

Stormwater Management Program (SWMP)

Town of Dalton, Massachusetts

EPA NPDES Permit Number: MA041004, Town of Dalton

Updated November 2025

Table of Contents

INTRODUCTION.....	1
1.1 OBJECTIVE	1
1.2 DEFINITIONS	1
1.3 BACKGROUND	3
1.4 SMALL MS4 AUTHORIZATION.....	3
1.5 AREA SUBJECT TO THE PLAN.....	4
2. CONTACT INFORMATION	5
2.1 STORMWATER MANAGEMENT PROGRAM TEAM	5
3. MUNICIPAL SEPARATE STORM SEWER SYSTEM.....	6
3.1 LOCATION OF URBANIZED AREA	6
3.2 RECEIVING WATERBODIES	6
Dalton SWMP - Updated November 2025 1	
3.3 INCREASED DISCHARGES.....	8
3.4 ADDITIONAL REQUIREMENTS FOR DISCHARGES TO SURFACE DRINKING WATER SUPPLIES AND THEIR TRIBUTARIES. ..	9
3.5 SANITARY SEWER OVERFLOW (SSO) INVENTORY	9
3.6 ELIGIBILITY CRITERIA.....	9
4. MINIMUM CONTROL MEASURES.....	10
MCM.1PUBLIC EDUCATION AND OUTREACH (PERMIT PART 2.3.2)	10
MCM.2PUBLIC PARTICIPATION AND INVOLVEMENT	14
MCM.3 ILLICIT DISCHARGE DETECTION AND ELIMINATION	16
MCM.4CONSTRUCTION SITE RUNOFF CONTROL.....	19
MCM.5 Post CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT	22
MCM.6 GOOD HOUSEKEEPING AND POLLUTION PREVENTION FOR	24
5. IMPLEMENTATION SCHEDULE	27
6. ANNUAL STATUS REPORTING	27
APPENDIX 1 – NOTICE OF INTENT.....	28
APPENDIX 2 – US FISH & WILDLIFE DETERMINATION.....	47
APPENDIX 3 – MASSACHUSETTS HISTORICAL COMMISSION DETERMINATION	53
APPENDIX 4 – IMPLEMENTATION PLAN	58
APPENDIX 5 – ILLICIT DISCHARGE AND DETECTION PLAN (IDDE).....	61
APPENDIX 6 – DALTON’S STORMWATER INFRASTRUCTURE OPERATION AND MAINTENANCE PLAN.....	85
APPENDIX 7 – DALTON’S PARKS AND OPEN SPACE OPERATION AND MAINTENANCE PLAN.....	99

APPENDIX 8 –STORMWATER MANAGEMENT & EROSION CONTROL BYLAW	103
APPENDIX 9 – STORMWATER MANAGEMENT & EROSION CONTROL REGULATIONS	113

INTRODUCTION

1.1 OBJECTIVE

The objective of this stormwater management plan is to develop a program of stormwater mitigation for the Town of Dalton, Massachusetts based on the guidelines established under the Municipal Separate Storm Sewer System (MS4) stormwater management program by the U.S. Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II Rule. The MS4 Phase II program was created with the intention of improving the quality of the nation's waterways by reducing the quantity of pollutants that stormwater picks up and carries into stormwater systems and discharges to surface water bodies. EPA requires that MS4 Phase II owners/operators reduce pollutants in stormwater to the maximum extent practicable (MEP) to protect water quality. The regulations specify that compliance with the MEP requirement can be attained by developing a stormwater management plan that addresses the following six minimum control measures:

- Public Education and Outreach
- Public Participation and Involvement
- Illicit Discharge Detection and Elimination
- Construction Site Runoff Control
- Stormwater Management in New Development and Redevelopment
- Good Housekeeping and Pollution Prevention for Permittee Owned Operations

EPA studies have demonstrated that stormwater pollution is one of the most significant sources of water pollution today. When it rains or snow melts the resulting stormwater picks up or dissolves pollutants and washes them into stormwater conveyance systems. Polluted stormwater runoff is often discharged into local rivers and streams without treatment. Common pollutants include oil, grease and metals from cars and roadways; pesticides and fertilizers from lawn maintenance activities; sediment from construction sites. Stormwater can impair waterways, degrade animal habitat, pollute drinking water, increase flooding, cause erosion of streambeds or siltation of waterways, and decrease the amount of water recharged to aquifers.

1.2 DEFINITIONS

Municipal Separate Storm Sewer System (MS4) also referred to as a Municipal Separate Stormwater System: "a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (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)...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 Clean Water Act that discharges into waters of the United States.
- (ii) Designed or used for collecting or conveying storm water;
- (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."

Nonpoint Pollution means pollution that occurs when water runs over land or through the ground and picks up natural and human-made pollutants, and discharges them in surface waters or introduces them into groundwater.

Pollutants of Concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment in any water body to which the MS4 discharges.

Point Source means 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 storm water runoff.

Pollutant means any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter in whatever form, and whether originating at a point or nonpoint source, that is or may be discharged, drained or otherwise introduced into any sewage system, treatment works or waters of the Commonwealth.

Small SM4 means all separate storm sewers 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.
- (ii) (ii) Not defined as “large” or “medium” municipal separate storm sewer systems pursuant to paragraphs (b)(4) and (b)(7) of this section, or designated under paragraph (a)(1)(v) of this section

Stormwater means storm water runoff, snow melt runoff, and surface runoff and drainage.

Small Construction Activities means Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres.

Total Maximum Daily Load (TMDL): “The sum of the individual [Wasteload Allocations (WLA)] for point sources and [Load Allocations (LA)] for nonpoint sources and natural background. If receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measures. If Best Management Practices (BMPs) or other nonpoint source pollution controls make more stringent load allocations practicable, then wasteload allocations can be made less stringent. Thus, the TMDL process provides for nonpoint source control tradeoffs.”

Urbanized Area: A land area comprising one or more places – central place(s) – and the adjacent densely settled surrounding area – urban fringe – that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile.

1.3 BACKGROUND

In 1972, the Federal Water Pollution Control Act, also known as the Clean Water Act, was amended to make illegal the discharge of any pollutant as a point source to any water body in the United States without authorization by a NPDES permit. Pollution control measures were implemented first in industrial wastewater operations and municipal sewerage systems; however, it became apparent that more regulations were needed to include the identification of stormwater drainage systems as a point source. In 1987, the Clean Water Act was again amended to implement a two-phase approach to the reduction of stormwater discharges. The first phase was aimed at large and medium municipal separate stormwater systems (typically systems serving populations of 100,000 or more), industrial activities, and construction activities that disturbed five acres or more of land. The Phase I part of the program was implemented on November 5, 1990. The Phase I permitting process required these larger cities to develop and implement a stormwater management program, and to address stormwater management at specific municipal facilities at which “industrial” activity took place. It also required certain industries as well as any construction project greater than five acres to obtain NPDES permit coverage through the development and implementation of stormwater pollution prevention plans that would control erosion and sedimentation as well as pollutant discharges.

On December 8, 1999, the NPDES Phase II Stormwater Rule was published in the Federal Register by the United States Environmental Protection Agency. The NPDES Phase II Stormwater requirements focused on small MS4’s (usually cities with populations of less than 100,000) and small construction activities (construction activity that disrupts one or more acres of land). The basis of this Phase II approach was to design a stormwater management program that focused on six minimum control measures as outlined above.

The NPDES Phase II program requires the development of best management practices (BMPs) for each of the minimum control measures and the development of an implementation schedule and measurable goals throughout the five-year permitting period. The Town of Dalton is required to submit progress reports annually, and is subject to enforcement action as described in the Clean Water Act if it fails to implement the BMPs it has selected.

1.4 SMALL MS4 AUTHORIZATION

The NOI was submitted on September 27, 2018.

The NOI can be found at the following web address:

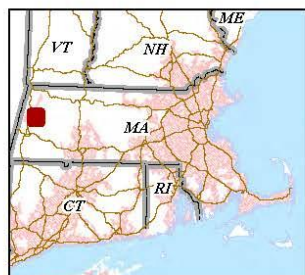
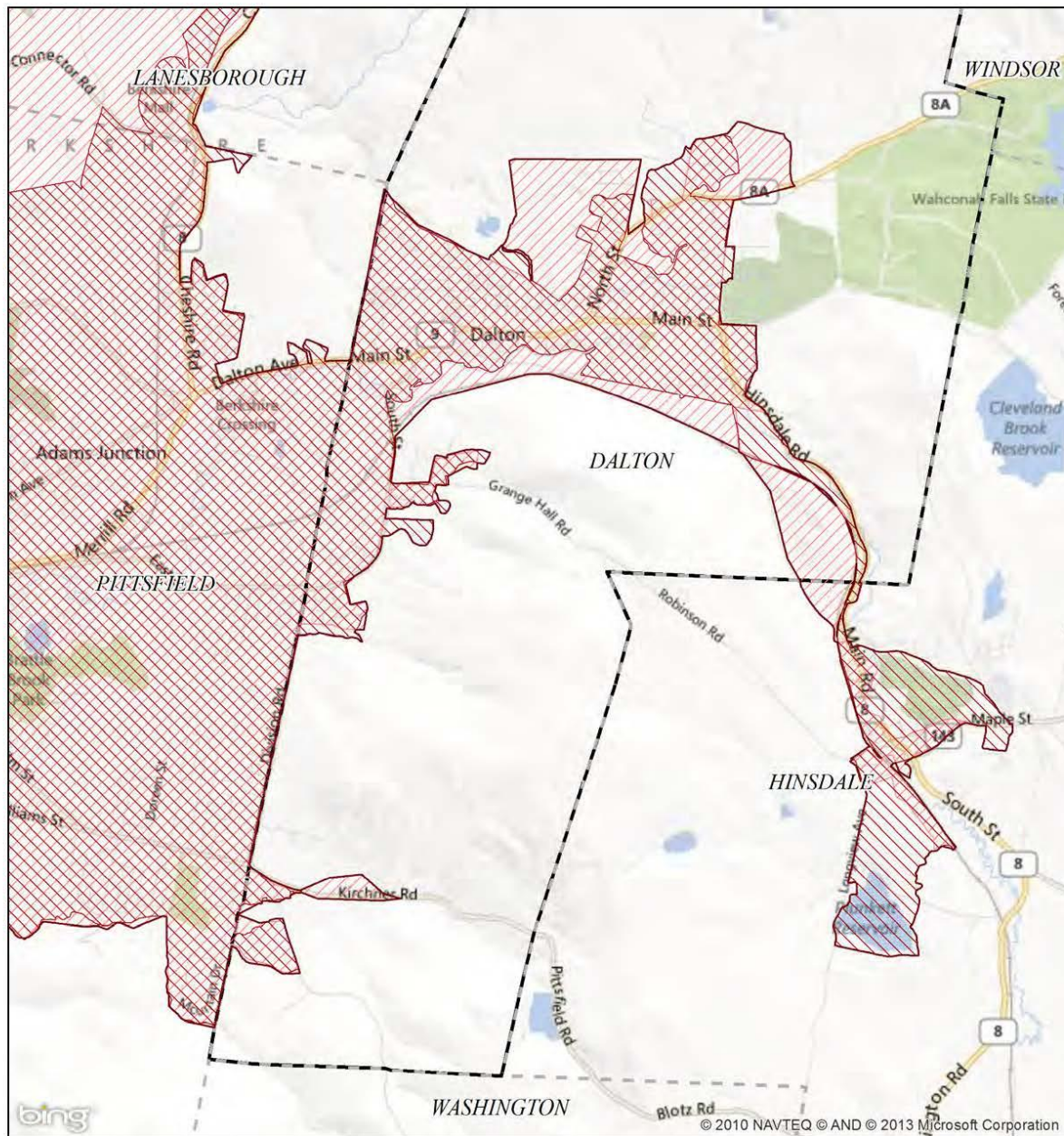
<https://www.epa.gov/system/files/documents/2025-12/dalton-sms4gp-noi-2018.pdf>

Authorization to Discharge was granted on June 26, 2019.

The Authorization Letter can be found at the following web address:

<https://www.epa.gov/system/files/documents/2025-12/dalton-sms4gp-auth-2019.pdf>

1.5 AREA SUBJECT TO THE PLAN



NPDES Phase II Stormwater Program Automatically Designated MS4 Areas

Dalton MA

Regulated Area:



Town Population: **6752**
Regulated Population: **5050**

(Populations estimated from 2010 Census)



Urbanized Areas, Town Boundaries:
US Census (2000, 2010)
Base map © 2013 Microsoft Corporation
and its data suppliers

US EPA Region 1 GIS Center Map #8824, 8/9/2013

2. CONTACT INFORMATION

2.1 STORMWATER MANAGEMENT PROGRAM TEAM

SWMP Team Coordinator

Eric Anderson, Town Manager
(413) 684-6111, ext. 12
EAnderson@dalton-ma.gov

SWMP Team¹

Tom Irwin, Chair of the Stormwater Commission
stormwater@dalton-ma.gov

Bud Hall, Department of Public Works Superintendent
(413) 684-6115
bhall@dalton-ma.gov

Brian Duval, Building Inspector
(413) 684-6111 ext. 27
bduval@dalton-ma.gov

Robert Collins, Planning Board Member

Ed Gero, At-large member

¹ <https://dalton-ma.gov/dalton-stormwater-commission/>

3. MUNICIPAL SEPARATE STORM SEWER SYSTEM

3.1 LOCATION OF URBANIZED AREA

The Urbanized Area of Pittsfield extends into Dalton from Pittsfield to the east. It includes Rt. 8 & Rt. 9 along with a portion of Rt. 8A. The Urbanized Area extends south of Rt. 8 & and Rt. 9 to include East and West Housatonic Streets, South Street and adjacent neighborhoods along with a portion of Grange Hall Road. In the southern most portion of town, the Urbanized Area extends east from Pittsfield to include the first few miles of Kirchner Road and Washington Mountain Road (See map on page 8).

3.2 RECEIVING WATERBODIES

Listing of all discharges identified pursuant to the 2016 MA Small MS4 Final Permit part 2.1.1 and description of response. The permittee shall reduce the discharge of pollutants such that the discharges from the MS4 do not cause or contribute to an exceedance of water quality standards.

The Town has identified the surface water bodies that receive discharges from the MS4. The following surface water bodies have been identified as receiving stormwater directly from outfalls or by receiving surface water from connecting brooks.

- East Branch Housatonic River (MA21-01)
- East Branch Housatonic River (MA21-02)
- Wahconah Falls Brook
- Hathaway Brook
- Anthony Brook
- Walker Brook
- Barton Brook
- Brattle Brook
- Sackett Brook

3.2.1 Discharges to Certain Impaired Waters

The 2016 MA Small MS4 Final Permit requires the permittee to identify in the SWMP and Annual Reports all MS4 discharges, including both outfalls and interconnections to other MS4s or other separate storm sewer systems, that:

1. Are subject to Total Maximum Daily Load (TMDL) related requirements as identified in the 2016 MA Small MS4 Final Permit part 2.2.1; and
2. Are subject to additional requirements to protect water quality as identified in the 2016 MA Small MS4 Final Permit part 2.2.2.

The discharge location from an interconnection shall be determined based on the receiving water of the outfall from the interconnected system.

Section 305(b) of the federal Clean Water Act requires states to assess and report to EPA on water quality, and Section 303(d) requires that states publish a list of waters that are impaired. The purpose of developing the report and list is to assist water quality managers to prioritize remediation activities and

implement appropriate protective measures. EPA recently modified its guidance on the preparation of the report and list. States are now required to submit an “Integrated Water Quality Monitoring and Assessment Report” that fulfills the requirements of both Section 305(b) and Section 303(d).

Under the new reporting structure, waters are assessed and assigned to one of five categories:

1. Attaining the water quality standard and no use is threatened.
2. Attaining some of the designated uses; no use is threatened; and insufficient or no data and information is available to determine if the remaining uses are attained or threatened.
3. Insufficient or no data and information to determine if any designated use is attained.
4. Impaired or threatened for one or more designated uses but does not require the development of a TMDL [Total Maximum Daily Load].
 - a. TMDL has been completed.
 - b. Other pollution control requirements are reasonably expected to result in the attainment of the water quality standard in the near future.
 - c. Impairment is not caused by a pollutant.
5. The water quality standard is not attained. The AU [Assessment Unit (waterbody)] is impaired or threatened for one or more designated uses by a pollutant(s), and requires a TMDL. This category constitutes the Section 303(d) list of waters impaired or threatened by a pollutant(s) for which one or more TMDL(s) are needed. An AU should be listed in this category if it is determined, in accordance with the state's or territory's assessment and listing methodology, that a pollutant has caused, is suspected of causing, or is projected to cause an impairment. Where more than one pollutant is associated with the impairment of a single AU, the AU will remain in Category 5 until TMDLs for all pollutants have been completed and approved by EPA.

Pollutants may include pathogens, organic enrichment, low dissolved oxygen, metals, petroleum, noxious aquatic plants, and others. Non-pollutants may include exotic species, habitat alterations, and flow alterations, among others.

Of the receiving waters within the Town of Dalton, the East Branch Housatonic River (MA21-01 and MA21-02) is listed as impaired by fecal coliform and PCBs in fish tissue and Wahconah Falls Brook is listed as impaired by fecal coliform.

3.2.1.1 Discharges Subject to Requirements Related to an Approved TMDL

Discharges from the MS4 are subject to an approved TMDL for the Long Island Sound as identified in the 2016 MA Small MS4 Final Permit part 2.2.1. The Town will follow the requirements of the 2016 MA Small MS4 Final Permit part 2.2.1 and Appendix F of the Permit and will comply with all applicable schedules and requirements in Appendix F, part A. The Town's compliance with all applicable requirements and BMP implementation schedules in Appendix F applicable to it will constitute compliance with part 2.1.1.a. of the Permit.

