8 of this bylaw.

IMPERVIOUS SURFACE — Any material or structure on or above the ground that prevents water infiltrating the underlying soil.

LOW IMPACT DEVELOPMENT (LID) — Design and planning practices that maintain or recreate existing hydrologic conditions for the retention and treatment of stormwater and prioritize the conservation of natural features.

MAXIMUM EXTENT FEASIBLE — The extent of efforts to comply with local Bylaws and Regulations. This includes extending a serious intent to comply and selecting and implementing design elements to address the bylaws and regulations. If not in compliance with the applicable Bylaws and Regulations, the highest practicable level of stormwater management will be implemented.

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

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

NEW DEVELOPMENT – any construction activities or land alteration resulting in total earth disturbances greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) on an area that has not previously been developed to include impervious cover.

NONSTORMWATER DISCHARGE — Discharge to the municipal storm drain system not composed entirely of stormwater.

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

POLLUTANT — Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into a municipal storm drain system or waters of the commonwealth. Pollutants shall include without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;

- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- G. Dissolved and particulate metals;
- H. Animal wastes;
- I. Rock, sand, salt, soils, unless being applied for roadway safety;
- J. Construction wastes and residues; and
- K. Noxious or offensive matter of any kind.

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

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

REDEVELOPMENT — Any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of new development.

SOIL DISTURBANCE — Actions undertaken to alter the existing vegetation and/or underlying soils of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of topsoils.

STORMWATER — Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

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

TOTAL NITROGEN (TN) — A measure of the dissolved and particulate nitrogen within stormwater.

TOTAL PHOSPHORUS (TP) — A measure of the dissolved and particulate phosphorus within stormwater.

TOTAL SUSPENDED SOLIDS (TSS) — A measure of the total non-settleable particles within stormwater.

TOXIC OR HAZARDOUS MATERIAL OR WASTE — Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as toxic or hazardous under MGL c. 21C and 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

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

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

WATERS OF THE COMMONWEALTH — All waters within the jurisdiction of the commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

SECTION 4 APPLICABILITY

This regulation applies to all new development or redevelopment construction projects with sites ≥ 1 acre and sites < 1 acre that are part of a common plan of development ≥ 1 acre, effective upon promulgation.

No person shall undertake a construction activity that involves soil disturbance of ≥ 1 acre of land or will disturb < 1 acre of land that is part of a common plan of development without adhering to the requirements set forth herein.

Exemptions to this regulation include:

- (1) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04. as amended;
- (2) Maintenance of existing landscaping, gardens, or lawn areas associated with a single-family dwelling;
- (3) The construction of utilities other than drainage (gas, water, electric, internet, etc.) which will not permanently alter terrain or drainage patterns;
- (4) Projects meeting the applicability of this Regulation that have received a preliminary or definitive subdivision approval from the Town of Chatham prior to the establishment of this Regulation.

SECTION 5 POST-CONSTRUCTION IN NEW DEVELOPMENT AND REDEVELOPMENT STORMWATER MANAGEMENT REQUIREMENTS

A. The following requirements shall be implemented on applicable projects:

- (1) Low Impact Development (LID). LID practices shall be implemented into post-construction design to the maximum extent feasible.
- (2) Runoff. Runoff volumes equal to or greater than 1-inch of stormwater over the area of proposed impervious cover shall be retained and infiltrated through best management practices.
- (3) Pollutant Reduction for New Development. Runoff must be treated to reduce pollutant loading. Calculations must be completed during the design process showing pre- and post-construction pollutant loading. Post-construction average annual load of total suspended solids (TSS) shall be reduced by 90% for new development projects. Post-construction average annual load of total phosphorus (TP) shall be reduced by 60% for new development projects. Post-construction average annual load of total nitrogen (TN) shall be reduced by 30% for new development projects.

- (4) Pollutant Reduction for Redevelopment. Runoff must be treated to reduce pollutant loading. Calculations must be completed during the design process showing pre- and post-construction pollutant loading. Post-construction average annual load of total suspended solids (TSS) shall be reduced by 80% for redevelopment projects. Post-construction average annual load of total phosphorus (TP) shall be reduced by 50% for redevelopment projects. Post-construction average annual load of total nitrogen (TN) shall be reduced by 20% for redevelopment projects
 - (5) Off-site stormwater treatment mitigation may be implemented if runoff and treatment criteria cannot be met through on-site mitigation. All off site mitigation must be within the same United States Geological Survey (USGS) Hydrologic Unit Code (HUC12) designation.
- B. Performance standards. Unless otherwise specified by this bylaw the latest accepted version of the Massachusetts Stormwater Handbook issued by the Massachusetts Department of Environmental Protection shall be referenced for design and engineering of best management practices. The Environmental Protection Agency (EPA) Region 1 BMP Performance Extrapolation Tool shall be used for pollutant reduction calculations.
 - C. Site plan review. All new development or redevelopment construction projects with sites ≥ 1 acre and sites < 1 acre that are part of a common plan of development ≥ 1 acre shall submit a site plan to the Town of Chatham and the Department of Public Works for review prior to the commencement of construction. The plan must include the post-construction stormwater management requirements detailed in 238-11.A. The Town of Chatham holds the authority to deny construction permitting if the site plan does not meet the post-construction stormwater management requirements.

SECTION 6

ENFORCEMENT

This Regulation will be enforced per § 238-12, "Enforcement; violations and penalties; appeals" of the Stormwater Management Bylaw.

SECTION 7

EFFECTIVE DATE

The effective date of these regulations shall be December 15, 2024, and the provisions of these regulations shall apply to all applications received on or after that date.