

~~PROPOSED: To amend the Revised Ordinances of the City of Lawrence by adding a new Title 20 to the Lawrence Municipal Code, substantially as follows:~~

## Chapter 20.03 - STORMWATER MANAGEMENT ~~&~~AND EROSION CONTROL

### **20.03.010 - Purposes.**

The purposes of this chapter are to protect the surface water bodies, natural resources, and public and private property within the City ~~of Lawrence~~ from the negative impacts caused by polluted and unmanaged stormwater runoff and activities related to development, construction and land surface alteration and work not otherwise subject to regulation by the ~~Planning Board under Title 16 or the~~ Conservation Commission under Title 18 of the Code. In response to the requirements under the Federal Clean Water Act, this ~~Ordinance~~chapter partially fulfills the ~~requirement~~requirements of the NPDES Phase II ~~National Pollution Discharge Elimination System (NPDES)~~General Permit for Municipal Small Separate Storm Sewer Systems (MS4) in ~~order~~Massachusetts to achieve compliance with the U.S. Environmental Protection ~~Agency's~~Agency's stormwater regulations.

(Doc. 239/2014, appr./eff. 3-17-15)

### **20.03.020 - Applicability.**

Unless exempt under Section 20.03.050 below, all activities under the jurisdiction of this chapter shall be required to obtain a ~~Stormwater Management Permit~~stormwater management permit from the Board of Health prior to beginning any site work. This chapter shall apply to all new development and redevelopment projects including:

1. Any ~~Subdivision~~subdivision as defined in the Subdivision Control Law (Massachusetts General Laws, Chapter 41, Sections 81K—81GG) and Title 16 of the Municipal Code, requiring a Definitive Plan;
2. Any activity that results in a land disturbance greater than one acre within the City of Lawrence;
3. Any activity that results in a land disturbance of less than one acre if the project is part of a larger common plan of development that eventually will disturb more than one acre within the City of Lawrence;
4. ~~A~~Any activity that results in a land disturbance greater than 5,000 square feet and is for the development or redevelopment of a land use with ~~“~~“higher potential pollutant loads” as

described in ~~Standard 5 of the Massachusetts Stormwater Management Policy, as it may be amended from time to time; or Handbook; and/or~~

5. Any activity that results in a land disturbance greater than 5,000 square feet and will discharge to a ~~Combined Sewer.~~combined sewer.

Plans that do not require approval under the Subdivision Control Law, hereafter referred to as "Approval Not Required" lots, and meet one or more of the applicability criteria above are subject to the provisions of this chapter and are not exempt from obtaining a ~~Stormwater Management Permit.~~stormwater management permit.

(Doc. 239/2014, appr./eff. 3-17-15)

### **20.03.030 - Definitions.**

*Alter:* Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage. Alter may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities."

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

*Applicant:* A property owner or agent of a property owner who has filed an application for a Stormwater Management ~~Practice~~ Permit.

*Best management practice (BMP):* Schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. Structural ~~and~~, nonstructural, and managerial techniques will be utilized that are recognized to be most effective and practical means to prevent and/or reduce erosion, provide sediment control, increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote good stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide permanent or temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source. Nonstructural BMPs include managerial techniques that focus on the preservation and protection of natural features.

*Clean water act:* The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

*Clearing:* Any activity that removes the vegetative surface cover.

*Combined ~~Sewer~~sewer:* A combined sewer system is a sewer that accepts ~~storm water~~stormwater, sanitary water/sewage, and industrial ~~waste water~~wastewater in a single pipe system which is then transported to a publicly owned treatment works (POTW). During periods of heavy rainfall or snow melt, the wastewater volume in a ~~Combined Sewer~~combined sewer can exceed the capacity of the system. These discharges are called combined sewer overflows (CSOs).

*Common ~~Plan~~plan:* Any announcement or piece of documentation (including a sign, public notice or hearing, advertisement, drawing, ANR plan, or permit application, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor marking, etc.) indicating imminent or future construction activities ~~to disturb earth regardless of how many phases or how long it will take to complete said plan.~~ A Site will no longer be considered part of a Common Plan of Development if the following criteria are met:

*~~Construction Site~~i.* The original plan, including modifications, is substantially completed with less than one acre of the original common plan remaining (i.e., <1 acre of the common plan was not built out at the time); and

ii. Work on said Site follows a clear, identifiable period of time of two (2) years or more where there is no construction on the property or other properties that would be part of the same Common Plan of Development, including final stabilization.