3.2.1.2 Category 4b & Category 5 Waters¹

There are no discharges from the MS4 to a waterbody (or its tributaries) that is water quality limited due to nutrients (Total Nitrogen or Total Phosphorus), metals (Cadmium, Copper, Iron, Lead or Zinc), solids

¹ <https://www.mass.gov/doc/final-massachusetts-integrated-list-of-waters-for-the-clean-water-act-2022-reporting-cycle/download>

(TSS or Turbidity), chloride (Chloride) or oil and grease (Petroleum Hydrocarbons or Oil and Grease) and the Town is not listed in part 2.2.2.a.-b. of the 2016 MA Small MS4 Permit.

Waterbody Segment That Receives Flow from MS4	Number of Outfalls into Receiving Segment	Impairments²
East Branch Housatonic River (MA21-01)	44	No listed impairments
East Branch Housatonic River (MA21-02)	8	Escherichia Coli, Fecal Coliform PCB in Fish Tissue
Wahconah Falls Brook	5	Fecal Coliform
Hathaway Brook	1	No listed impairments
Anthony Brook	5	No listed impairments
Walker Brook	5	No listed impairments
Barton Brook	12	No listed impairments
Brattle Brook	3	No listed impairments
Sackett Brook	1	No listed impairments

There are a combined 52 discharges to the East Branch Housatonic River (MA21-01 and MA21-02) of which only the segment downstream of Center Pond outlet is impaired by bacteria/pathogens (Fecal Coliform. E. coli) and polychlorinated biphenyls (PCBs) in fish tissue. There will be no increased discharges, including increased pollutant loading(s) from the MS4 to impaired waters listed in categories 5 or 4b on the most recent Massachusetts Integrated Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b) unless demonstrated that there is no net increase in loading from the MS4 to the impaired water of the pollutant(s) for which the waterbody is impaired. The Town has demonstrated compliance with this provision by documenting that the total load of the pollutant(s) of concern from the MS4 to any impaired portion of the receiving water will not increase as a result of the activity and retaining documentation of this finding in the SWMP. Unless otherwise determined by the Town, US EPA or by MassDEP that additional demonstration is necessary, compliance with the requirements of part 2.2.2 and part 2.3.6 of the Permit, including all reporting and documentation requirements, will be considered as demonstrating no net increase.

3.3 INCREASED DISCHARGES

Any increased discharge, including increased pollutant loading(s) through the MS4 to waters of the United States is subject to the antidegradation regulations of the Massachusetts Surface Water Quality Standards at 314 CMR 4.04. The Town will comply with the provisions of 314 CMR 4.04 including information submittal requirements and obtaining authorization for increased discharges where appropriate. Any authorization of an increased discharge by MassDEP will be incorporated into this SWMP.

² <https://www.mass.gov/doc/final-massachusetts-integrated-list-of-waters-for-the-clean-water-act-2022-reporting-cycle/download>

3.4 ADDITIONAL REQUIREMENTS FOR DISCHARGES TO SURFACE DRINKING WATER SUPPLIES AND THEIR TRIBUTARIES

The Town will take appropriate measures to avoid or minimize impacts to surface public drinking water supply sources. The Town does not discharge to public surface drinking water supply sources (Class A and Class B surface waters used for drinking water) or their tributaries. The Town will notify public water supplies in the event of an emergency including the Massachusetts Department of Environmental Protection, Drinking Water Program, Public Notification & Emergency Contacts during work hours. (Contact information for the Northeast Region is Melissa Dwinell, Drinking Water Program Chief: Melissa.Dwinell@mass.gov, 857-278-5348.)

SANITARY SEWER OVERFLOW (SSO) INVENTORY

In accordance with the 2016 MA Small MS4 Permit, the Town must identify all known locations where SSOs have discharged to the MS4 within the previous five (5) years. There are no SSOs within the Town of Lanesborough. This includes SSOs resulting, during dry or wet weather, from inadequate conveyance capacities, or where interconnectivity of the storm and sanitary sewer infrastructure allows for communication of flow between the systems.

As there are no SSOs within the Town, this section of the SWMP is intended to fulfill the requirement to maintain an inventory as a part of the SWMP and update the inventory annually. If in the future an SSO is identified as a result of inadequate conveyances, the Town will update the SWMP to include the following information consistent with part 2.3.4.4.b.1-7 of the permit:

1. Location (approximate street crossing/address and receiving water, if any);
2. A clear statement of whether the discharge entered a surface water directly or entered the MS4;
3. Date(s) and time(s) of each known SSO occurrence (i.e., beginning and end of any known discharge);
4. Estimated volume(s) of the occurrence;
5. Description of the occurrence indicating known or suspected cause(s);
6. Mitigation and corrective measures completed with dates implemented; and
7. Mitigation and corrective measures planned with implementation schedules.

3.5 ELIGIBILITY CRITERIA

3.5.1 Documentation Regarding Endangered Species

The Town of Dalton lies within Berkshire County. The Northern Long-eared Bat (*Myotis septentrionalis*) is listed as a threatened species within the County. However, the U.S. Fish and Wildlife Service has indicated “no critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area.” The Dalton MS4 is therefore eligible for coverage under the General Permit as determined by eligibility Criteria C. A copy of the U.S. Fish and Wildlife determination is included as Appendix C. The proper consultations and updates to the SWMP will be conducted for construction projects where separate Construction General Permit (CGP) coverage is not being obtained.

3.5.2 Documentation Regarding Historic Properties

The Town certifies eligibility regarding historic properties under eligibility criteria A. The Town’s stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related

activities will not have an effect on a property that is listed or eligible for listing on the National Register of Historic Properties (NRHP). Based upon review of sites in Dalton shown on the MassGIS datalayer for National Register and State Register sites and analysis of those sites in relation to known outfall locations no such historic sites are anticipated to be negatively impacted by stormwater. The Town will coordinate any review with MHC as necessary as we move forward with construction of various stormwater management projects.

4. MINIMUM CONTROL MEASURES

The following sections of the SWMP include the description of practices to achieve compliance with part 2.3 (MEP requirements) of the Permit identified in the Town of Dalton's NOI and any updates to those BMPs within the first year.

Each permit condition in part 2.3 includes information identifying the person(s) or department responsible for the measure, the BMPs for the control measure or permit requirement; and the measurable goal(s) for each BMP. Each measurable goal includes milestones and timeframes for its implementation and have a quantity or quality associated with its endpoint. Each goal has a measure of assessment associated with it.

MCM.1 PUBLIC EDUCATION AND OUTREACH (PERMIT PART 2.3.2)

Objective: The permittee shall implement an education program that includes educational goals based on stormwater issues of significance within the MS4 area. The ultimate objective of a public education program is to increase knowledge and change behavior of the public so that pollutants in stormwater are reduced.

The town of Dalton will use existing materials to support their outreach program such as the materials EPA provides (available at <https://www.epa.gov/npdes/stormwater-smart-outreach-tools>)

MCM.1 Public Education and Outreach Activities

Target Audience	Educational Goal(s)	Specific Message(s)	Responsible Parties	Message Frequency	Evaluation Method
Residents	Increase awareness about stormwater runoff and how to reduce their impact	Stormwater Management Website link to general information: https://www.thinkbluema.org/for-residents	Stormwater Management Commission	Ongoing	Measure website visits
Developers and Contractors	Reduce pollution through improved construction practices	Stormwater Management Website link to general information: https://www.thinkbluema.org/for-construction	Stormwater Management Commission	Ongoing	Measure website visits
Businesses, Institutions and Commercial facilities	Increase awareness about stormwater runoff and how to reduce their impact	Stormwater Management Website link to general information: https://www.thinkbluema.org/for-businesses	Stormwater Management Commission	Ongoing	Measure website visits
Industrial Facilities	Reduce pollution through improved industrial practices	Stormwater Management Website link to general information: https://www.thinkbluema.org/for-industry	Stormwater Management Commission	Ongoing	Measure website visits
Residents	Increase awareness about stormwater runoff and how to reduce their impact	Distribute "Dalton Get River Smart" brochures at Town Hall, Library, Community Recreation Association (CRA).	Stormwater Management Commission	Ongoing / Periodic	Number of brochures distributed
Residents	Increase awareness about stormwater runoff and how to reduce their impact	Arrange for Best Management Practices messages to be shared on Cable TV	Stormwater Management Commission	Ongoing / Periodic	Number of messages shared on Cable TV.

MCM.1 Public Education and Outreach

Target Audience	Educational Goal(s)	Specific Message(s)	Responsible Parties	Message Frequency	Evaluation Method
Residents	Increase awareness about the proper disposal of grass clippings and the proper use of slow release fertilizers	Flyers posted around town; educational messages posted on local cable TV	Stormwater Management Commission	Annually in the spring	Number of flyers distributed and number of times message shared on cable TV
Residents	Increase awareness about the proper disposal of leaves and other yard debris	Flyers posted around town; educational messages posted on local cable TV	Stormwater Management Commission	Annually in the fall	Number of flyers distributed and number of times message shared on cable TV
Residents	Increase awareness about pool water discharges	Distribute "Pool Water" brochure	Building Inspector	Annually in the summer	Number of brochures distributed.
Residents	Increase awareness around proper pet waste management	Distribute "Pet Waste" brochure and/or post flyers at Town Hall, Library, Dalton CRA and educational messages on cable TV	Stormwater Management Commission	Annually in the summer	Number of materials distributed and number messages shared on cable TV.
Residents - dog owners only	Increase awareness around proper pet waste management.	At time of license issue or renewal, (January - March) inform dog owners about proper pet waste management, penalties for non-compliance and the impacts of leaving pet waste on the ground through distribution of a brochure.	Town Clerk	Annual	Number of dog licenses issued
Residents-property owners within East Branch catchment area	Increase awareness about proper septic system management among residents.	A direct mailing to all residents within the catchment area of the East Branch (downstream of Center Pond outlet) that inform about septic system Best Management Practices and understanding signs of potential septic system failure	Stormwater Management Commission	Annual	Number of letters sent

MCM.1 Public Education and Outreach

Target Audience	Educational Goal(s)	Specific Message(s)	Responsible Parties	Message Frequency	Evaluation Method
Developers and Contractors	Reduce pollution through improved construction practices.	Inform target audience about the best management practices through brochure distribution.	Building Inspector	Once During Permit Term	Number of brochures distributed
Businesses, Institutions and Commercial facilities	Increase awareness about stormwater runoff and how to reduce their impact.	Inform target audience about the best management practices through brochure distribution at the town hall.	Stormwater Management Commission	Once During Permit Term	Number of brochures distributed
Industrial Facilities	Reduce pollution through improved industrial practices.	Inform target audience about the best management practices through brochure distribution via a targeted mailing	Stormwater Management Commission	Once During Permit Term	Number of brochures distributed
Businesses, Institutions and Commercial facilities	Increase awareness about the proper disposal of leaves and other yard debris.	ADD INFORMATION	Stormwater Management Commission	Annually in the spring	ADD INFORMATION
Businesses, Institutions and Commercial facilities	Increase awareness about the proper use and disposal of grass clippings and the proper use of slow release fertilizers.	ADD INFORMATION	Stormwater Management Commission	Annually in the fall	ADD INFORMATION

MCM.2 PUBLIC PARTICIPATION AND INVOLVEMENT

Objective: The permittee shall provide opportunities to engage the public to participate in the review and implementation of the permittee's SWMP.

All public involvement activities conducted by the Town of Dalton will comply with state public notice requirements (MGL Chapter 30A, Sections 18 – 25 – effective 7/10/2010). The SWMP and all annual reports will be available to the public at the Town Hall, , and through the Town's website.

The Town of Dalton will provide the public with an opportunity to participate in the annual review and implementation of the SWMP. Public participation opportunities may include, but are not limited to, websites; clean-up teams; monitoring teams; or an advisory committee.

The Town of Dalton will report on the activities undertaken to provide public participation opportunities annually.

<i>MCM.2 BMP 1:</i>	<i>SWMP Review</i>
Description:	Stormwater Management Plan Annual Review
Responsible Department/Party:	Stormwater Management Commission
Completion Date:	11/13/2025 and thereafter annually in November
Measurable Goals:	Provide link to posting of stormwater management plan on website and annually review SWMP during a public Stormwater Management Commission meeting.

<i>MCM.2 BMP 2:</i>	<i>Public Participation - Stormwater Commission</i>
Description:	Post meetings of the Stormwater Management Commission in accordance with the Open Meeting law to allow for public participation.
Responsible Department/Party:	Stormwater Management Commission
Completion Date:	Monthly meetings
Measurable Goals:	Number of open meetings of the Stormwater Management Commission conducted.

<i>MCM.2 BMP 3:</i>	<i>Public Participation - Leaf and grass clipping composting</i>
Description:	Residents are able to bring all yard waste to the Transfer Station.
Completion Date:	2005
Responsible Department/Party:	Department of Public Works
Measurable Goals:	Volume of yard waste received.

MCM.2 BMP 4:	Public Participation - Hazardous Waste Disposal
Description:	Household hazardous waste/used oil collection
Completion Date:	April 26, 2025
Responsible Department/Party:	Department of Public Works
Measurable Goals:	Number of Dalton residents that registered for the HHHW day.

MCM.2 BMP 5:	Public Participation - Stormwater Hotline
Description:	Hotline to report problems or violations.
Completion Date:	2005
Responsible Department/Party:	Department of Public Works
Measurable Goals:	Greater exchange of information and improved response time

MCM.2 BMP 6:	Public Participation - Leaf and grass clipping composting
Description:	Residents are able to bring all yard waste to the Transfer Station
Completion Date:	Ongoing
Responsible Department/Party:	Department of Public Works
Measurable Goals:	Volume of yard waste received.

MCM.3 ILLICIT DISCHARGE DETECTION AND ELIMINATION

The Town will implement an IDDE program to systematically find and eliminate sources of non-stormwater discharges to its municipal separate storm sewer system and implement procedures to prevent such discharges.

The IDDE program will include adequate legal authority to: prohibit illicit discharges; investigate suspected illicit discharges; eliminate illicit discharges, including discharges from properties not owned by or controlled by the MS4 that discharge into the MS4 system; and implement appropriate enforcement procedures and actions. Adequate legal authority has been established through the Town's IDDE Bylaw, which went into effect on November 19, 2007.

MCM.3 BMP 1:	IDDE Legal Authority
Completed:	11/19/2007
Link or Reference:	https://www.ecode360.com/12534839
Enforcement Authority:	Board of Health <i>(The Board of Health and its employees or agents are designated to enforce this bylaw. For the purposes of this bylaw, agents of this board include the Town Health Agent, the Superintendent of Public Works, or the Town Building Inspector.)</i>

MCM.3 BMP 2:	Sanitary Sewer Overflow (SSO) Inventory
Description:	Develop SSO inventory in accordance of permit conditions.
Completion Date:	6/26/2019
Responsible Department/Party:	Department of Public Works
Measurable Goals:	Annually track and report the following SSO information: the location; a clear statement of whether the discharge entered a surface water directly or entered the MS4; date(s) and time(s) of each known SSO occurrence; estimated volume(s) of the occurrence; description of the occurrence indicating known or suspected cause(s); mitigation and corrective measures completed with dates implemented; and mitigation and corrective measures planned with implementation schedules. Update inventory as needed.

MCM.3 BMP 3:	Map of Storm Sewer System
Description:	Create map and update during IDDE program completion.
Completion Date:	https://berkshire.maps.arcgis.com/apps/instant/basic/index.html?appid=6a9cea247f174be2b9cd209d4a5f22cb
Responsible Department/Party:	Department of Public Works
Measurable Goals:	Map 100% of outfalls and receiving waters, open channel conveyances, interconnections with other MS4s and other storm sewer systems, municipally-owned stormwater treatment structures, waterbodies identified by name and indication of all use impairments, and initial catchment delineations within 2 years of the permit's effective date. Map 100% of outfall spatial locations, pipes, manholes, catch basins, refined catchment delineations, municipal sanitary sewer system (if available), and municipal combined sewer system (if applicable) within 10 years of the permit's effective date.

MCM.3 BMP 4:	IDDE Program
Description:	Create written IDDE program
Completion Date:	6/1/2005
Responsible Department/Party:	Stormwater Management Commission
Implement IDDE Program:	Implement catchment investigations according to program and permit conditions. The outfall/interconnection inventory and initial ranking and the dry weather outfall screening sampling results can be found: https://berkshire.maps.arcgis.com/apps/instant/basic/index.html?appid=6a9cea247f174be2b9cd209d4a5f22cb
Measurable Goals:	Conduct 100% of outfall screening on High and Low Priority Outfalls within 3 years of the permit's effective date. Complete catchment investigations for 100% of the Problem Outfalls within 7 years of the permit's effective date. Complete 100% of all catchment investigations within 10 years of the permit's effective date.

MCM.3 BMP 5:	<i>Employee Training</i>
Description:	Train employees on IDDE implementation
Completion Date:	Last day of June each year
Responsible Department/Party:	DPW Superintendent
Measurable Goals:	Training occurs annually with all DPW employees

MCM.3 BMP 6:	<i>Conduct dry weather screening</i>
Description:	Conduct in accordance with outfall screening procedure as outlined in the IDDE plan and permit conditions.
Completion Date:	February 1, 2023
Responsible Department/Party:	Housatonic Valley Association
Measurable Goals:	Results of dry weather screening

MCM.3 BMP 7:	<i>Conduct wet weather screening</i>
Description:	Conduct in accordance with outfall screening procedure as outlined in the IDDE plan and permit conditions.
Completion Date:	Complete 10 years after effective date of permit
Responsible Department/Party:	Stormwater Commission
Measurable Goals:	Results of wet weather screening

MCM.3 BMP 8:	<i>Ongoing screening</i>
Description:	Conduct dry weather and wet weather screening (as necessary) in accordance with outfall screening procedure as outlined in the IDDE plan and permit conditions.
Completion Date:	Complete ongoing outfall screening upon completion of IDDE program
Responsible Department/Party:	Stormwater Commission
Measurable Goals:	Completed outfall screening with results.

MCM.4 CONSTRUCTION SITE RUNOFF CONTROL

The objective of the Town's construction stormwater runoff control program is to minimize or eliminate erosion and maintain sediment on site so that it is not transported in stormwater and allowed to discharge to a water of the U.S through the Town's MS4.

The Town will implement and enforce a program to reduce pollutants in any stormwater runoff discharged to the MS4 from all construction activities that result in a land disturbance of greater than or equal to one acre within the regulated area. The Town's program includes disturbances less than one acre where such disturbance is part of a larger common plan of development or sale that would disturb one or more acres.

The Town has developed and implements a construction site runoff control program that includes a Stormwater and Erosion Control Bylaw that requires the use of sediment and erosion control practices at construction sites. In addition to addressing sediment and erosion control, the bylaw includes controls for other wastes on constructions sites such as demolition debris, litter and sanitary wastes. The bylaw provides that the Town may, to the extent authorized by law, impose sanctions to ensure compliance. Within one (1) year from the effective date of the Permit, the Town will develop written procedures for site inspections and enforcement of sediment and erosion control measures. These procedures will clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures.

Requirements for construction site operators performing land disturbance activities within the MS4 jurisdiction that result in stormwater discharges to the MS4 must implement a sediment and erosion control program that includes BMPs appropriate for the conditions at the construction site consistent with the Massachusetts Stormwater Handbook. Examples of appropriate sediment and erosion control measures for construction sites to comply with local requirements include:

1. Minimizing the amount of disturbed area and protect natural resources;Stabilizing sites when projects are complete or operations have temporarily ceased;
2. Protecting slopes on the construction site;
3. Protecting all storm drain inlets and armor all newly constructed outlets;
4. Using perimeter controls at the site;
5. Stabilizing construction site entrances and exits to prevent off-site tracking; and
6. Inspecting stormwater controls at consistent intervals.

The bylaw further requires construction site operators within the MS4 jurisdiction to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes. These wastes may not be discharged to the MS4.

Written procedures for site plan review and inspection and enforcement will be completed within one (1) year from the effective date of the permit. The site plan review procedure will include a pre-construction review by the permittee of the site design, the planned operations at the construction site, planned BMPs during the construction phase, and the planned BMPs to be used to manage runoff created after development. The review procedure will incorporate procedures for the

consideration of potential water quality impacts, and procedures for the receipt and consideration of information submitted by the public. The site plan review procedure will also include evaluation of opportunities for use of low impact design and green infrastructure. When the opportunity exists, the Town will encourage project proponents to incorporate these practices into the site design. The procedures for site inspections conducted by the Town will include the requirement that inspections occur during construction of BMPs as well as after construction of BMPs to ensure they are working as described in the approved plans, clearly defined procedures for inspections including qualifications necessary to perform the inspections, the use of mandated inspection forms if appropriate, and procedure for tracking the number of site reviews, inspections, and enforcement actions. This tracking information will be included as part of each annual report required by part 4.4 of the Permit.

<i>MCM.4 BMP 1:</i>	<i>Sediment and Erosion Control Ordinance</i>
Completed:	9/28/2006
Link or Reference:	https://www.ecode360.com/9537081
Enforcement Authority:	Stormwater Management Commission

<i>MCM.4 BMP 2:</i>	<i>Site Plan Review Procedures</i>
Description:	Complete written procedures of site plan review are provided in the Stormwater Management and Erosion Control Regulations.
Completion Date:	Completed: 9/28/2006 Revised: 06/30/2021
Responsible Department/Party:	Stormwater Management Commission
Measurable Goals:	Conduct site plan review of 100% of projects according to the procedures outlined above.

<i>MCM.4 BMP 3:</i>	<i>Site Inspections and Enforcement of Sediment and Erosion Control Measures Procedures</i>
Description:	Complete written procedures of site inspections and enforcement procedures are provided in the Stormwater Management and Erosion Control Regulations.
Completion Date:	Completed: 9/28/2006 Revised: 06/30/2021
Responsible Department/Party:	Stormwater Management Commission
Measurable Goals:	Inspect 100% of construction sites as outlined in the above document and take enforcement actions as needed.

<i>MCM.4 BMP 4:</i>	<i>Waste Control</i>
Description:	Adoption of requirements to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes as outlined in the Stormwater Management and Erosion Control Regulations.
Completion Date:	6/30/2021
Responsible Department/Party:	Stormwater Management Commission
Measurable Goals:	Review and update as necessary.

MCM.5 POST CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT

The objective of this control measure is to reduce the discharge of pollutants found in stormwater through the retention or treatment of stormwater after construction on new or redeveloped sites. For the purposes of this control measure, the following definitions apply:

site is defined as the area extent of construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover

new development is defined as any construction activities or land alteration resulting in total earth disturbances equal to or 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.

redevelopment is defined as any construction, land alteration or improvement of impervious surfaces resulting in total earth disturbances equal to or 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).

MCM.5 BMP 1:	<i>As-built plans for on-site stormwater control</i>
Description:	The procedures to require submission of as-built drawings and ensure long term operation and maintenance will be a part of the SWMP
Completed:	4/22/2008
Link or Reference:	Stormwater Management and Erosion Control Regulations
Enforcement Authority:	Stormwater Management Commission

MCM.5 BMP 2:	<i>Target properties to reduce impervious areas</i>
Description:	Identify at least 5 permittee-owned properties that could be modified or retrofitted with BMPs to reduce impervious areas and update annually. (Included in the "Dalton's Green Infrastructure Report.")
Completion Date:	4/5/2022
Responsible Department/Party:	Town Manager
Measurable Goals:	Review and update list annually.

MCM.5 BMP 3:	<i>Allow green infrastructure</i>
Description:	Develop a Green Infrastructure report which includes an assessment of existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist.
Completion Date:	9/16/2022
Responsible Department/Party:	Planning Board
Measurable Goals:	Recommendations in the Green Infrastructure Report will be implemented in accordance with the report's timeline and progress reported annually.

MCM.5 BMP 4:	<i>Street design and parking lot guidelines</i>
Description:	Develop a Green Infrastructure report assessing requirements that affect the creation of impervious cover. The assessment will help determine if changes to design standards for streets and parking lots can be modified to support low impact design options.
Completion Date:	9/16/2022
Responsible Department/Party:	Planning Board
Measurable Goals:	Recommendations in the Green Infrastructure Report will be implemented in accordance with the report's timeline and progress reported annually.

MCM.5 BMP 5:	<i>Ensure any stormwater controls or management practices for new development and redevelopment meet the retention or treatment requirements of the permit and all applicable requirements of the Massachusetts Stormwater Handbook</i>
Description:	Adoption, amendment, or modification of a regulatory mechanism to meet permit requirements. (These are contained within the Stormwater Management and Erosion Control Bylaw and Regulations.)
Completion Date:	Initial: 4/22/2008; Amended: 6/30/2021
Responsible Department/Party:	Project review may be completed by one or more of the following Town Boards & Commissions: Stormwater Commission, Building Inspector, Planning Board, Conservation Commission
Measurable Goals:	Conduct as part of the site plan review of 100% of projects according to the procedures outlined above.

MCM.6 GOOD HOUSEKEEPING AND POLLUTION PREVENTION FOR PERMITTEE OWNED OPERATIONS

The Town will implement an operations and maintenance program for permittee-owned operations that has a goal of preventing or reducing pollutant runoff and protecting water quality from all permittee-owned operations.

MCM.6 BMP 1:	<i>Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment</i>
Description:	Create inventory and include in Dalton's "Stormwater Infrastructure Operation and Maintenance Plan."
Completion Date:	Draft generated 6/30/2020; Review and update draft: 12/31/2026
Responsible Department/Party:	Department of Public Works
Measurable Goals:	Dalton's "Stormwater Infrastructure Operation and Maintenance Plan" is updated annually.

MCM.6 BMP 2:	<i>Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment</i>
Description:	Create inventory and include in Dalton's "Stormwater Infrastructure Operation and Maintenance Plan."
Completion Date:	Draft generated 6/30/2020; Review and update draft: 12/31/2026
Responsible Department/Party:	Department of Public Works
Measurable Goals:	Dalton's "Stormwater Infrastructure Operation and Maintenance Plan" is updated annually.

MCM.6 BMP 3:	Infrastructure O&M
Description:	Establish and implement program for repair and rehabilitation of MS4 infrastructure and include in Dalton's "Stormwater Infrastructure Operation and Maintenance Plan."
Completion Date:	Update to be done by 12/31/26
Responsible Department/Party:	Department of Public Works
Measurable Goals:	Program for repair and rehabilitation of MS4 infrastructure updated by 12/31/26

MCM.6 BMP 4:	Stormwater Pollution Prevention Plan (SWPPP)
Description:	Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities.
Completion Date:	Updated 5/19/2025
Responsible Department/Party:	Department of Public Works
Measurable Goals:	Quarterly Inspections completed each year and issues observed addressed promptly. SWPPP is reviewed and updated annually.

MCM.6 BMP 5:	Catch basin cleaning
Description:	Establish schedule for catch basin cleaning such that each catch basin is no more than 50% full and clean catch basins on that schedule
Completion Date:	Completed annually
Responsible Department/Party:	Department of Public Works
Measurable Goals:	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually. Initiate program to ensure no catch basin is more than 50% full at any given time by FY2027.

MCM.6 BMP 6:	<i>Street sweeping program</i>
Description:	Sweep all streets and permittee-owned parking lots in accordance with permit conditions
Completion Date:	Completed annually
Responsible Department/Party:	Department of Public Works
Measurable Goals:	Sweep all streets and permittee-owned parking lots once per year in the spring.

MCM.6 BMP 7:	<i>Road salt use optimization program</i>
Description:	Establish and implement a program to minimize the use of road salt. Include Dalton's " Stormwater Infrastructure Operation and Maintenance Plan."
Completion Date:	12/31/2026
Responsible Department/Party:	Department of Public Works
Measurable Goals:	Implement salt use optimization program during deicing season by 12/31/2026.

MCM.6 BMP 8:	<i>Inspections and maintenance of stormwater treatment structures</i>
Description:	Establish and implement inspection and maintenance procedures and frequencies for structures such as water quality swales, retention/detention basins, infiltration structures, proprietary treatment devices or other similar structures excluding catch basins. The procedures will be included in Dalton's "Stormwater Infrastructure Operation and Maintenance Plan."
Completion Date:	12/31/2026
Responsible Department/Party:	Department of Public Works
Measurable Goals:	Develop Inspection and Maintenance plan for town-owned or managed treatment structures and implement in accordance with Dalton's " Stormwater Infrastructure Operation and Maintenance Plan" to ensure structures are functioning properly.

5. IMPLEMENTATION SCHEDULE

The town of Dalton will implement the SWMP in accordance with the implementation plan outlined in Appendix 5.

6. ANNUAL STATUS REPORTING

Program Evaluation

The permittee shall annually self-evaluate its compliance with the terms and conditions of this permit and submit each self-evaluation in the Annual Report. The permittee shall also maintain the annual evaluation documentation as part of the SWMP.

APPENDIX 1 – NOTICE OF INTENT

Part I: General Conditions

General Information

Name of Municipality or Organization: State:

EPA NPDES Permit Number (if applicable):

Primary MS4 Program Manager Contact Information

Name: Title:

Street Address Line 1:

Street Address Line 2:

City: State: Zip Code:

Email: Phone Number:

Fax Number:

Other Information

Stormwater Management Program (SWMP) Location
(web address or physical location, if already completed):

Eligibility Determination

Endangered Species Act (ESA) Determination Complete? Eligibility Criteria (check all that apply): ☐ A ☐ B ☒ C

National Historic Preservation Act (NHPA) Determination Complete? Eligibility Criteria (check all that apply): ☒ A ☐ B ☐ C

☒ Check the box if your municipality or organization was covered under the 2003 MS4 General Permit

MS4 Infrastructure (if covered under the 2003 permit)

Estimated Percent of Outfall Map Complete? If 100% of 2003 requirements not met, enter an estimated date of completion (MM/DD/YY):

(Part II, III, IV or V, Subpart B.3.(a.) of 2003 permit)

Web address where MS4 map is published:

If outfall map is unavailable on the internet an electronic or paper copy of the outfall map must be included with NOI submission (see section V for submission options)

Regulatory Authorities (if covered under the 2003 permit)

Illicit Discharge Detection and Elimination (IDDE) Authority Adopted? <i>(Part II, III, IV or V, Subpart B.3.(b.) of 2003 permit)</i>	Yes	Effective Date or Estimated Date of Adoption (MM/DD/YY):	11/19/07
Construction/Erosion and Sediment Control (ESC) Authority Adopted? <i>(Part II, III, IV or V, Subpart B.4.(a.) of 2003 permit)</i>	Yes	Effective Date or Estimated Date of Adoption (MM/DD/YY):	09/28/06
Post- Construction Stormwater Management Adopted? <i>(Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit)</i>	Yes	Effective Date or Estimated Date of Adoption (MM/DD/YY):	09/28/06

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part II: Summary of Receiving Waters

Please list the waterbody segments to which your MS4 discharges. For each waterbody segment, please report the number of outfalls discharging into it and, if applicable, any impairments.

Massachusetts list of impaired waters: [Massachusetts 2014 List of Impaired Waters- http://www.mass.gov/eea/docs/dep/water/resources/07v5/14list2.pdf](http://www.mass.gov/eea/docs/dep/water/resources/07v5/14list2.pdf)

Check off relevant pollutants for discharges to impaired waterbodies (see above 303(d) lists) without an approved TMDL in accordance with part 2.2.2.a of the permit. List any other pollutants in the last column, if applicable.

Waterbody segment that receives flow from the MS4	Number of outfalls into receiving water segment	Chloride	Chlorophyll-a	Dissolved Oxygen/DO Saturation	Nitrogen	Oil & Grease/ PAH	Phosphorus	Solids/ TSS/ Turbidity	E. coli	Enterococcus	Other pollutant(s) causing impairments
East Branch Housatonic River (MA21-01)	48	☐	☐	☐	☐	☐	☐	☐	☐	☐	Fecal Coliform PCB in Fish Tissue
East Branch Housatonic River (MA21-02)	56	☐	☐	☐	☐	☐	☐	☐	☐	☐	Fecal Coliform PCB in Fish Tissue
Wahconah Falls Brook	8	☐	☐	☐	☐	☐	☐	☐	☐	☐	Fecal Coliform
Hathaway Brook	2	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Anthony Brook	13	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Walker Brook	9	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Barton Brook	26	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Brattle Brook	11	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Sackett Brook	3	☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐							

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary

Identify the Best Management Practices (BMPs) that will be employed to address each of the six Minimum Control Measures (MCMs). For municipalities/organizations whose MS4 discharges into a receiving water with an approved Total Maximum Daily Load (TMDL) and an applicable waste load allocation (WLA), identify any additional BMPs employed to specifically support the achievement of the WLA in the TMDL section at the end of part III.

For each MCM, list each existing or proposed BMP by category and provide a brief description, responsible parties/departments, measurable goals, and the year the BMP will be employed (public education and outreach BMPs also requires a target audience). **Use the drop-down menus in each table or enter your own text to override the drop down menu.**

MCM 1: Public Education and Outreach

BMP Media/Category (enter your own text to override the drop down menu)	BMP Description	Targeted Audience	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal	Beginning Year of BMP Implementation
Brochures/Pamphlets	Insert in tax bill mailing	Residents	Stormwater Management Commission	Reduce pollution through improved behaviors	2019
Brochures/Pamphlets	Distribute brochures through Town Hall	Businesses, Institutions and Commercial Facilities	Stormwater Management Commission	Increase awareness	2020
Brochures/Pamphlets	Distribute brochures through building inspector	Developers (construction)	Building Inspector	Reduce pollution through improved construction practices	2019
Brochures/Pamphlets	Distribute brochures through targeted mailing	Industrial Facilities	Stormwater Management Commission	Reduce pollution through improved industrial practices	2020
School Curricula/Programs	Elementary school educational program about stormwater system and connection to waterbodies	Residents	Houstonian Valley Association	Increase awareness	2021
Displays/Posters/Kiosks	Display at Town Hall	Businesses, Institutions and Commercial Facilities	Houstonian Valley Association	Increase awareness	2022

Local Public Service Announcements	Information for developers available through the local public service announcement preceding Select Board Meetings	Developers (construction)	Stormwater Management Commission	Reduce pollution through improved construction practices	2021
Web Page	Resources for industrial facilities available through the Town's website	Industrial Facilities	Stormwater Management Commission	Reduce pollution through improved industrial practices	2022

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary (continued)

MCM 2: Public Involvement and Participation

BMP Categorization	Brief BMP Description (enter your own text to override the drop down menu)	Responsible Department/Parties (enter your own text to override the drop down menu)	Additional Description/ Measurable Goal	Beginning Year of BMP Imple- mentation
Public Review	SWMP Review	Stormwater Management Commission	Allow annual review of stormwater management plan and posting of stormwater management plan on website	2019
Public Participation	Public Meeting - Stormwater	Stormwater Management Commission	Allow public to comment on stormwater management plan annually	2019
Public Participation	Stormwater Committee/Task Force	Stormwater Management Commission	Conduct regular open meetings of the Stormwater Management Commission	2019
Public Participation	Household haz. waste/used oil collection	DPW Operations	Reduce pollution through proper disposal	2020
Public Participation	Partnership - Advocacy Groups	Housatonic Valley Association	Increase awareness, advocacy and stewardship	2018
Public Participation	Hotline/webline - reporting problems/violations	Emergency Management	Greater exchange of information and improved response time	2018

[illegible]

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary (continued)