*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. For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometime in the future, this would be considered a larger common plan of development or sale. 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 still would be subject to stormwater permitting requirements if the smaller plots were included on the original site plan.

*Control measure:* Refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

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

*Construction site:* The land or water area where construction activities will occur and where stormwater controls will be installed and maintained. The construction site includes construction support activities, which may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether. The construction site is often a smaller subset of the lot or parcel within which the project is taking place.

*Construction ~~Support Activities~~support activities:* A construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch

plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

~~Earth (or Land) Disturbance:~~ ~~Conveyance:~~ Any structure or device, including pipes, drains, culverts, curb breaks, paved swales or man-made swales of all types designed or utilized to move or direct stormwater Runoff or existing water flow.

Developer: A person who undertakes or proposes to undertake Land Disturbance activities.

Discharge: When used without qualification, means the "discharge of a pollutant."

Discharge of a pollutant: Any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from surface runoff which is collected or channeled by man; or discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

Discharge-related activities: Activities which cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction, and operation of BMPs to control, reduce, or prevent pollution in the discharges.

Disturbance: Any action that causes a temporary or permanent change in the position, location, or arrangement of vegetation, soil, sand, rock, gravel, or similar earth material; such actions may include, but are not limited to, clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of topsoil. See also "Alter."

(e.g., ~~excavating, cutting,~~ Erosion: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and ~~filling~~); the subsequent detachment and transportation of soil ~~compaction, and~~ particles.

Erosion control: The prevention or reduction of the movement of soil particles or rock fragments due to stormwater runoff.

Erosion and ~~stockpiling of top soils.~~ See sediment control plan: A Stormwater Pollution Prevention Plan as required by the EPA Construction General Permit, or the functional equivalent if a project is not subject to the EPA Construction General Permit.

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

Groundwater: All water beneath any land surface including water in the soil and bedrock beneath water bodies.

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

Illicit discharge: Any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.

Impaired water: A water is impaired if it does not meet one or more of its designated use(s). Impaired waters refers to categories 4 and 5 of the five-part categorization approach used for classifying the water quality standards attainment status for water segments under the TMDL program. Impaired waters compilations are also ~~ALTER~~, sometimes referred to as "303(d) lists."

Category 5 waters are impaired because at least one designated use is not being supported or is threatened and a TMDL is needed. Category 4 waters indicate that at least one designated use is not being supported but a TMDL is not needed (4a indicates that a TMDL has been approved or established by EPA; 4b indicates other required control measures are expected in result in the attainment of water quality standards in a reasonable period of time; and 4c indicates that the non-attainment of the water quality standard is the result of pollution (e.g., habitat) and is not caused by a pollutant).

*Impervious surface:* Any surface that prevents or significantly impedes the infiltration of water into the underlying soil. This can include but is not limited to: roads, driveways, parking areas, and other areas created using non porous material; buildings, rooftops, structures, artificial turf, and compacted gravel or soil.

*Industrial activity:* The ten categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity,” as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

*Industrial stormwater:* Stormwater runoff associated with the definition of “stormwater discharges associated with industrial activity.”

*Infeasible:* Means not technologically possible, or not economically practicable and achievable in light of best industry practices.

*Infiltration:* The act of conveying surface water into the ground to permit Groundwater Recharge and the reduction of stormwater Runoff from a project Site.

*Interconnection:* The point (excluding sheet flow over impervious surfaces) where the permittee’s MS4 discharges to another MS4 or other storm sewer system, through which the discharge is eventually conveyed to a water of the United States. Interconnections shall be treated similarly to outfalls throughout the permit.

*Land disturbance:* Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material; involves clearing, grading, or excavating, including grubbing; or results in an alteration of drainage characteristics.

*Lot:* An individual tract of land as shown on the current Assessor’s Map for which an individual tax assessment is made. For the purposes of these regulations, a lot also refers to an area of a leasehold on a larger parcel of land, as defined in the lease agreement and shown by approximation on the Assessor’s Map.