MCM 3: Illicit Discharge Detection and Elimination (IDDE)

BMP Categorization (enter your own text to override the drop down menu)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overridden)	Beginning Year of BMP Implementation
SSO inventory	Develop SSO inventory in accordance of permit conditions	DPW Operations	Complete within 1 year of effective date of permit	2018
Storm sewer system map	Create map and update during IDDE program completion	DPW Operations	Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit	2018
Written IDDE program	Create written IDDE program	Stormwater Management Commission	Complete within 1 year of the effective date of permit and update as required	2018
Implement IDDE program	Implement catchment investigations according to program and permit conditions	Health Department	Complete 10 years after effective date of permit	2020
Employee training	Train employees on IDDE implementation	Town Manager /Mayor's Office	Train annually	2019
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions	Housatonic Valley Association	Complete 3 years after effective date of permit	2021
Conduct wet weather screening	Conduct in accordance with outfall screening procedure	Housatonic Valley Association	Complete 10 years after effective date of permit	2022
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	Housatonic Valley Association	Complete ongoing outfall screening upon completion of IDDE program	2023

[illegible]

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary *(continued)*

MCM 4: Construction Site Stormwater Runoff Control

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
Site inspection and enforcement of Erosion and Sediment Control (ESC) measures	Complete written procedures of site inspections and enforcement procedures	Stormwater Management Commission	Complete within 1 year of the effective date of permit	2018
Site plan review	Complete written procedures of site plan review and begin implementation	Stormwater Management Commission	Complete within 1 year of the effective date of permit	2018
Erosion and Sediment Control	Adoption of requirements for construction operators to implement a sediment and erosion control program	Stormwater Management Commission	Complete within 1 year of the effective date of permit	2018
Waste Control	Adoption of requirements to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes	Stormwater Management Commission	Complete within 1 year of the effective date of permit	2019

Dalton							

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary (continued)

MCM 5: Post-Construction Stormwater Management in New Development and Redevelopment

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
As-built plans for on-site stormwater control	The procedures to require submission of as-built drawings and ensure long term operation and maintenance will be a part of the SWMP	Stormwater Management Commission	Require submission of as-built plans for completed projects	2018
Target properties to reduce impervious areas	Identify at least 5 permittee-owned properties that could be modified or retrofitted with BMPs to reduce impervious areas and update annually	Town Manager	Complete 4 years after effective date of permit and report annually on retrofitted properties	2020
Allow green infrastructure	Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist	Planning Board	Complete 4 years after effective date of permit and implement recommendations of report	2020
Street design and parking lot guidelines	Develop a report assessing requirements that affect the creation of impervious cover. The assessment will help determine if changes to design standards for streets and parking lots can be modified to support low impact design options.	Planning Board	Complete 4 years after effective date of permit and implement recommendations of report	2021

Ensure any stormwater controls or management practices for new development and redevelopment meet the retention or treatment requirements of the permit and all applicable requirements of the Massachusetts Stormwater Handbook	Adoption, amendment, or modification of a regulatory mechanism to meet permit requirements	Stormwater Management Commission	Complete 2 years after effective date of permit	2018

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary *(continued)*

MCM 6: Municipal Good Housekeeping and Pollution Prevention

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
O&M procedures	Create written O&M procedures including all requirements contained in 2.3.7.a.ii for parks and open spaces, buildings and facilities, and vehicles and equipment	DPW Operations	Complete and implement 2 years after effective date of permit	2019
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	DPW Operations	Complete 2 years after effective date of permit and implement annually	2019
Infrastructure O&M	Establish and implement program for repair and rehabilitation of MS4 infrastructure	DPW Operations	Complete 2 years after effective date of permit	2019
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities	DPW Operations	Complete and implement 2 years after effective date of permit	2019
Catch basin cleaning	Establish schedule for catch basin cleaning such that each catch basin is no more than 50% full and clean catch basins on that schedule	DPW Operations	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually	2019
Street sweeping program	Sweep all streets and permittee-owned parking lots in accordance with permit conditions	DPW Operations	Sweep all streets and permittee-owned parking lots once per year in the spring	2019
Road salt use optimization program	Establish and implement a program to minimize the use of road salt	DPW Operations	Implement salt use optimization during deicing season	2019

Inspections and maintenance of stormwater treatment structures	Establish and implement inspection and maintenance procedures and frequencies	DPW Operations	Inspect and maintain treatment structures at least annually	2019

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary (continued)

Actions for Meeting Total Maximum Daily Load (TMDL) Requirements

Use the drop-down menus to select the applicable TMDL, action description to meet the TMDL requirements, and the responsible department/parties. If no options are applicable, or more than one, enter your own text to override drop-down menus.

Applicable TMDL	Action Description	Responsible Department/Parties (enter your own text to override the drop down menu)
Long Island Sound TMDL (Nitrogen)	Adhere to requirements in part B.I of Appendix F	Stormwater Management Commission
Long Island Sound TMDL (Nitrogen)	Adhere to requirements in part B.I of Appendix F	DPW Operations
Long Island Sound TMDL (Nitrogen)	Adhere to requirements in part B.I of Appendix F	DPW Construction
Long Island Sound TMDL (Nitrogen)	Adhere to requirements in part B.I of Appendix F	External Contractor
Long Island Sound TMDL (Nitrogen)	Adhere to requirements in part B.I of Appendix F	Planning/zoning Department
Long Island Sound TMDL (Nitrogen)	Adhere to requirements in part B.I of Appendix F	Town Manager /Mayor's Office
Long Island Sound TMDL (Nitrogen)	Adhere to requirements in part B.I of Appendix F	Housatonic Valley Association
Long Island Sound TMDL (Nitrogen)	Adhere to requirements in part B.I of Appendix F	Conservation Committee
Long Island Sound TMDL (Nitrogen)	Adhere to requirements in part B.I of Appendix F	Health Department

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary (continued)

Actions for Meeting Requirements Related to Water Quality Limited Waters

Use the drop-down menus to select the pollutant causing the water quality limitation and enter the waterbody ID(s) experiencing excursions above water quality standards for that pollutant. Choose the action description from the dropdown menu and indicate the responsible party. If no options are applicable, or more than one, **enter your own text to override drop-down menus.**

[illegible]

Part IV: Notes and additional information

Use the space below to indicate the part(s) of 2.2.1 and 2.2.2 that you have identified as not applicable to your MS4 because you do not discharge to the impaired water body or a tributary to an impaired water body due to nitrogen or phosphorus. Provide all supporting documentation below or attach additional documents if necessary. Also, provide any additional information about your MS4 program below.

The Town of Dalton completed an Endangered Species Act (ESA) review and determined that the Town only contains the Northern Long Eared Bat. The Town of Dalton certifies compliance with the Endangered Species Act under Criterion C. The Town's planned actions under the permit will have no effect on the Northern Long Eared Bat and the Town will consult with US Fish and Wildlife as needed during the permit term on any future BMPs.

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Page 19 of 19

Part V: Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name:

Kenneth E. Walto

Title:

Town Manager

Signature:



Date:

9/27/18

[To be signed according to Appendix B, Subparagraph B.11, Standard Conditions]

Note: When prompted during signing, save the document under a new file name

APPENDIX 2 – US FISH & WILDLIFE DETERMINATION



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104
<http://www.fws.gov/newengland>



In Reply Refer To:
Consultation Code: 05E1NE00-2017-SLI-1774
Event Code: 05E1NE00-2018-E-07383
Project Name: Dalton, MA MS4 NOI

September 19, 2018

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
(603) 223-2541

Project Summary

Consultation Code: 05E1NE00-2017-SLI-1774

Event Code: 05E1NE00-2018-E-07383

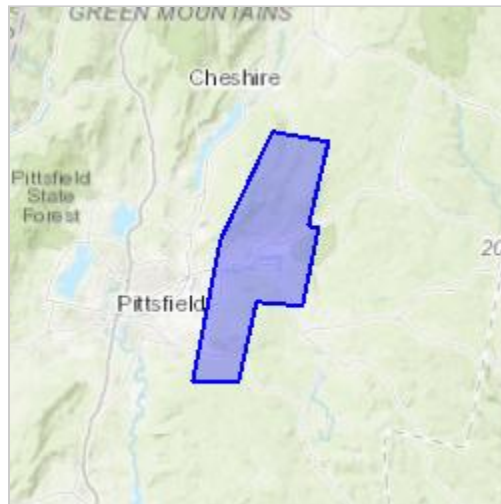
Project Name: Dalton, MA MS4 NOI

Project Type: ** OTHER **

Project Description: Compliance with EPA MA Small MS4 General Permit

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.47687543482554N73.15152122857316W>



Counties: Berkshire, MA

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

APPENDIX 3 – MASSACHUSETTS HISTORICAL COMMISSION DETERMINATION

The Town of Dalton certifies eligibility regarding historic properties on the NOI required by part 1.7.2, under Criterion A consistent with the 2003 permit coverage.

Appendix D

National Historic Preservation Act Guidance

Background

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of Federal “undertakings” on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. The term federal “undertaking” is defined in the NHPA regulations to include a project, activity, or program of a federal agency including those carried out by or on behalf of a federal agency, those carried out with federal financial assistance, and those requiring a federal permit, license or approval. See 36 CFR 800.16(y). Historic properties are defined in the NHPA regulations to include prehistoric or historic districts, sites, buildings, structures, or objects that are included in, or are eligible for inclusion in, the National Register of Historic Places. This term includes artifacts, records, and remains that are related to and located within such properties. See 36 CFR 800.16(1).

EPA’s issuance of a National Pollutant Discharge Elimination System (NPDES) General Permit is a federal undertaking within the meaning of the NHPA regulations and EPA has determined that the activities to be carried out under the general permit require review and consideration, in order to be in compliance with the federal historic preservation laws and regulations. Although individual submissions for authorization under the general permit do not constitute separate federal undertakings, the screening processes provides an appropriate site-specific means of addressing historic property issues in connection with EPA’s issuance of the permit. To address any issues relating to historic properties in connection with the issuance of this permit, EPA has included a screening process for applicants to identify whether properties listed or eligible for listing on the National Register of Historic Places are within the path of their discharges or discharge-related activities (including treatment systems or any BMPs relating to the discharge or treatment process) covered by this permit.

Applicants seeking authorization under this general permit must comply with applicable, State, Tribal, and local laws concerning the protection of historic properties and places and may be required to coordinate with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) and others regarding effects of their discharges on historic properties.

Activities with No Potential to Have an Effect on Historic Properties

A determination that a federal undertaking has no potential to have an effect on historic properties fulfills an agency’s obligations under NHPA. EPA has reason to believe that the vast majority of activities authorized under this general permit will have no potential effects on historic properties. This permit typically authorizes discharges from existing facilities and requires control of the pollutants discharged from the facility. EPA does not anticipate effects on historic properties from the pollutants in the authorized discharges. Thus, to the extent EPA’s issuance of this general permit authorizes discharges of such constituents, confined to existing channels, outfalls or natural drainage areas, the permitting action does not have the potential to cause effects on historical properties.

In addition, the overwhelming majority of sources covered under this permit will be facilities that are seeking renewal of previous permit authorization. These existing dischargers should have already addressed NHPA issues in the previous general permit as they were required to certify that they were either not affecting historic properties or they had obtained written agreement from

the applicable SHPO or THPO regarding methods of mitigating potential impacts. To the extent this permit authorizes renewal of prior coverage without relevant changes in operations the discharge has no potential to have an effect on historic properties.

Activities with Potential to Have an Effect on Historic Properties

EPA believes this permit may have some potential to have an effect on historic properties the applicant undertakes the construction and/or installation of control measures that involve subsurface disturbance that involves less than 1 acre of land. (Ground disturbances of 1 acre or more require coverage under the Construction General Permit.) Where there is disturbance of land through the construction and/or installation of control measures, there is a possibility that artifacts, records, or remains associated with historic properties could be impacted. Therefore, if the applicant is establishing new or altering existing control measures to manage their discharge that will involve subsurface ground disturbance of less than 1 acre, they will need to ensure (1) that historic properties will not be impacted by their activities or (2) that they are in compliance with a written agreement with the SHPO, THPO, or other tribal representative that outlines all measures the applicant will carry out to mitigate or prevent any adverse effects on historic properties.

Examples of Control Measures Which Involve Subsurface Disturbance

The type of control measures that are presumptively expected to cause subsurface ground disturbance include:

- Dikes
- Berms
- Catch basins, drainage inlets
- Ponds, bioretention areas
- Ditches, trenches, channels, swales
- Culverts, pipes
- Land manipulation; contouring, sloping, and grading
- Perimeter Drains
- Installation of manufactured treatment devices

EPA cautions applicants that this list is non-inclusive. Other control measures that involve earth disturbing activities that are not on this list must also be examined for the potential to affect historic properties.

Certification

Upon completion of this screening process the applicant shall certify eligibility for this permit using one of the following criteria on their Notice of Intent for permit coverage:

Criterion A: The discharges do not have the potential to cause effects on historic properties.

Criterion B: A historic survey was conducted. The survey concluded that no historic properties are present. Discharges do not have the potential to cause effects on historic properties.

Criterion C: The discharges and discharge related activities have the potential to have an effect on historic properties, and the applicant has obtained and is in compliance with a written agreement with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (TPHO), or other tribal representative that outlines measures the applicant will carry out to mitigate or prevent any adverse effects on historic properties.

Authorization under the general permit is available only if the applicant certifies and documents permit eligibility using one of the eligibility criteria listed above. Small MS4s that cannot meet any of the eligibility criteria in above must apply for an individual permit.

Screening Process

Applicants or their consultant need to answer the questions and follow the appropriate procedures below to assist EPA in compliance with 36 CFR 800.

Question 1: Is the facility an existing facility authorized by the previous permit or a new facility and the applicant is not undertaking any activity involving subsurface land disturbance less than an acre?

YES - The applicant should certify that fact in writing and file the statement with the EPA. This certification must be maintained as part of the records associated with the permit.

The applicant should certify eligibility for this permit using Criterion A on their Notice of Intent for permit coverage. The applicant does not need to contact the state Historic Commission. Based on that statement, EPA will document that the project has “no potential to cause effects” (36 CFR 800.3(a)(1)). There are no further obligations under the Section 106 regulations.

NO- Go to Question 2.

Question 2: Is the property listed in the National Register of Historic Places or have prior surveys or disturbances revealed the existence of a historic property or artifacts?

NO - The applicant should certify that fact in writing and file the statement with the EPA. This certification must be maintained as part of the records associated with the permit.

The applicant should certify eligibility for this permit using Criterion B on their Notice of Intent for permit coverage. The applicant does not need to contact the state Historic Commission. Based on that statement, EPA will document that the project has “no potential to cause effects” (36 CFR 800.3(a)(1)). There are no further obligations under the Section 106 regulations.

YES - The applicant or their consultant should prepare a complete information submittal to the SHPO. The submittal consists of:

- Completed Project Notification Form- forms available at <http://www.sec.state.ma.us/mhc/mhcform/formidx.htm>;

- USGS map section with the actual project boundaries clearly indicated; and
- Scaled project plans showing existing and proposed conditions.

(1) Please note that the SHPO does not accept email for review. Please mail a paper copy of your submittal (Certified Mail, Return Receipt Requested) or deliver a paper copy of your submittal (and obtain a receipt) to:

State Historic Preservation Officer
Massachusetts Historical Commission
220 Morrissey Blvd.
Boston MA 02125.

(2) Provide a copy of your submittal and the proof of MHC delivery showing the date MHC received your submittal to:

NPDES Permit Branch Chief
US EPA Region 1 (OEP06-1)
5 Post Office Square, Suite 100
Boston MA 02109-3912.

The SHPO will comment within thirty (30) days of receipt of complete submittals, and may ask for additional information. Consultation, as appropriate, will include EPA, the SHPO and other consulting parties (which includes the applicant). The steps in the federal regulations (36 CFR 800.2 to 800.6, etc.) will proceed as necessary to conclude the Section 106 review for the undertaking. **The applicant should certify eligibility for this permit using Criterion C on their Notice of Intent for permit coverage.**

APPENDIX 4 – IMPLEMENTATION PLAN

Year by Year Action Plan

The following tables outline the measurable goals and best management practice options for each of the six minimum control measures required under the NPDES Phase II Stormwater Permit. The tables organize program tasks by responsible party/department for fiscal years 2026 and 2027.

FY2026	STORMWATER MANAGEMENT COMMISSION	DPW	BUILDING INSPECTOR	TOWN CLERK	PLANNING BOARD	TOWN MANAGER
PUBLIC EDUCATION AND OUTREACH	• Maintain Stormwater Management Website link to general information for all target audiences • Distribute "Dalton Get River Smart" and "Pet Waste" brochures at Town Hall, Library, and Community and Recreation Association (CRA) • Arrange for BMP messages to be shared on Cable TV including: proper disposal of leaves, grass clippings and pet waste. • Direct mailing to property owners within East Branch catchment area (downstream of Center Pond) that provides information about septic system best practices and signs of potential septic system failure • Inform Businesses, Institutions, and Commercial Facilities about the Best Management Practices (BMPs) through brochure distribution at town hall including annual spring and fall messaging about proper disposal of grass clippings, leaves and yard waste and proper use of fertilizers. • Inform Industrial Facilities about BMPs through brochure distribution via a targeted mailing.		• Distribute brochures to educate contractors and developers about Best Management Practices. • Distribute brochures to educate residents about proper disposal of pool water.	• Distribute "pet waste" brochure at time of dog license renewal.		
PUBLIC INVOLVEMENT AND PARTICIPATION	• Conduct regular open meetings of the Stormwater Management Commission • Provide link to SWMP on town website. • Provide public the opportunity to participate in the annual review of the SWMP.	• Maintain hotline for reporting problems or violations. • Provide residents with leaf and grass clipping disposal at transfer station. • Provide residents an opportunity to dispose of household hazardous waste annually.			• Ensure representation of the Planning Board on the Stormwater Management Commission	
ILLICIT DISCHARGE DETECTION AND ELIMINATION		• Develop SSO inventory • Update storm sewer system map • Train employees on IDDE implementation annually • Conduct wet weather screening				
CONSTRUCTION SITE STORMWATER RUNOFF CONTROL	• Conduct site plan review and construction site inspections of projects in accordance to the written procedures provided in the Stormwater Management and Erosion Control Regulations. • Take enforcement actions when necessary. • Review and update the requirements to control wastes including, but not limited to discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes as outlined in the Stormwater Management and Erosion Control Regulations.					
POST-CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT	• Follow procedures to require as-built plans for on-site stormwater control as outlined in the Stormwater Regulations. Regulatory mechanism to meet retention or treatment requirements				• Recommendations in the Green Infrastructure Report will be implemented in accordance with the report's timeline and progress reported annually. • Participate in site plan review of projects to ensure that new development and redevelopment projects meet the retention or treatment requirements of the permit and all applicable requirements of the Massachusetts Stormwater Handbook.	In conjunction with the Stormwater Mgt Commission, review and update the list of 5 permittee-owned properties that could be modified or retrofitted with BMPs to reduce impervious areas.
MUNICIPAL GOOD HOUSEKEEPING AND POLLUTION PREVENTION		• Complete quarterly inspections in accordance with the SWPPP and review/update SWPPP annually. • Clean catch basins and report on number of catch basins cleaned and volume of material removed annually. • Sweep all streets and permittee-owned parking lots • Create maintenance plan for town-owned BMPs.				

Year by Year Action Plan

The following tables outline the measurable goals and best management practice options for each of the six minimum control measures required under the NPDES Phase II Stormwater Permit. The tables organize program tasks by responsible party/department for fiscal years 2026 and 2027.

FY2027	STORMWATER MANAGEMENT COMMISSION	DPW	BUILDING INSPECTOR	TOWN CLERK	PLANNING BOARD	TOWN MANAGER
PUBLIC EDUCATION AND OUTREACH	• Maintain Stormwater Management Website link to general information for all target audiences • Distribute "Dalton Get River Smart" and "Pet Waste" brochures at Town Hall, Library, and Community and Recreation Association (CRA) • Arrange for BMP messages to be shared on Cable TV including: proper disposal of leaves, grass clippings and pet waste. • Direct mailing to property owners within East Branch catchment area (downstream of Center Pond) that provides information about septic system best practices and signs of potential septic system failure • Inform Businesses, Institutions, and Commercial Facilities about the Best Management Practices (BMPs) through brochure distribution at town hall including annual spring and fall messaging about proper disposal of grass clippings, leaves and yard waste and proper use of fertilizers. • Inform Industrial Facilities about BMPs through brochure distribution via a targeted mailing.		• Distribute brochures to educate contractors and developers about Best Management Practices. • Distribute brochures to educate residents about proper disposal of pool water.	• Distribute "pet waste" brochure at time of dog license renewal.		
PUBLIC INVOLVEMENT AND PARTICIPATION	• Allow public to comment on stormwater management plan annually • Conduct regular open meetings of the Stormwater Management Commission					
ILLCIT DISCHARGE DETECTION AND ELIMINATION		• Finalize map updates • Implement catchment investigations related to IDDE • Train employees on IDDE implementation annually				
CONSTRUCTION SITE STORMWATER RUNOFF CONTROL						
POST-CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT			• Review Green Infrastructure report recommendations and timeline amend as necessary.		• Recommendations in the Green Infrastructure Report will be implemented in accordance with the report's timeline and progress reported annually. • Participate in site plan review of projects to ensure that new development and redevelopment projects meet the retention or treatment requirements of	In conjunction with the Stormwater Mgt Commission, review and update the list of 5 permittee-owned properties that could be modified or retrofitted with BMPs to reduce impervious areas.
MUNICIPAL GOOD HOUSEKEEPING AND POLLUTION PREVENTION		• Update written O&M procedures • Update inventory of all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment • Update program for repair and rehabilitation of infrastructure • Complete quarterly inspections in accordance with the SWPPP • Review and update the SWPPP annually • Clean catch basins and report on number of catch basins cleaned and volume of material removed annually. • Sweep all streets and permittee-owned parking lots • Establish and implement a program to minimize road salt usage				

APPENDIX 5 – ILLICIT DISCHARGE AND DETECTION PLAN (IDDE)

Conducting an Illicit Discharge Detection & Elimination Program Dalton, MA

Section 604(b) Project Number 02-05/604
Project conducted from July 2002 to June 2005

Prepared by
Berkshire Regional Planning Commission

Prepared for
Dalton Massachusetts
and
Massachusetts Department of Environmental Protection

Massachusetts Executive Office of Environmental Affairs
Ellen Roy Herzfelder, Secretary

Department of Environmental Protection
Robert W. Golledge, Jr., Commissioner

Bureau of Resource Protection
Glenn Hass, Acting Assistant Commissioner

Division of Municipal Services
Steven J. McCurdy, Director

June 2005

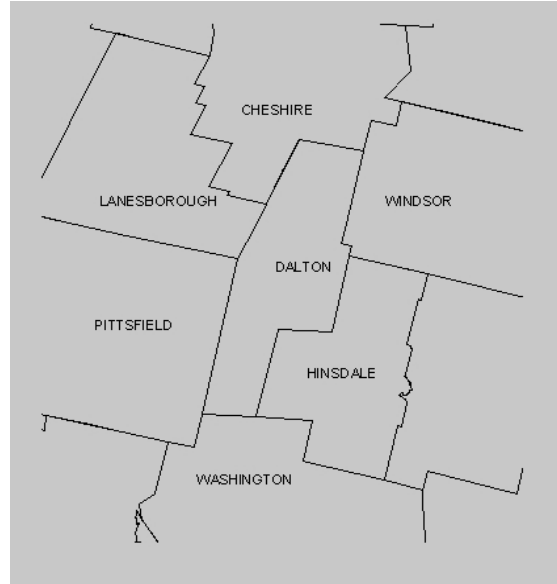
This project has been financed partially with Federal Funds from the Environmental Protection Agency (EPA) to the Massachusetts Department of Environmental Protection (the Department) under Section 604(b) of the Clean Water Act. The contents do not necessarily reflect the views and policies of EPA or of the Department, nor does the mention of trade names or commercial products constitute endorsement or recommendation for use.

TABLE OF CONTENTS

How To Conduct An Illicit Discharge Detection And Elimination Program.....	1
I. INTRODUCTION.....	1
Context of The Plan.....	1
II. MANAGEMENT AND RESPONSIBILITIES	5
Select Board	5
Public Works Department	5
Building Inspector	5
Stormwater Committee	5
Board of Health.....	6
Conservation Commission.....	6
Planning Board	6
Town Meeting	6
Community Groups.....	6
III. PRIORITIZATION OF ILLICIT DISCHARGE DETECTION & ELIMINATION AREAS	7
Identify Possible Hot Spots.....	7
Table 4: Recommended Complaint Investigation Equipment	10
IV. DETECTION OF ILLICIT DISCHARGES	12
MANHOLE OBSERVATIONS.....	12
DRY WEATHER ANALYTICAL AND FIELD SCREENING MONITORING	10
SOURCE INVESTIGATION.....	13
V. ELIMINATION OF ILLICIT DISCHARGES	16
COMPLIANCE ASSISTANCE AND ENFORCEMENT FOR ILLEGAL CONNECTIONS TO HOMES AND BUSINESSES.....	16
VI. EVALUATION & ASSESSMENT	19

I. INTRODUCTION

Within western Massachusetts, Dalton is a community of approximately 7,000 residents, encompassing 21.8 square miles in central Berkshire County, just east of Pittsfield. The Massachusetts Department of Revenue classified Dalton as a Rural Economic Center, although it also functions as a suburb of the City of Pittsfield. The Town of Dalton is required to comply with the recently promulgated National Pollutant Discharge Elimination System, Phase II regulations regarding stormwater management. The ultimate goal of this program is to improve the water quality in the Housatonic River and its tributaries in downtown Dalton, by preventing nonpoint source runoff and illicit stormwater discharges. A Stormwater Management Plan, prepared by the Berkshire Regional Planning Commission, was approved by the town and submitted to the Massachusetts Department of Environmental Protection and the US Environmental Protection Agency in July 2003. As a component of the Stormwater Management Plan, the Town will institute an Illicit Discharge Detection and Elimination (IDDE) program.



Dalton is centrally located in the Berkshires surrounded by the City of Pittsfield and the towns of Lanesborough, Cheshire, Windsor, Hinsdale, and Washington.

Context of the Program

The Town will institute an Illicit Discharge Detection and Elimination (IDDE) program that concentrates on local priority water bodies, citizen input and measures of prevention. EPA's Phase II regulations state that an IDDE program must incorporate the following four elements.

- Develop (if not already completed) a storm sewer system map showing the location of all outfalls, and the names and location of all waters of the United States that receive discharges from those outfalls.
- To the extent allowable under state, tribal, or local law, effectively prohibit through ordinance, or other regulatory mechanism, illicit discharges into the separate storm sewer system and implement appropriate enforcement procedures and actions as needed.
- Develop and implement a plan to detect and address illicit discharges, including illegal dumping, to the system.

- Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

The term “illicit discharge” is defined in EPA’s Phase II storm water regulations as “any discharge to a municipal separate storm sewer that is not composed entirely of storm water, except discharges pursuant to an NPDES permit and discharges resulting from fire-fighting activities.” Illicit discharges can be categorized as either direct or indirect.

Examples of direct illicit discharges:

- sanitary wastewater piping that is directly connected from a home to the storm sewer
- materials (e.g., used motor oil) that have been dumped illegally into a storm drain catch basin
- a shop floor drain that is connected to the storm sewer
- a cross-connection between the municipal sewer and storm sewer systems

Examples of indirect illicit discharges:

- an old and damaged sanitary sewer line that is leaking fluids into a cracked storm sewer line
- a failing septic system that is leaking into a cracked storm sewer line or causing surface discharge into the storm sewer

The federal regulations provide exceptions for the following sources:

- | | |
|---|--|
| 1. Water line flushing; | 10. Irrigation water, springs; |
| 2. Landscape irrigation; | 11. Water from crawl space pumps; |
| 3. Diverted stream flows; | 12. Footing drains; |
| 4. Rising ground waters; | 13. Lawn watering; |
| 5. Uncontaminated groundwater infiltration; | 14. Individual resident car washing; |
| 6. Uncontaminated pumped groundwater; | 15. Flows from riparian habitats and wetlands; |
| 7. Discharge from potable water sources; | 16. Dechlorinated swimming pool discharges; |
| 8. Foundation drains; | 17. Street wash water; |
| 9. Air conditioning condensation; | 18. Residential building wash waters without detergents. |

The key to a successful IDDE program will be the passage of a municipal bylaw defining and prohibiting illicit discharges into the Municipal Separate Storm Sewer System (MS4). A bylaw prohibiting illicit discharges and establishing an enforcement mechanism and legal authority to inspect properties suspected of releasing contaminated discharges into the storm drain system is required by EPA's Phase II rule. In addition, a model illicit discharge and connection ordinance is available through the Center for Watershed Protection at the Stormwater Center (www.stormwatercenter.net). No existing illicit discharges will be grandfathered, therefore, an inspection/detection program will be instituted to identify and remove these discharges. Recognizing that an established schedule must be followed for passing a new municipal bylaw, the detection, prevention and awareness aspects of the IDDE program will be initiated at the beginning of the 5-year program outlined in the Stormwater Management Plan. The elimination aspects of the program will follow upon establishment of the regulatory authority.

II. MANAGEMENT AND RESPONSIBILITIES

Final responsibility for the IDDE Plan rests with the Dalton Select Board, but day-to-day operation and management will be carried out by the Dalton Public Works Director. Minor management responsibilities will fall to other committees and boards as described in this section. (For a more detailed description of tasks, refer to the Dalton Stormwater Management Plan).

Select Board

The Dalton Select Board has overall responsibility for the town Stormwater Management program. The Board will appoint a Stormwater Committee to develop bylaws for the IDDE program, support the boards and departments with program responsibilities and provide overall input to the Stormwater Management Program. The Board will review and approve priorities presented by the Stormwater Committee and the Public Works Department.

Public Works Department

The Department of Public Works (DPW) will have the greatest responsibility under the program. DPW personnel will map the stormwater outfalls, prepare a program manual outlining schedules and tasks of the IDDE program and create record-keeping procedures. Once an illicit discharge prohibition is passed by the town, the DPW will develop an inspection and disconnection program and will advertise that program to the public. Elements of the program will include setting up a stormwater reporting hotline, investigating suspected illicit discharges, training employees to recognize illicit discharges, educating the public about the hazards of illicit discharges and requirements of the program, and determine if “allowable” discharges are a problem.

The DPW will respond to illicit discharges by visual observation first, conducting smoke and dye tests where necessary, and contacting property owners to gain access for inspection. Any suspected sanitary discharge will be addressed immediately.

Building Inspector

The building inspector will train employees to recognize illicit discharges and report them to the DPW.

Stormwater Committee

The first responsibility of this committee is to present bylaws prohibiting stormwater discharges to the Select Board. The committee will generally support all boards and departments with programmatic responsibilities by conducting research, developing educational brochures, prioritizing program elements, advising on program fees, penalties, etc.

Board of Health

The Board of Health will report on illicit discharges that may pose a public health threat and order any sanitary discharges to be immediately disconnected.

Conservation Commission

The Conservation Commission will train members to recognize illicit discharges while they are conducting field visits for their permitting requirements. Additionally, the commission will provide input on the determination of whether “allowable” discharges pose a threat to local water quality. The Conservation Commission should also keep records of local water quality sampling results.

Planning Board

The Planning Board will train members to recognize illicit discharges while they are conducting field visits for their permitting requirements.

Town Meeting

Town meeting will be responsible for adopting an illicit discharge prohibition bylaw.

Community Groups

The Housatonic Valley Association (HVA) conducts regular water quality sampling and will report the results to the town. Any illicit discharges or sampling results that indicate a problem will be reported immediately to the DPW for field inspection. HVA will also provide input on whether “allowable” discharges pose a threat to local water quality.

III. PRIORITIZATION OF ILLICIT DISCHARGE DETECTION & ELIMINATION AREAS

The EPA recommends a four step program for an IDDE plan: 1) locate priority areas; 2) track the source of an illicit discharge; 3) remove the source of an illicit discharge; and 4) evaluate and assess the success of the program. The first step, locating priority areas, requires the development of a map of all stormwater outfalls. Also helpful to the process of prioritizing “hot spots” is consideration of contributing land uses, water quality data, age and stability of infrastructure, and locations of complaints.

The process of identifying “priority areas” can be broken down into three steps:

- Use available information to identify potential hot spots
- Conduct dry-weather field screening to look for non-storm water discharges
- Conduct water quality tests to see if these non-storm water discharges seem to be illicit discharges

Identify Possible Hot Spots

“Hot spots” are areas that are considered to be likely sources of illicit discharges, based on available information.

Land Use

The primary areas of concern for stormwater runoff are the downtown and residential areas along the East Branch Housatonic River and Route’s 8 and 9, and the rural residential neighborhoods off South Street and residential/agricultural areas in the southern part of town along Kirchner Road.

In the most developed part of town along the Main Street, North Street and East Housatonic Street corridors there is a mix of residential, commercial and industrial land uses.

Older Areas of Town

The age and stability of existing infrastructure will provide additional criteria for prioritization of potential IDDE problems. Older development may predate more stringent construction codes regarding illegal connections and may have deteriorating sewer and/or storm sewer infrastructure that can lead to infiltration problems. The neighborhoods to be evaluated in terms of age include, in order (oldest to newest):

- Park-High Street, residential neighborhood
- Main Street to East Housatonic Street, commercial and industrial area
- East of Center Pond between Main St (Rt 8) and North Street (Rt 9)
- North St – Sunnyside Drive, residential neighborhood
- Anthony Road, residential neighborhood
- South Street, residential and commercial areas
- Outlying Phase II areas along East Street and Kirchner Road

Complaints

Areas where illegal dumping or apparently contaminated discharges have been reported are obvious priority targets. As a part of this IDDE plan, the DPW will keep track of complaints regarding potential illicit discharges. The complaints will be responded to as they arise, with potential public health threats receiving immediate attention.

1. Hotline Requirements

The Department of Public Works will promote, publicize and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from MS4s through development and operation of a public stormwater reporting hotline. Through this hotline, complaint information is forwarded to appropriate contacts for follow up and/or investigation.

2. Complaint Receipt and Referral

(a) Required Information

Standardized intake forms should be developed for the receipt of complaints, and be vigorous in their efforts to document all required information. Complaint information may either be logged onto hard copy forms or directly into a database; however, logging data directly into a database from which hard copies of forms can be printed will reduce the chances of transcription errors later. The following are examples of the types of information that must be documented:

- Complainant information,
- Responsible party information,
- Location and description of the discharge, and
- Materials and waste involved, etc.

(b) Prioritization

Complaint intake staff should be familiar with, and able to assess, the relative urgency of the reports they receive. In many instances, higher priority complaints (e.g., those involving hazardous materials, threat to public safety, etc.) will require immediate referral to other staff or agencies than those tasked with routine stormwater complaint investigation. The following questions should be considered in prioritizing complaints:

- Is a hazardous or unknown material involved?
- Is the spill occurring now?
- Is there an immediate threat to health or the environment?

Policies or procedures should be developed for complaint investigation that identify the types of complaints needing immediate investigation, and those which can be investigated on longer time frames (e.g., within 24 hours, a few days, etc.). Discharges which are not ongoing will generally not require immediate investigation

unless other specific factors indicate a need. For ongoing discharges, an immediate referral to the appropriate responder should be made.