*Low Impact Development (LID):* 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 so that the Post-Development hydrologic functions remain close to predevelopment conditions by using design techniques that infiltrate, filter, store, evaporate and detain stormwater Runoff close to its source.

*Massachusetts ~~Stormwater Management Policy~~ stormwater management policy:* The ~~Policy~~ policy issued by the ~~Department of Environmental Protection~~ department of environmental protection, and as amended from time to time, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, Massachusetts General Laws ~~Chapter~~ chapter 131, Section 40, and Massachusetts Clean Waters

Act, Massachusetts General Laws ~~Chapter~~chapter 21, Sections 23-56. The ~~Policy~~policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

~~Municipal Separate Storm Sewer System~~separate storm sewer system (MS4), or ~~Municipal Storm Drain System~~municipal storm drain system, or ~~Municipal Drainage System: The~~municipal drainage system: A conveyance or a system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, ditches, 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 City of Lawrence.~~

~~Site: the parcel of land being developed or a designated planning area in which the land development project is located.~~

~~Stormwater Authority:~~ (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;

(ii) Designed or used for collecting or conveying stormwater;

(iii) Which is not a combined sewer; and

(iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

~~Municipal Separate Storm Sewer System (MS4): Means all separate storm sewers that are defined as "large" or "medium" or "small" municipal storm sewer systems pursuant to paragraphs 40 CFR 122.26 (b)(4) and (b)(7) or designated under paragraph 40 126.26(a) (1)(v). For the purposes of this permit "MS4" may also refer to the permittee with jurisdiction over the sewer system.~~

Massachusetts Stormwater Handbook (HANDBOOK): The Stormwater Handbook, as amended from time to time, produced by MassDEP and the Massachusetts Office of Coastal Zone Management to be used as guidance for controlling stormwater. Implementation of Stormwater Management Standards shall be in accordance with the Stormwater Handbook.

Massachusetts Stormwater Management Standards: The requirements described in the Massachusetts Stormwater Handbook, as they may be amended from time to time, that address water quality (pollutants) and water quantity (flooding, low base flow and Recharge) by establishing standards that require the implementation of a wide variety of stormwater management strategies. These strategies include environmentally sensitive Site design and LID techniques to minimize impervious surface and Land Disturbance, source control and pollution prevention, structural Best Management Practices, construction period erosion and Sedimentation

control, and the long-term operation and maintenance of stormwater management systems. The Stormwater Management Standards have been incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k) and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a).

*National Pollution Discharge Elimination System (NPDES):* As authorized by the Federal Clean Water Act, the NPDES permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States.

*National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit:* A permit issued by the EPA 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. (see part 2.3.6. of the permit)

*Operation and Maintenance Plan:* A plan setting up the functional, financial, and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

*Owner or operator:* The owner, operator, or a person with a legal or equitable interest in property of any “facility or activity” subject to regulation under the NPDES program.

*Person:* An individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

*Point source:* Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

*Pollutant:* Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, construction wastes and residues including discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes, and industrial, municipal, and agricultural waste discharged into water.

*Post-development:* The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific Site or tract of land. Post-Development refers to the phase of a new development or redevelopment project after completion and does not refer to the construction phase of a project. May also be called post-construction.

*Pre-development:* The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Stormwater Authority with a Stormwater Management Permit Application. Where phased development or plan approval occurs (preliminary Grading, roads, and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish the Site’s Pre-Development conditions.

*Qualified inspector:* A person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the skills to assess conditions at the

construction Site that could impact stormwater quality, and the skills to assess the effectiveness of any stormwater management facilities selected and installed to meet the requirements of this permit. The inspector must have a practical knowledge of stormwater hydrology and stormwater management techniques, including the maintenance requirements for stormwater management facilities; and the inspector must have the ability to determine if stormwater BMPS and facilities are performing as intended.

*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 (see above).

*Runoff:* The water from rain, snowmelt, or irrigation that flows over the land surface that is not absorbed into the ground, instead flowing into streams or other surface waters or land depressions.

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

*Sedimentation:* The process or act of deposition of sediment.

*Significant materials:* Includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

*Site:* The area extent of construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover.

~~*Small Municipal Separate Storm Sewer System:* All separate storm sewer systems that are (i) owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district, or drainage district, or similar entity or an Indian tribe or an authorized Indian tribal organization or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, and (ii) not defined as "large" or "medium" municipal separate storm sewer system pursuant to paragraphs 40 CFR 122.26 (b)(4) and (b)(7), or designated under paragraph 40 126.26(a) (1)(v). This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. This term does not include separate storm sewers in very discrete areas, such as individual buildings.~~

~~*Small MS4:* Means a small municipal separate storm sewer system.~~

*Stormwater:* Stormwater runoff, snow melt runoff, and surface runoff and drainage. Water that accumulates on land because of storms and can include runoff from urban areas such as roads and roofs.



*Stormwater authority:* Board of Health or authorized agent(s) as defined in this chapter. The Board of Health or its agent(s) shall coordinate the review, approval, and permit process authorized by this chapter. For projects that, in their entirety, are required to obtain an Order of Conditions from the Lawrence Conservation Commission, the Conservation Commission is designated as the Stormwater Authority instead of the Board of Health.

~~*Stormwater Management*~~*Stormwater discharges associated with construction activity:* A discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. (See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

*Stormwater discharges associated with industrial activity:* The discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product, or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above-described areas.

*Stormwater management:* The use of structural or nonstructural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. "Stormwater Management" includes the use of structural, and nonstructural stormwater management practices.

~~*Stormwater Management Permit*~~*management facility:* A device engineered and constructed to provide permanent storage and/or treatment of stormwater runoff.

*Stormwater management permit:* A permit issued by the ~~Board of Health~~Stormwater Authority, after review of an application, plans, calculations, and other supporting documents, which show that the proposed project is designed to protect the environment of the City from the adverse impact of uncontrolled and untreated stormwater runoff.

Stormwater management plan: A document containing narrative, drawings, details and reporting requirements developed by a registered Professional Engineer (PE), which describes structural and non-structural best management practices designed to control the discharge of pollutants from impervious surfaces and onsite activities as well as the volume and peak rate of surface runoff from a site on an ongoing basis after construction has been completed.

Total Maximum Daily Loads (TMDLs): Section 303(d) of the Clean Water Act authorizes the EPA to assist states, territories and authorized tribes in listing impaired waters and developing Total Maximum Daily Loads (TMDLs) for these waterbodies. A TMDL establishes the maximum amount of a pollutant that a water body can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

Water quality standards: A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. States and EPA adopt WQS to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA sections 101(a)2 and 303(c)).

Additional terms that apply to issuance of a ~~Stormwater Management Permit~~ stormwater management permit established by this chapter shall be defined and included as part of the regulations promulgated and from time to time amended under Section 20.03.070 of this chapter, a copy of which shall be available at the Board of Health and the office of the City Clerk. Terms not defined in the regulations or pertinent statutes shall be construed according to their customary and usual meaning unless the context indicates a special or technical meaning.

(Doc. 239/2014, appr./eff. 3-17-15)

### **20.03.050 - Exemptions.**

No person subject to this chapter shall alter land within the City ~~of Lawrence~~ without having obtained a ~~Stormwater Management Permit~~ stormwater management permit (SMP), with the following exceptions:

1. Construction or alteration of a single-family or two-family dwelling.
2. Any work or projects for which all necessary approvals and permits have been issued before the effective date of this chapter<sub>;</sub>
3. Customary cemetery management<sub>;</sub>

4. Maintenance of existing landscaping, gardens, or lawn areas.
5. Normal maintenance and improvement of land in agricultural use as defined in the ~~Wetlands Protection Regulations~~ wetlands protection regulations under 310 CMR 10.04 and Massachusetts General Laws, Chapter 40A, Section 3.
6. Any construction activity or project wholly within the jurisdiction of the Conservation Commission, provided that an ~~Order~~ order of ~~Conditions~~ conditions has been issued by the Conservation Commission under Massachusetts General Laws, Chapter 131, Section 40 and Title 18 of the Lawrence Municipal Code, provided that the Order of Conditions is not less restrictive than the requirements of this chapter.
7. Emergency repairs to any municipal stormwater management facility or practice, such that the original design location, size, and technology remain the same, that poses a threat to public health or safety, or as deemed necessary by the Board of Health. For purposes of this chapter, "municipal" shall mean the City of Lawrence or the Greater Lawrence Sanitary Sewer District.
8. Normal maintenance or ~~reconstruction~~ improvement of existing public ways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects), walkways, and other infrastructure under the ~~City's~~ City's jurisdiction.