(c) Routing and Referral

In most instances, complaints received through stormwater hotlines will be assigned to DPW staff. However, since stormwater-related complaints can often overlap or duplicate those received by other existing programs, responsibilities can often be unclear. Therefore maintain close coordination with other agencies and departments which may receive complaints or related reports. This will ensure that all reports are appropriately received, routed, and investigated. When complaints are routed to other entities, always confirm that they have been received.

For discharges involving hazardous or unknown materials, local fire department should be dispatched to investigate.

3. Complaint Investigation

The DPW will respond to and resolve all incidents reported through their hotlines. All complaints must be investigated to determine if there is an illicit discharge. A typical investigation should include the following steps.

(a) Pre-Investigation Preparation

Before leaving for an investigation, staff should assemble needed information and equipment. Table 1 provides a list of suggested equipment and supplies. If a discharge is occurring from a specific property, the owner of the property should be identified through the assessor's parcel list. If possible, the address should be located on a map, and nearby receiving waters identified. Appropriate educational materials and other documentation should be collected. Investigation equipment should include at least the items listed in Table 1.

(b) Field Investigation

In most cases, investigators will need to conduct a field investigation to confirm if a discharge is occurring or has occurred. If the complaint is determined to be unjustified, it should be documented as such. If an illicit connection/illicit discharge is confirmed, it must be documented, the discharger must be contacted, and appropriate actions must be taken to eliminate the violation. If the investigator determines that the discharge is exempted, the responsible party should be informed to discuss any applicable restrictions or BMP requirements. All violations should be documented in writing. If a responsible party is available, a notice can be issued from the field during the investigation. If the responsible party is unavailable, they should be contacted as expediently as possible (e.g., via telephone, e-mail, or mail). All contact with responsible parties, including meetings, face-to-face discussions, and telephone calls should be documented with a narrative describing the topics which were discussed.

During a complaint investigation, staff should always be prepared to conduct field screening analyses, to sample for laboratory analysis, and document the discharge for any future enforcement.

Table 1: Recommended Complaint Investigation Equipment

Activity	Recommended Equipment
Field Screening Analysis	• pH paper or meter • Commercial stormwater pollutant screening kit that can detect for reactive phosphorus, nitrate nitrogen, ammonium nitrogen, specific conductance, and turbidity • Sample jars • Sample collection pole • A tool to remove access hole covers
Laboratory Analysis	• Sample cooler • Ice • Sample jars and labels • Chain of custody forms
Documentation	• Camera • Notebook • Pens • Notice of Violation forms • Educational materials

DRY WEATHER ANALYTICAL AND FIELD SCREENING MONITORING

A dry weather analytical and field screening monitoring program will be developed and implemented to detect illicit discharges into all MS4s. This program addresses two primary objectives. First, it requires the active identification of all illicit connections and discharges in the MS4 and to source investigations when these are found. Second, it provides quantitative data on the general quality of discharges into their system during dry weather conditions. In the future, this will assist the community in establishing and evaluating program priorities.

Water Quality

Water quality data will be used to inform the identification of priority sites for IDDE. The segment of the East Branch Housatonic River that flows through the urbanized area of Dalton is listed on the *Final Massachusetts Year 2002 Integrated List of Waters* as being impaired and unable to meet water quality criteria due to priority organics (EOEA, 2002). The most recent water quality data available for this segment of the East Branch Housatonic River are the Housatonic Valley Association (HVA) sampling program results. For the years 2001 and 2002, the results do not show elevated levels of pollutants that would be expected in illicit discharges. The program monitors:

- Dissolved Oxygen
- pH
- Alkalinity
- Fecal coliform
- E-coli
- Total phosphorous
- Nitrate-nitrogen
- Temperature
- Total suspended solids
- Turbidity

The 1997/98 Water Quality Assessment Report by the MA DEP indicates that the Housatonic River above Center Pond supports both aquatic life and aesthetic status. This report is supported by the results of the HVA water quality monitoring program results. The river though, does have a fish consumption advisory (from 1982) due to the presence of PCBs in the fatty tissue of fish collected in the East Branch below Dalton. The fish consumption advisory was updated in 1995 to include feeder streams to the East Branch, including the river from the Dalton/Hinsdale line downstream all the way to Sheffield. This does not necessarily indicate that there are PCBs in the river in Dalton and there are no known sources of PCBs upstream of the General Electric site in Pittsfield.

The DEP assessment did not evaluate bacterial levels in the river. HVA's water quality results indicate that both fecal coliform and E-coli bacteria exceed safe contact levels on occasion, especially in the spring (May 2001 and May 2002) and during wet weather.

IV. DETECTION OF ILLICIT DISCHARGES

The next step in the EPA recommended four step program for an IDDE plan is to trace the source of an illicit discharge. This will be done during the mapping process. Mapping of outfalls will take place over the five year permit period, with approximately 20% of outfalls identified in each year as described below:

The EPA recommends a four step program for an IDDE plan.

- 1) Locate priority areas;
- 2) Track the source of an illicit discharge;
- 3) Remove the source of an illicit discharge;
- 4) Evaluate and assess the success of the program.

- 2003 Park-High Street, residential neighborhood. Outfall locations identified by BRPC.
- 2004 Main Street to East Housatonic Street, commercial and industrial area. Outfalls will be verified against Housatonic Valley Association Stream Team data.
- 2005 East of Center Pond between Main St (Rt 8) and North Street (Rt 9); North St – Sunnyside Drive, residential neighborhood; Anthony Road, residential neighborhood.
- 2006 South Street, residential and commercial areas; Outlying Phase II areas along East Street and Kirchner Road.
- 2007 Verification of previous mapping efforts and additional data as collected; New outfalls created during permit period.

Once storm drain outlets with evidence of illicit discharges have been located, various methods can be used to pinpoint the exact source of the discharge. These techniques, many of which are already used by municipal sewer departments, include manhole observation, video inspection, smoke testing, dye testing, aerial infrared and thermal photography, and tracking illegal dumping.

MANHOLE OBSERVATIONS

A key tracing technique is to follow dry-weather flows upstream along the conveyance system to determine the location of the source. This can be accomplished by taking the following steps:

- Consult the drainage system map.
- Check the next “upstream” manhole with a junction to see if there is evidence of discharge. You may wish to sample each manhole that has a discharge.
- Repeat these steps until a junction is found with no evidence of discharge; the discharge source is likely to be located between the junction with no evidence of discharge and the next downstream junction.
- Be aware of the surrounding areas and look for water in gutters and streets.

Illicit discharges and illegal connections to MS4s can generally be detected and investigated through a combination of programs and approaches targeted at a variety of potential pollutants and sources.

SOURCE INVESTIGATION

Regardless of how they are identified (e.g., field screening, complaints, etc.), each potential illicit connection/illicit discharge must be investigated and eliminated. In many instances, since the initial investigation or report will not identify a specific source of contamination, further field investigation will be required. Depending on the particular situation, source investigations may include any or all of the following steps:

- Following Flows or Discharges Upstream;
- Conducting Field Screening Sampling;
- Contacting Dischargers;
- Sampling for Laboratory Analysis; and
- Documenting Source Investigations.

1. Following Flows or Discharges Upstream

Dry weather flows should generally be followed from the location where they are first observed in an upstream direction along the conveyance system. Investigators may need to consult drainage system maps. For below ground systems, it may be necessary to follow flows from the outfall or manhole to the next manhole with a junction. Manholes do not always need to be checked if there are no junctions between them. Field staff should always be aware of the surrounding areas and look for water flowing in gutters and streets. Areas where illegal dumping may typically occur include parking lots and garages behind buildings and warehouses.

When investigating a location with multiple inlets, if flow is observed coming from only one, continue tracking from that inlet. If flow is observed coming from more than one inlet, track them one at a time, using visual observations, odors, and/or field screening sampling to determine the order of investigation. It is generally easiest to track the largest flows first, but if they are about the same size, start with the one that is easiest, shortest, or with the least number of junctions, or track those originating from areas with the greatest potential for illegal discharges.

If the source of flow is found, the site visit should be documented and appropriate actions taken to ensure that the illicit connection/illicit discharge is eliminated. If the flow originates in another jurisdiction, investigators should immediately inform them of the situation. DPW staff should not track flows into other jurisdictions.

If initially unable to locate the source of the flow (e.g. it disappears between manholes; the pipe, network, or channel terminates, etc.) the following possibilities should be considered. First, the flow may originate from a storm gutter. Check catch-basins and gutters between manholes for evidence of flows such as runoff from steam-cleaning operations, car washing, irrigation runoff, etc. There may also be a new or illicit connection to the system, possibly between manholes. Look for areas in the road that

have been dug up and re-paved. Also consider checking with the appropriate wastewater management / operations agency or department for any recent work that may have been done in the area. Finally, look for evidence of recent or past dumping such as wet or stained pavement or gutters.

In most cases, it should be possible to determine the source of the flow using the methods described. These are preferred whenever possible since they are quick, safe, and inexpensive. If the source is still not found, the field investigation should be documented and the location of the last place that flow was observed marked on a map so that the area can be investigated again at a later date. The following additional source investigation techniques may be considered at a later time.

- Water Discharges. This involves discharging water from a potential source and noting the location of the downstream discharge to establish a hydraulic connection between the source and the discharge connection. Water discharges are preferred to dye testing and smoke testing, described below, and can be utilized under most conditions.
- Dye Testing. Dye testing can also be conducted to confirm hydraulic connections. This involves discharging fluorescent dye at the source of a potential IC/ID. This procedure should be performed sparingly because of the need to inform the surrounding public and appropriate regulatory agencies of the cause of downstream discoloration in the storm drain system.
- Smoke Testing. Smoke tests may also be used to confirm the hydraulic connection between a potential source and a downstream location. Smoke tests are used only on underground stormwater conveyance facilities, and should also be performed sparingly because of the need to inform the surrounding public and agencies of the cause for smoke coming from the storm drain system.
- Video Monitoring. Video inspections involve the deployment of a mobile video camera into an underground stormwater conveyance facility. The mobile video camera will “walk” the drain and record observations on a videocassette. Public notifications are not necessary with this method. This can be time-consuming and expensive.

2. Conducting Field Screening Sampling

During a source investigation, the collection of samples for field screening analysis may be helpful for comparison with downstream samples already collected. This may include any or all of the analyses conducted during routine field screening, or other field tests that the community determines are necessary. It may not be necessary to conduct all of the field screening tests. Investigators should base this decision on results obtained at the downstream site. All sampling and analysis conducted during source investigations should be documented.

3. Contacting Dischargers

If a specific discharger is identified as the source of a flow, they should be contacted by staff in the field and informed that it is illegal to discharge anything but stormwater to the conveyance system without a valid NPDES permit. Investigators should work with the

responsible party to find out what they are discharging and, if possible, whether or not the discharge is permitted. If the source is determined to be exempted or permitted, this information should be recorded. If the flow is determined to be illegal, or its status cannot be determined, staff should document the violation and require the responsible party to discontinue the illicit connection/illicit discharge. At that time, a decision should also be made as to whether samples should be collected for laboratory analysis.

4. Sampling for Laboratory Analysis

In some situations (e.g. for enforcement, etc.) samples may need to be collected for laboratory analysis. In these cases, sample collection should always be conducted according to applicable evidence sampling collection protocols. Samples should be documented on the community's field data form(s) and on a laboratory chain-of custody record.

5. Documenting Source Investigations

Proper documentation of all illicit connection/illicit discharge investigations is crucial. During an investigation, photographs should be taken to verify all suspected illicit connections/illicit discharges, whether or not they are confirmed. Sample results, notices of violation, correspondence, and other associated documents should be collected and filed with the complaint. This type of documentation will be crucial for any type of enforcement that becomes necessary. Each investigation will probably require a separate hard copy file containing all pertinent documentation even though much of the complaint information can be stored electronically in a complaint database.

V. ELIMINATION OF ILLICIT DISCHARGES

The third step of the EPA recommended four step program for an IDDE plan is to remove the source of an illicit discharge.

Because there are various sources of illicit discharges to the storm sewer system, there are different kinds of actions municipalities may have to take to remove those sources and prevent future illicit discharges. This section groups those actions into three categories: compliance assistance and enforcement for illegal connections to homes and businesses; proper construction and maintenance of MS4s; and responding to and preventing illegal dumping.

The EPA recommends a four step program for an IDDE plan.

- 1) Locate priority areas;
- 2) Track the source of an illicit discharge;
- 3) Remove the source of an illicit discharge;
- 4) Evaluate and assess the success of the program.

COMPLIANCE ASSISTANCE AND ENFORCEMENT FOR ILLEGAL CONNECTIONS TO HOMES AND BUSINESSES

There is a range of ways in which municipalities may wish to handle the removal of illegal connections between homes or businesses and the storm sewer system. Enforcement measures will be spelled out in the required IDDE ordinance. The Town will exercise judgment regarding what mix of compliance assistance and enforcement action is appropriate in a given situation. The discovery of an illegal connection will be responded to in a graduated manner, beginning with efforts to obtain voluntary compliance and escalating to increasingly severe enforcement actions if compliance is not obtained.

Voluntary Compliance

Often, home or business owners are not aware of the existence of illegal connections between their buildings and the storm sewer systems. In these cases, the responsible party will be provided with information about the connection, its environmental consequences, the applicable regulations, and how to remedy the situation through voluntary compliance. The cost of removing the connection and reconnecting it to the sanitary sewer system can be an obstacle. State or federal grants may be available to provide assistance with these costs.

Enforcement

Model illicit discharge ordinances can provide examples of the enforcement steps that might be specified in a typical local ordinance. These steps are summarized below.

- The authorized enforcement agency sends the property owner a Notice of Violation (NOV), which may require the violator to take steps such as monitoring, elimination of an illicit connection or discharge, or payment of a fine.
- The person receiving the NOV may appeal it.
- If the person receiving the NOV does not appeal or loses the appeal and fails to correct the violation, the enforcement agency may “take any and all measures necessary to abate the violation and/or restore the property.” The agency then may require reimbursement from the violator for the cost of the abatement, including administrative costs.
- The authorized enforcement agency also has the ability to seek an injunction against the violator “restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.”

If the municipality has not yet obtained enforcement authority (e.g., because a local ordinance has not yet been passed), it may be possible for the municipality to seek enforcement action from state or federal authorities. Involvement of state or federal authorities may also be necessary if the source of an illicit discharge is located outside of the municipality’s boundaries.

Preventing and Responding to Illegal Dumping

It is often difficult to identify and locate the individuals responsible for illegal dumping; therefore, the program to address illegal dumping focuses on prevention, backed up by enforcement to the extent possible.

EPA Region 5 has prepared an *Illegal Dumping Prevention Guidebook* that suggests the following key strategies that can be used to prevent illegal dumping.

- Site maintenance and controls Measures should be taken to clean up areas where illegal dumping has taken place, and controls such as signs or access restrictions should be used, as appropriate, to prevent further dumping.
- Community outreach and involvement Outreach includes the following components:
 - Educating businesses, municipal employees, and the general public about the environmental and legal consequences of illegally disposing of waste into the storm sewer system
 - Providing and publicizing ways for citizens to properly dispose of waste
 - Providing opportunities for citizens to get involved in preventing and reporting illegal dumping
- Targeted enforcement will include a prohibition against illegal dumping via ordinance or another similar measure, backed up by trained law enforcement personnel and possibly field operations.

- Program measurement tracking and evaluation methods will be used to measure the impact of illegal-dumping prevention efforts and determine whether goals are being met.

Although the EPA Region 5 guidebook is targeted more to land dumping of solid waste, these strategies can also be applied to illegal dumping into the storm drain system. Some specific methods used to implement these strategies include the following:

- Site maintenance and controls
 - Storm-drain stenciling program
 - Spill-response plans for hazardous-waste spills
- Community outreach and involvement
 - An illegal-dumping reporting hotline
 - Outreach to business sectors that handle hazardous materials and/or have a history of illegal-dumping problems; outreach should include information on Best Management Practices for spill prevention and proper waste disposal
 - Printed outreach materials for the public
 - Publicizing of waste-disposal options, such as used oil recycling and household hazardous waste collections
- Targeted enforcement
 - An illegal-dumping ordinance (or section of IDDE ordinance)
 - Surveillance of known illegal-dumping locations
 - Business facility inspections
 - Training of municipal employees, police officers, and other local entities to be on lookout
- Program measurement
 - Tracking of incident locations
 - Compilation of statistics (e.g., annual cleanup costs, facility compliance, arrests, convictions, fines, complaints)

VI. EVALUATION & ASSESSMENT

The final step of the EPA recommended four step program for an IDDE plan is to evaluate and assess the success of the program.

Once a thorough program of illicit discharges has been completed, an on-going effort will be initiated to prevent reoccurrence of these problems. The program will be divided into two categories, traditional illicit connections and failing sewer lines/septic fields.

All new taps into a county owned and operated storm water collection system must certify that the connection is free from illicit discharges and must be approved by the permit engineer. The procedures required for this certification will be developed as part of the IDDE program.

Town policies and requirements for connection to sanitary sewers will remain the purview of local units of government and will be reviewed to provide incentives to connect to the sanitary sewer and/or to ease the financial burden of sewer connection. The detailed site inspection will be left to the local municipality.

Upon completion of the illicit connection elimination activities, water quality will be evaluated to document conditions of the water quality following the remediation effort. This water quality data is required in evaluating the effectiveness of the illicit connection elimination program. The DPW and HVA will oversee the long term water quality sampling program.

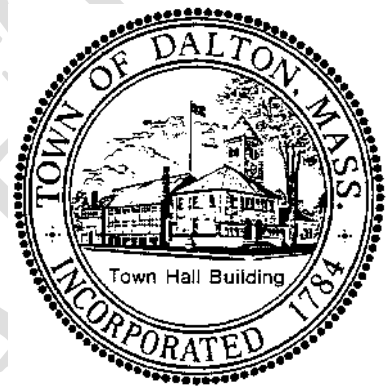
The EPA recommends a four step program for an IDDE plan.