(Doc. 239/2014, appr./eff. 3-17-15)

#### **20.03.060 - Coordination with ~~Other Permits~~ other permits.**

- A. No building permit, subdivision approval, special permit, variance, or finding shall constitute compliance with this chapter.
- B. For any project or activity that is subject to this chapter, no work may commence until the developer submits a complete ~~Stormwater Management Permit~~ stormwater management permit application to the Board of Health, the Board of Health issues a ~~Stormwater Management Permit~~ stormwater management permit, and the developer certifies that all land clearing, construction, and development will be done pursuant to the approved ~~Plans~~ plans and ~~Permit~~ permit.
- C. This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this chapter shall be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other

provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.

[\(Doc. 239/2014, appr./eff. 3-17-15\)](#)

### **20.03.070 - Administration.**

A. ~~Stormwater Authority~~authority. The Board of Health is the Stormwater Authority under this chapter. The Board of Health or its employees or authorized agents shall administer, implement, and enforce this chapter. The Board of Health may appoint an agent to issue permits and sign plans provided for in this chapter. The Board of Health may appoint another ~~city~~City department, commission, or board to act as its authorized agent for site inspections and enforcement of stormwater and erosion control plans during and after construction.

B. ~~Stormwater Management Regulations~~management regulations. The Board of Health may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, clerical, inspection, and/or consultant fees, procedures, and administration of this chapter. Such regulations shall include, without limitation:

1. A requirement that ~~Stormwater Management Permits~~stormwater management permits be issued within ~~sixty~~(60) days of the date of filing a complete application, unless an extension of time has been granted.
2. Procedures for distribution to and review of permit applications and site plans by the City Engineer, Conservation Commission or its agent, Building Commissioner, and Director of Public Works.
3. A requirement for applicants to submit a ~~Stormwater Operation~~stormwater operation and ~~Maintenance Plan~~maintenance plan for the stormwater management system and to maintain and report on the performance of that system over time.
4. Performance standards that require projects to meet the ~~Stormwater Management Standards~~stormwater management standards of the Massachusetts Stormwater Management Handbook. ~~The Board of Health shall use the policy, criteria and information, including specifications and standards, of the latest edition of the~~ the NPDES Phase II General Permit for Municipal Small Separate Storm Sewer Systems in Massachusetts ~~Stormwater Management Handbook to implement the provisions of this chapter.~~
5. Provisions for fees in lieu of stormwater management when it is ~~impractical~~impracticable to construct, maintain, or operate a stormwater management facility on site, in accordance with Section 23.03.100.

C. *Actions by the Board of Health.* The Board may take any of the following actions on an application for a Stormwater Management Permit: approve, disapprove, or approve with conditions. A ~~Permit~~permit may be disapproved if the Board of Health determines that the requirements of this chapter or the Stormwater Regulations are not met.

D. *Stormwater Management Handbook.* The Board of Health shall utilize the Massachusetts Stormwater Management Policy and Handbooks, as amended from time to time, for criteria and information including specifications and standards for the execution of the provisions of this chapter. These include a list of acceptable stormwater treatment practices, with specific design criteria for each. Unless specifically altered in this chapter, stormwater management practices that are designed, constructed, and maintained in accordance with the Massachusetts Stormwater Management ~~Handbooks'~~Handbooks' design and sizing criteria shall be presumed by the Board of Health to be protective of Massachusetts water quality standards.

E. *Appeals of Action*~~action~~ *by the Board of Health.* A decision of the Board of Health shall be final. Further relief of a decision by the Board of Health made under this chapter shall be reviewable in the Superior Court in an action filed within ~~sixty~~(60) days thereof, in accordance with Massachusetts General Laws Chapter 249, Section 4.

[\(Doc. 239/2014, appr./eff. 3-17-15\)](#)

#### **20.03.080 - Permit ~~Procedures~~procedures.**

Permit procedures and requirements, including permit submittals, right-of-entry, fee schedule, and public hearing process, shall be defined and included as part of the ~~Stormwater Regulations~~stormwater regulations instituted under Section 20.03.070 of this chapter.

[\(Doc. 239/2014, appr./eff. 3-17-15\)](#)

#### **20.03.090 - Performance ~~Standards~~standards.**

Criteria for erosion and sediment control and post-construction stormwater management, including stormwater performance standards, shall be in accordance with ~~Standards 2, 4, 8, and 9 of~~ the Massachusetts Stormwater Handbook, the NPDES Phase II General Permit for Municipal Small Separate Storm Sewer Systems in Massachusetts, and any supplemental requirements as may be contained in the ~~Stormwater Regulations~~stormwater regulations under Section 20.03.070 of this chapter.

[\(Doc. 239/2014, appr./eff. 3-17-15\)](#)

#### **20.03.100 - Payment of Fees ~~fees in Lieu; Stormwater Fund~~lieu; stormwater fund.**

A. ~~Fee-in-Lieu Alternative.~~lieu alternative. When it is ~~impractical~~impracticable or infeasible to meet the stormwater management requirements of this chapter, the Board of Health or its agents may approve a fee in lieu as an alternative to construction, operation, and maintenance of on-site stormwater management facilities. The fee in lieu is a mitigation payment to the City of Lawrence's water and sewer enterprise fund. Applicants seeking to pay a fee in lieu shall submit a written request to the Board of Health and provide all of the documentation (e.g., plans, maps, soils data, and assessment of existing hydrologic conditions) required by the Board of ~~Health's~~Health's stormwater management regulations. Approval of a fee-in-lieu alternative shall be based on ~~the following, as determined by the Board~~criteria defined within regulations promulgated under Section 20.30.070 of ~~Health or its agents:~~this chapter.

- ~~1. There is no adverse impact, defined here as the potential of harm to human health, welfare, safety, or property;~~
- ~~2. It is impractical or undesirable to construct, maintain, or operate a stormwater management facility (or facilities) on the site;~~
- ~~3. There would be a negative, measurable environmental impact if the stormwater management facility (or facilities) is provided on the site; and~~
- ~~4. It is to the City's advantage to use the "fee in lieu" option, e.g., by contributing to a fund for stormwater capital improvements.~~

B. *Computation of Fee*fee. The fee will be computed in accordance with a fee schedule in the Board of ~~Health's~~Health's stormwater management regulations.

(Doc. 239/2014, appr./eff. 3-17-15)

#### **20.03.110 - Waivers.**

In its discretion and after consulting with the Conservation Commission and City Engineer, the Board of Health or its agents may waive strict compliance with any requirement of this chapter or the ~~Stormwater Regulations~~stormwater regulations where it makes a written finding that such action is allowed by federal, state and local statutes and/or regulations; in the public interest; and consistent with the purpose and intent of this chapter. The criteria for granting a waiver shall be defined and included as part of the regulations promulgated under Section 23.03.070 of this chapter. ~~Any waiver requests shall be discussed and voted on at the public hearing for the project.~~

(Doc. 239/2014, appr./eff. 3-17-15)

#### **20.03.120 - Enforcement ~~Fines~~fines.**

The Board of Health or its employees or authorized agent shall enforce this chapter and associated regulations, orders, violation notices, and enforcement orders, and may pursue all criminal and civil remedies, including injunctive relief and monetary damages and costs of litigation and attorney fees, for such violations and for abatement and mitigation and compliance actions taken by the Board of Health. As an alternative to criminal prosecution or civil action, the Board of Health may elect to utilize the non-criminal disposition procedure under Massachusetts General Laws ~~Chapter~~[chapter](#) 40, Section 21D. Each day, or part thereof, that a violation of this chapter occurs or continues shall constitute a separate offense.

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board of ~~Health's~~[Health's](#) agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this chapter and may make or cause to be made such examinations, surveys, or sampling as the Board of Health deems reasonably necessary to determine compliance with a permit issued under this chapter. Enforcement shall be further defined and included as part of the regulations promulgated under Section 20.03.070 of this chapter.

[\(Doc. 239/2014, appr./eff. 3-17-15\)](#)