- 1) Locate priority areas;
- 2) Track the source of an illicit discharge;
- 3) Remove the source of an illicit discharge;
- 4) Evaluate and assess the success of the program.

APPENDIX 6 – DALTON’S STORMWATER INFRASTRUCTURE OPERATION AND MAINTENANCE PLAN

Town of Dalton Municipal Stormwater Infrastructure Operation and Maintenance Plan

June 30, 2020



**Template Developed by the
Central Massachusetts Regional
Stormwater Coalition**

This template was developed with Funds from the Massachusetts Department of Environmental Protection (the Department). The contents do not necessarily reflect the views and policies of the Department, nor does the mention of trade names or commercial products constitute endorsement or recommendation for use.

DRAFT

Table of Contents

Town of Dalton Municipal Stormwater Infrastructure Operation and Maintenance Plan

Central Massachusetts Regional Stormwater Coalition

1	Introduction	1
2	Catch Basins.....	1
3	Streets and Parking Lots.....	2
4	Catch Basin Cleanings and Street Sweepings	3
5	Winter Road Maintenance	3
6	Structural Stormwater BMPs	4

Appendices

Appendix A – Stormwater Infrastructure Map

Appendix B – Catch Basin Inspection/Cleaning Procedure, Inspection Form, and Log

Appendix C – Street and Parking Lot Sweeping Log

Appendix D – Inventory of Structural Stormwater Best Management Practices

Appendix E – Structural Stormwater BMP Inspection Procedures and Checklists

1 Introduction

This Operation and Maintenance (O&M) Plan has been prepared by the Town of Dalton to address stormwater infrastructure O&M requirements¹ of the United States Environmental Protection Agency's (USEPA's) 2016 National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) in Massachusetts, hereafter referred to as the "2016 Massachusetts MS4 Permit" or "MS4 Permit."

This O&M Plan addresses Minimum Control Measure 6, Good Housekeeping and Pollution Prevention for Permittee Owned Operations, by describing the activities and procedures the Town of Dalton will implement so that the MS4 infrastructure is maintained in a timely manner to reduce the discharge of pollutants from the MS4. The O&M Plan outlines inspection and maintenance procedures for catch basins, municipally-owned streets and parking lots, and structural stormwater Best Management Practices (BMPs).

The Department of Public Works (DPW) is responsible for inspection and maintenance of the stormwater infrastructure in Town of Dalton. A map of the existing stormwater infrastructure in Town of Dalton is provided in **Appendix A**.

2 Catch Basins

The DPW performs routine inspections, cleaning, and maintenance of the approximately seventy-four (170) catch basins that are located within the MS4 regulated area. The Town of Dalton will implement the following catch basin inspection and cleaning procedures to reduce the discharge of pollutants from the MS4

- Routine inspection and cleaning of catch basins. Catch basins should be cleaned such that they are no more than 50 percent full² at any time. The Town of Dalton will initially inspect all catch basins within the regulated area within two (2) years of the effective date of the permit to evaluate sediment or debris accumulation and establish optimal inspection and maintenance frequencies to meet the "50 percent" goal. A catch basin inspection/cleaning procedure, inspection form, and log of catch basins cleaned or inspected are included in **Appendix B**.
- If a catch basin sump is more than 50 percent full during two consecutive routine inspections or cleaning events, the finding will be documented, the contributing drainage area will be investigated for sources of excessive sediment loading, and to the extent practicable, contributing sources will be addressed. If no contributing sources are found, the inspection and cleaning frequency will be increased.
- Catch basins located near construction activities (roadway construction, residential, commercial, or industrial development or redevelopment) will be inspected and cleaned more frequently if

¹ See Part 2.3.7.a.iii of the 2016 MS4 Permit for Infrastructure Operation and Maintenance program requirements.

² A catch basin sump is more than 50 percent full if the contents within the sump exceed one half the distance between the bottom interior of the catch basin to the invert of the deepest outlet of the catch basin

inspection and maintenance activities indicate excessive sediment or debris loadings (i.e., catch basins more than 50 percent full). Priority will also be given to catch basins that discharge to impaired waters.

- The following information will be included in each annual report:
 - Any action taken in response to excessive sediment or debris loadings
 - Total number of catch basins
 - Number of catch basins inspected
 - Number of catch basins cleaned
 - Total volume or mass of material removed from catch basins.

3 Streets and Parking Lots

Streets and municipally-owned parking lots are swept annually in the fall.

Instructions: Briefly describe the municipality's current street and parking lot sweeping practices (i.e., frequency, time of year, equipment).

The Town of Dalton will implement the following street and parking lot sweeping procedures to reduce the discharge of pollutants from the MS4:

- All streets with the exception of rural uncurbed roads with no catch basins or high speed limited access highways will be swept and/or cleaned a minimum of once per year in the spring (following winter activities such as sanding).
- More frequent sweeping will be considered for targeted areas based on pollutant load reduction potential, inspections, pollutant loads, catch basin cleaning or inspection results, land use, impaired waters, or other factors.
- More frequent sweeping is required for municipally-owned streets and parking lots in areas that discharge to certain nutrient-impaired waters. Sweeping must be performed in these areas a minimum of two times per year, once in the spring (following winter activities such as sanding) and at least once in the fall (Sept 1 – Dec 1; following leaf fall).
- For rural uncurbed roadways with no catch basins and limited access highways, the Town of Dalton will either meet the minimum frequencies above, or develop and implement an inspection, documentation, and targeted sweeping plan outlining reduced frequencies within two (2) year of the effective date of the permit, and submit such plan with its year one annual report.
- The following information will be included in each annual report:
 - Number of miles cleaned or the volume or mass of material removed (see sweeping log in **Appendix C**).

4 Catch Basin Cleanings and Street Sweepings

Catch basin cleanings (i.e., solid materials such as leaves, sand and twigs removed from stormwater collection systems during cleaning operations) and street sweepings will be managed in compliance with current Massachusetts Department of Environmental Protection policies:

- Catch Basin Cleanings
<http://www.mass.gov/eea/agencies/massdep/recycle/regulations/management-of-catch-basin-cleanings.html>
- Street Sweepings
<http://www.mass.gov/eea/docs/dep/recycle/laws/stsweep.pdf>

Prior to disposal or reuse, catch basin cleanings and street sweepings will be stored indoors or using proper controls such that they do not discharge to receiving waters.

5 Winter Road Maintenance

The Town of Dalton performs a variety of maintenance activities to ensure safe winter driving conditions on its roads and parking lots.

Instructions: Briefly describe the municipality's current winter road maintenance activities (i.e., use of salt, sand, and/or alternative methods and materials, snow storage and disposal).

The ##MUNICIPALITY will implement the following winter maintenance procedures to reduce the discharge of pollutants from the MS4:

- Minimize the use and optimize the application of sodium chloride and other salt³ (while maintaining public safety) and consider opportunities for use of alternative materials.
- Optimize sand and/or chemical application rates through the use, where practicable, of automated application equipment (e.g., zero velocity spreaders), anti-icing and pre-wetting techniques, implementation of pavement management systems, and alternate chemicals. Maintain records of the application of sand, anti-icing and/or de-icing chemicals to document the reduction of chemicals to meet established goals.
- Prevent exposure of deicing product (salt, sand, or alternative products) storage piles to precipitation by enclosing or covering the storage piles. Implement good housekeeping, diversions, containment or other measures to minimize exposure resulting from adding to or removing materials from the pile. Store piles in such a manner as not to impact surface water resources, groundwater resources, recharge areas, and wells.

³ For purposes of the MS4 Permit, salt means any chloride-containing material used to treat paved surfaces for deicing, including sodium chloride, calcium chloride, magnesium chloride, and brine solutions.

- The MS4 Permit prohibits snow disposal into waters of the United States. Snow disposal activities, including selection of appropriate snow disposal sites, will adhere to the Massachusetts Department of Environmental Protection Snow Disposal Guidance, Guideline No. BWR G2015-01 (Effective Date: December 21, 2015), located at: <http://www.mass.gov/eea/agencies/massdep/water/regulations/snow-disposal-guidance.html>
- Provide training for municipal employees on winter roadway maintenance procedures.

6 Structural Stormwater BMPs

An inventory of structural stormwater Best Management Practices (BMPs) owned and/or maintained by Town of Dalton is provided in **Appendix D**. The stormwater infrastructure map in **Appendix A** shows the locations of the structural BMPs.

Instructions: List all structural stormwater Best Management practices (BMPs) that the municipality owns or maintains. Also include a map showing the locations of the following types of BMPs and associated maintenance access areas:

- Bioretention Areas and Rain Gardens
- Water Quality Swales
- Constructed Stormwater Wetlands
- Retention/Detention Basins
- Proprietary Treatment Devices
- Sand and Organic Filters
- Dry Wells
- Infiltration Structures

Structural stormwater BMPs will be inspected annually at a minimum. Recommended inspection procedures and checklists are provided in **Appendix E**.

Appendix A

Stormwater Infrastructure Map

Instructions: Include a copy the municipality's storm system mapping, showing locations of structural stormwater BMPs.

DRAFT

Appendix B

Catch Basin Inspection and Cleaning Procedure Catch Basin Inspection Form Catch Basin Cleaning Log

Instructions: Include a copy of the CMRSWC "SOP 3: Catch Basin Inspection and Cleaning," which contains standard operating procedures for catch basin inspection and cleaning.

http://centralmastormwater.org/Pages/crsc_toolbox/Catch%20Basin%20Inspection%20SOP_FINAL.pdf

Maintain a log of catch basins inspected and cleaned, including the following information:

- Date
- Inspector
- Weather conditions
- Number of catch basins inspected and cleaned
- Amount of material removed
- Catch basins observed to be more than 50% full
- Corrective action taken or recommended

Appendix C

Street and Parking Lot Sweeping Log

Instructions: Maintain a street and parking lot sweeping log, including the following information:

- Date
- Operator
- Weather conditions
- Streets/parking lots swept
- Number of miles swept
- Volume or mass of material removed
- Corrective action taken or recommended

Appendix D

Inventory of Structural Stormwater Best Management Practices

Instructions: Provide an inventory of structural stormwater BMPs owned or maintained by the municipality.

DRAFT

Inventory of Structural Stormwater Best Management Practices (BMPs)
##MUNICIPALITY, Massachusetts

BMP ID or Description	Location	BMP Type	Inspection Frequency	Date of Last Inspection	Additional Notes

Appendix E

Structural Stormwater BMP Inspection Procedures and Checklists

Instructions: The CMRSWC "SOP 9: Inspecting Constructed Best Management Practices" provides recommended inspection procedures and checklists for common types of structural BMPs:

http://centralmastormwater.org/Pages/crsc_toolbox/Constructed%20BMP%20Inspection%20SOP_FINAL.pdf

Include the applicable procedures and checklists in Appendix E of this O&M Plan.

DRAFT

APPENDIX 7 – DALTON’S PARKS AND OPEN SPACE OPERATION AND MAINTENANCE PLAN

Town of Dalton

Operations and Maintenance of Parks and Open Spaces

Introduction

Parks and open space operations and maintenance activities commonly involve the operation of equipment such as mowers and tractors; disposal of waste from mowing, planting, weeding, raking, pruning, and trash collection; application of pesticides, herbicides, and fertilizers; cleaning and maintenance of park amenities such as play equipment, restrooms, and structures; and snow removal. These activities have the potential to generate contaminants such as sediments and toxic chemicals that may be picked up by rainwater, thereby entering the storm drainage system and receiving waters. The goal of this written Standard Operating Procedure (SOP) is to provide guidance to municipal employees to reduce the discharge of pollutants from the MS4 and to receiving waters as a result of parks and open space operations and maintenance. If services are contracted, this SOP should be provided to the contractor. The contract should specify that the contractor is responsible for compliance with all applicable laws.

The Town of Dalton performs a variety of operations and maintenance activities at its municipal parks and open spaces.

Instructions: Briefly describe the municipality's current parks and open spaces operations and maintenance activities (i.e., use and storage of fertilizers/pesticides/herbicides, mowing and weeding practices, pet waste collection). Specify whether the municipality uses its own equipment and staff or if work is contracted out.

Procedures

The Town of Dalton will implement the following procedures at municipal parks and open spaces to reduce the discharge of pollutants from the MS4:

General

- Repair damage to landscaped or mulch or vegetated bare areas as soon as possible to prevent erosion. If there are areas of erosion or poor vegetation, repair them as soon as possible, especially if they are within 50 feet of a surface water (e.g., pond, lake, or river).
- Remove (sweep or shovel) materials such as soil, mulch, and grass clippings from parking lots, streets, curbs, gutters, sidewalks, and drainage-ways.
- Do not clean up any unidentified or possibly hazardous materials found during maintenance; notify a supervisor immediately.



Maintenance

- Wastewater from power washing signs, structures, or bleachers cannot be discharged into the stormwater system.
- When painting park equipment, use a drop cloth and clean up any spills immediately.
- Do not leave open containers on the ground where they may accidentally tip over.
- Sweep parking lots with a street sweeper and dispose of street sweepings in designated areas.
- Never wash debris from parking lots into the storm drain.

Mowing

- Remove debris and trash from landscaped areas prior to mowing.
- Collect grass clippings and leaves after mowing. Do not blow or wash them into the street, gutter, or storm drains.
- Properly recycle or dispose of organic waste after mowing, weeding, and trimming.
- Reduce mowing frequencies wherever possible by establishing low/no-mow areas in lesser-used spaces.
- Brush off mowers (reels and decks) and tractors over grassy areas or in contained washout areas.
- Leave clippings on grassy areas or dispose of them in the trash or by composting.
- Do not hose off mowers over paved areas that drain into the MS4 or directly to surface waters.
- Follow proper vehicle and equipment maintenance procedures to prevent leaks (see SOP 21: Operations and Maintenance of Municipal Vehicles and Equipment)
- Do not allow grease from mowers to fall onto areas where they can be washed into the stormwater system.

Irrigation

- Repair broken sprinkler heads as soon as possible.
- Only irrigate at a rate that can infiltrate into the soil to limit run-off.
- Avoid irrigating close to impervious surfaces such as parking lots and sidewalks.

Landscaping

- When establishing new plantings, use alternative landscaping materials, such as drought resistant or native plants to reduce the need for irrigation and extensive application of fertilizers and pesticides.
- Follow proper fueling procedures for all equipment to ensure that petroleum products do not enter the stormwater system (see SOP 7: Fuel and Oil Handling Procedures).
- Fertilizers, herbicides, and pesticides should be properly used, stored, and handled (see SOP 12: Storage and Use of Pesticides and Fertilizer).

Total Maximum Daily Loads (TMDLs)

- In accordance with the Long Island Sound TMDL requirements, the Town of Dalton will use slow-release fertilizers in addition to reducing fertilizer use to reduce runoff to the Housatonic River. Phosphorus will only be applied in areas where a soil test indicates that it is not present in sufficient quantities. Under MS4 Permit requirements, the Town of Dalton acknowledges that blowing organic waste material (grass cuttings, leaf litter) is strictly prohibited.

Snow Removal

- Store salt or sand for snow removal indoors under a roof or in a covered container and on impervious surfaces.
- See Winter Road Maintenance for more information on proper snow disposal and storage procedures.
- Any damage done to vegetated areas caused by plows or deicing materials should be repaired as early as possible in the spring.

Trash Management

- All waste and recycling containers must be leak-tight with tight-fitting lids or covers.
- Place waste and recycling containers indoors or under a roof or overhang whenever possible.
- Clean and sweep up around outdoor waste containers regularly.
- Arrange for waste and recyclables to be picked up regularly and disposed of at approved disposal facilities.
- Do not wash out waste or recycling containers outdoors or in a parking lot.
- Conduct periodic inspections of waste areas to check for leaks and spills.
- Ensure there are enough trash and recycling containers at appropriate areas.
- Monitor waste and recycling containers at heavily-used sites and on holidays to ensure that there is no overflow.

Other Activities

- Provide pet waste stations with bags and trash receptacles where pets are permitted. Post signs describing the proper disposal of pet waste.
- All portable toilets should be staked down in flat, secure locations where they are less likely to be knocked down or blown over. They should be placed in a location that would retain any spillage from washing into the MS4 or receiving waters.
- Identify undesirable waterfowl congregation areas and take steps to prevent waterfowl droppings from entering the stormwater system or surrounding waterbodies.
 - Take measures to discourage congregation near waterbodies and the storm system (e.g., use strobe lights or reflective tape, establish no-mow zones to reduce available feeding areas, or plant thick vegetation along waterlines). If waterfowl congregation cannot be managed, then isolate the drainage from congregation areas away from the storm system and waterbodies.
- Install signage to educate the public on the negative effects of waterfowl feces entering the stormwater system or nearby waterbodies in order to discourage public feeding. Alternatively, enact feeding bans.

Employee Training

- Employees who perform maintenance or other applicable work at municipal parks and open spaces are trained annually on these procedures and the proper operation of related equipment.
- Employees are also trained on stormwater pollution prevention, illicit discharge detection and elimination (IDDE) procedures, and spill and response procedures.
- If services are contracted, the contractor should be given a copy of this and any applicable SOPs to ensure compliance with MS4 regulations.

APPENDIX 8 –STORMWATER MANAGEMENT & EROSION CONTROL BYLAW

Chapter 280

STORMWATER MANAGEMENT AND EROSION CONTROL

§ 280-1.	Purpose and objectives.	§ 280-6.	Permits and procedures.
§ 280-2.	Definitions.	§ 280-7.	Fees.
§ 280-3.	Authority.	§ 280-8.	Waivers.
§ 280-4.	Applicability.	§ 280-9.	Enforcement.
§ 280-5.	Stormwater Management Commission; rules and regulations.	§ 280-10.	Severability.

[HISTORY: Adopted by the Town Meeting of the Town of Dalton. Amendments noted where applicable.]

GENERAL REFERENCES

Noncriminal disposition — See Ch. 1, Art. II.

Subdivision of land — See Ch. 501.

Zoning — See Ch. 350.

§ 280-1. Purpose and objectives.

- A. Regulation of discharges to the municipal separate storm sewer system (MS4) is necessary for the protection of Dalton's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater.
- B. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of:
 - (1) Impairment of water quality and decreased flow in lakes, ponds, streams, rivers, wetlands and groundwater;
 - (2) Contamination of drinking water supplies;
 - (3) Erosion of stream channels;
 - (4) Alteration or destruction of aquatic and wildlife habitat;
 - (5) Flooding; and
 - (6) Overloading or clogging of municipal catch basins and storm drainage systems.
- C. The United States Environmental Protection Agency has identified sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment as major sources of water pollution, impacting drinking water supplies, natural habitats, and recreational resources. Regulation of activities that result in the disturbance of land and the creation of stormwater

runoff is necessary for the protection of the Town of Dalton's water bodies and groundwater resources, to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town. Therefore, this bylaw establishes stormwater management standards for the temporary and final conditions that result from development and redevelopment projects to minimize adverse impacts off site and downstream which would be born by abutters, townspeople and the general public.

D. The objectives of this bylaw are to:

- (1) Protect groundwater and surface water to prevent degradation of the drinking water supply;
- (2) Require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land-disturbing activities;
- (3) Promote infiltration and the recharge of groundwater;
- (4) Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;
- (5) Require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at a construction site that may cause adverse impacts to water quality;
- (6) Prevent pollutants from entering the Dalton municipal separate storm sewer system (MS4) and minimize discharge of pollutants from the MS4;
- (7) Ensure adequate long-term operation and maintenance of structural stormwater best management practices so that stormwater structures work as designed;
- (8) Comply with state and federal statutes and regulations relating to stormwater discharges; and
- (9) Establish Dalton's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

§ 280-2. Definitions.

The following definitions shall apply in the interpretation and implementation of this bylaw:

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

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

AUTHORITY — The Dalton Stormwater Management Commission or its authorized agent(s) who are responsible for coordinating the review, approval and permit process as defined in this regulation. Other boards and/or departments of the Town of Dalton, including (but not limited to) the Conservation Commission, Board of Health, and Highway Department, may participate in the review process as defined herein.

BEST MANAGEMENT PRACTICES — Structural, nonstructural, and managerial techniques that are recognized to be the most effective and practical means to prevent and reduce nonpoint sources of pollution.

CLEARING — Removal or causing to be removed, through either direct or indirect actions, trees, shrubs, or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be "clearing" include but are not limited to causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; or any filling, excavation, grading, or trenching in the root area of a tree which causes irreversible damage.

DETERMINATION — A written finding by the Stormwater Management Commission as to whether a site or the work proposed thereon is subject to the jurisdiction of the Stormwater Management and Erosion Control Bylaw of the Town of Dalton.

DETERMINATION OF SIGNIFICANCE — A written finding by the Stormwater Management Commission that the area on which the proposed work is to be done, or which the proposed work will alter, is significant to one or more of the interests identified in the Stormwater Management and Erosion Control Bylaw of the Town of Dalton.

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

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

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

EROSION AND SEDIMENTATION CONTROL PLAN — A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a certified professional in erosion and sedimentation control (CPESC), which includes best management practices, or equivalent measures, designed to control surface runoff, erosion and sedimentation during preconstruction and construction-related land disturbing activities.

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

IMPERVIOUS SURFACE — Land covering, such as concrete or asphalt, that does not allow water to pass through it into the ground.

LAND-DISTURBING ACTIVITY — Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material and meets or exceeds 43,560 square feet, or 200 square feet of land disturbance on existing or proposed slopes greater than or equal to 15%.

LAND DISTURBANCE PERMIT — A permit issued by the Stormwater Management Commission, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY — The policy issued by the Department of Environmental Protection and, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act (MGL c. 131, § 40) and Massachusetts Clean Waters Act (MGL c. 21, §§ 23 - 56). The 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 (MS4) — Any pipe, ditch or gully, or system of pipes, ditches, or gullies, that is owned or operated by a governmental entity and used for collecting and conveying stormwater.

NOTIFICATION OF NONSIGNIFICANCE — A written finding by the Stormwater Management

Commission that the area on which the proposed work is to be done, or which the proposed work will alter, is not significant to any of the interests of the Stormwater Management and Erosion Control Bylaw of the Town of Dalton.

ONE-HUNDRED-YEAR FLOODPLAIN — An area delineated under the Federal Emergency Management Act (FEMA) indicating the extent of flooding as a result of a one-hundred-year flood.

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 — A person with a legal or equitable interest in property.

PERMEABILITY — The property or condition of being permeable; especially having pores or openings that permit liquids or gases to pass through.

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.

PRECONSTRUCTION — All activity in preparation for construction.

REDEVELOPMENT — Any development, construction, alteration, rehabilitation, improvement expansion, demolition or phased projects that meets or exceeds 200 square feet of land disturbance on existing or proposed slopes equal to or greater than 15% and where the existing land has been subject to previous development or that meets or exceeds 43,560 square feet and where the existing land has been subject to previous development.

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

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

SEDIMENTATION — The process or act of deposition of sediment.

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

SLOPE — The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance, e.g., 20%.

SOIL — Any earth, sand, rock, gravel, clay or similar material.

STORMWATER — Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN — A plan showing existing and proposed features on a site. This is required as part of the application for a land disturbance permit.

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

§ 280-3. Authority.

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34

§ 280-4. Applicability.

This bylaw shall apply to all land-disturbing activities within the jurisdiction of the Town of Dalton. Except as permitted by the Stormwater Management Commission in a land disturbance permit or as otherwise provided in this bylaw, no person shall perform any activity that results in land disturbance as detailed in § 280-4A.

A. Regulated activities. Regulated activities shall include, but not be limited to:

- (1) Land disturbance equal to or greater than 43,560 square feet, associated with construction or reconstruction of structures;
- (2) Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs 43,560 square feet or more of land;
- (3) Paving or other change in surface material over an area of 43,560 square feet or more causing a significant reduction of permeability or increase in runoff;
- (4) Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of more than 43,560 square feet;
- (5) Any other activity altering the surface of an area equal to or greater than 43,560 square feet that will, or may, result in increased stormwater runoff flowing from the property into a public way or the municipal storm drain system; or
- (6) Land disturbance where there is a fifteen-percent or greater slope and where the land disturbance is greater than or equal to 200 square feet within the sloped area.

B. Exempt activities. The following activities are exempt from the requirements of this bylaw:

- (1) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
- (2) Maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling;
- (3) The construction of fencing that will not substantially alter existing terrain or drainage patterns;
- (4) Land disturbance activities that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an order of conditions issued by the Conservation Commission;
- (5) Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns; the reconstruction of or resurfacing of any public way; the construction and associated grading of a street that has been approved by the Planning Board;
- (6) For the removal of earth products undertaken in connection with a sand, gravel or similar enterprise where such activity is allowed by zoning;¹
- (7) Any logging operation with a cutting plan approved by the State Forester;

1. Editor's Note: See Ch. 350, Zoning.

- (8) Emergency repairs to any utilities (gas, water, electric, telephone, etc.), stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the Planning Board;
- (9) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this bylaw.

§ 280-5. Stormwater Management Commission; rules and regulations.

- A. Responsibility. A Stormwater Management Commission shall be established to administer and enforce this bylaw. The Stormwater Management Commission shall consist of seven members. The Building Inspector and the Highway Department Superintendent shall serve ex officio during the term of their appointment. Five additional members shall be recommended for appointment by the Town Manager and subject to the Select Board's ratification: a member of the Conservation Commission, a member of the Planning Board, and a member of the Board of Health, whose terms shall be coterminous with their appointments to said boards and two other members for a term of three years, except that upon enactment of this amendment one member shall be reappointed for one year, one member shall be reappointed for two years. The Commission shall annually vote for a Chairman, who shall preside at meetings, a Vice Chairman who shall preside at meetings in the absence of the Chairman and Clerk or Recording Secretary who shall record minutes of the Commission meetings. The Clerk need not be a member of the Commission. Any powers granted to or duties imposed upon the Stormwater Management Commission may be delegated to its employees and/or agents. **[Amended 6-25-2007 STM by Art. 2; 5-7-2018 ATM by Art. 2; 6-25-2018 STM by Art. 15]**
- B. Rules and regulations. The Stormwater Management Commission may adopt and periodically amend rules and regulations relating to receipt and content of land disturbance permit applications; review time periods, permit terms, conditions, additional definitions, enforcement, fees, procedures and administration of this bylaw, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least 14 days prior to the hearing date. After public notice and hearing, the Stormwater Management Commission may, adopt by majority vote, rules and regulations. Failure by the Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

§ 280-6. Permits and procedures.

Permit procedures and requirements shall be defined and included as part of any rules and regulations promulgated as permitted under § 280-5B of this bylaw.

- A. The Stormwater Management Commission and its agents shall review all applications for a land disturbance permit, conduct inspections, issue a final permit and conduct any necessary enforcement action.
- B. The Stormwater Management Commission will refer to the policy, criteria and information, including specifications and standards, of the latest edition of the Massachusetts Stormwater Management Policy.
- C. Any applicant may submit a request for a determination of nonsignificance. Such a request shall be accompanied by an explanation or documentation supporting a request for a determination of nonsignificance and demonstrating that the proposed work is not significant to any of the interests of the Stormwater Management and Erosion Control Bylaw of the Town of Dalton and that strict

application of the bylaw does not further the purposes or objectives of this bylaw.

- (1) All requests for determination of nonsignificance shall be discussed and a decision will be made by the Stormwater Management Commission within 14 days of receiving the request in writing.
 - (2) If in the Stormwater Management Commission's opinion, additional time or information is required for review of request for determination of nonsignificance, the Stormwater Management Commission may continue a consideration of the request by an additional seven days. In the event the applicant objects to a continuance, or fails to provide requested information, the request shall be denied.
 - (3) The Stormwater Management Commission will prepare a written finding that the area on which the proposed work is to be done, or which the proposed work will alter, is either significant or not significant to one or more of the interests identified in the Stormwater Management and Erosion Control Bylaw of the Town of Dalton. If a project is deemed significant by the Stormwater Management Commission, the applicant must file for a full land disturbance permit.
- D. A completed application for a land disturbance permit shall be filed with the Stormwater Management Commission. A permit must be obtained prior to the commencement of land-disturbing activity as described under § 280-4A of this bylaw. The land disturbance permit application shall include:
- (1) A completed application form with original signatures of all owners;
 - (2) A list of abutters, certified by the Assessors office;
 - (3) Payment of the application and review fees; and
 - (4) One copy each of the application form and the list of abutters filed with the Town Clerk.
- E. A public hearing shall be held by the Stormwater Management Commission within 21 days of the receipt of the minimal submission requirements as established under § 280-6D of this bylaw.
- F. The Stormwater Management Commission shall publish a notice of the time and place of said hearing at the expense of the applicant, not less than five days prior to the public hearing, by publication in a newspaper of general circulation in the Town of Dalton.
- G. The land disturbance permit application shall be available for inspection by the public during normal business hours at the Town Hall for a minimum of five business days from the notice. The public may submit their comments within the time that the land disturbance permit is available for inspection. Comments may be submitted to the Town Hall during regular business hours.
- H. The Stormwater Management Commission shall take final action on an application within 21 days of the close of the public hearing if review from the Conservation Commission or the Planning Board is not required. Failure to take action shall be deemed to be constructive approval of said application. Upon certification by the Town Clerk that the allowed time has passed without the Stormwater Management Commission's action, the land disturbance permit shall be issued by the Stormwater Management Commission.
- I. No permit shall be issued by the Stormwater Management Commission for projects that are actively under review or pending decisions from the Conservation Commission or the Planning Board until those decisions have been concluded.
- J. The Stormwater Management Commission shall take final action on an application within 21 days of receiving final written decision(s) from the Conservation Commission and/or the Planning Board if

the project was under review by the Conservation Commission and/or the Planning Board. Failure to take action shall be deemed to be constructive approval of said application. Upon certification by the Town Clerk that the allowed time has passed without the Stormwater Management Commission's action, the land disturbance permit shall be issued by the Stormwater Management Commission.

- K. Filing an application for a land disturbance permit grants the Stormwater Management Commission or its agents permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- L. The Stormwater Management Commission may:
 - (1) Approve the application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this bylaw;
 - (2) Approve the application and issue a permit with conditions, modifications, requirements for operation and maintenance requirements of permanent structural BMPs, designation of responsible party, or restrictions that the Stormwater Management Commission determines are required to ensure that the project will protect water resources and will meet the objectives and requirements of this bylaw; or
 - (3) Disapprove the application and deny a permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this bylaw. If the Stormwater Management Commission finds that the applicant has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the Stormwater Management Commission may disapprove the application, denying a permit.
- M. Appeals of action by the Stormwater Management Commission. A decision of the Stormwater Management Commission shall be final. Further relief shall be to a court of competent jurisdiction. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

§ 280-7. Fees.

The Stormwater Management Commission shall establish fees to cover expenses connected with application review and monitoring permit compliance. The fees shall be sufficient to cover professional staff.

§ 280-8. Waivers.

The Stormwater Management Commission will determine applicability and grant a waiver to compliance with this bylaw. The Stormwater Management Commission may waive strict compliance with any requirement of this bylaw, or the rules and regulations promulgated hereunder, where such action:

- A. Is allowed by federal, state and local statutes and/or regulations; and
- B. Is in the public interest; and
- C. Is not inconsistent with the purpose and intent of this bylaw.

§ 280-9. Enforcement.

- A. The Stormwater Management Commission, or its authorized agent, shall enforce this bylaw, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal

remedies for such violations.

- B. The Stormwater Management Commission, or its authorized agent, may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include:
 - (1) A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw or provisions of the land-disturbance permit;
 - (2) Maintenance, installation or performance of additional erosion and sediment control measures;
 - (3) Monitoring, analyses, and reporting;
 - (4) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity;
 - (5) Compliance with the operation and maintenance plan.
- C. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder shall be punished by a fine of not more than \$300. Each day or part thereunder that such violation occurs or continues shall constitute a separate offense.
- D. As an alternative to criminal prosecution or civil action, the Town of Dalton may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D, which has been adopted by the Town in Chapter 1 of the Town Code, in which case the Stormwater Management Commission or authorized agent shall be the enforcing person. The penalty for each violation shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

§ 280-10. Severability.

If any provision, paragraph, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

APPENDIX 9 – STORMWATER MANAGEMENT & EROSION CONTROL REGULATIONS



Stormwater Management and Erosion Control Regulations

1.0 PURPOSE

Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of:

- 1) impairment of water quality and decreased flow in lakes, ponds, streams, rivers, wetlands and groundwater;
- 2) contamination of drinking water supplies;
- 3) erosion of stream channels;
- 4) alteration or destruction of aquatic and wildlife habitat;
- 5) flooding; and,
- 6) overloading or clogging of municipal catch basins and storm drainage systems.

The United States Environmental Protection Agency has identified sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment as major sources of water pollution, impacting drinking water supplies, natural habitats, and recreational resources. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the Town of Dalton's water bodies and groundwater resources, to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town. These regulations address the issues mentioned above and as referenced in the *Stormwater Management and Erosion Control Bylaw of the Town of Dalton*.

2.0 DEFINITIONS

The following definitions shall apply in the interpretation and implementation of these Regulations. These Regulations may be amended to adopt additional definitions.

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

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

AUTHORITY: The Town of Dalton Stormwater Management Commission or its authorized agent(s). The Dalton Stormwater Management Commission or its authorized agent(s) are responsible for coordinating the review, approval and permit process as defined in this Regulation. Other Boards and/or departments of the Town of Dalton, including (but not limited to) the Conservation Commission, Board of Health, and Highway Department, may participate in the review process as defined herein.

CALIPER (diameter in inches): American Association of Nurserymen standard for measurement of trunk size of nursery stock. Caliper of the trunk shall be measured at six (6) inches above the ground up to and including four (4) inch caliper trees, and twelve (12) inches above the ground for larger sizes.



Stormwater Management and Erosion Control Regulations

CONSTRUCTION AND 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.

CLEARING: Removal or causing to be removed, through either direct or indirect actions, trees, shrubs, or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; or any filling, excavation, grading, or trenching in the root area of a tree which causes irreversible damage.

DETERMINATION: A written finding by the Stormwater Management Commission as to whether a site or the work proposed thereon is subject to the jurisdiction of the *Stormwater Management and Erosion Control Bylaw of the Town of Dalton*.

DETERMINATION OF SIGNIFICANCE: A written finding by the Stormwater Management Commission, after a public hearing, that the area on which the proposed work is to be done, or which the proposed work will alter, is significant to one or more of the interests identified in the *Stormwater Management and Erosion Control Bylaw of the Town of Dalton*.

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

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

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

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

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS: Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

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

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material. Landscaping activities which involve greater than or equal to 500 sq. ft. are considered a land disturbing activity. Routine landscaping activities which involve less than 500 sq. ft. are not considered a land-disturbing activity for the purposes of this bylaw.



Stormwater Management and Erosion Control Regulations

LAND DISTURBANCE PERMIT: A permit issued by the Stormwater Management Commission, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious affects of increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation.

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

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The 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.

NOTIFICATION OF NON-SIGNIFICANCE: A written finding by the Stormwater Management Commission, after a public hearing, that the area on which the proposed work is to be done, or which the proposed work will alter, is not significant to any of the interests of the *Stormwater Management and Erosion Control Bylaw of the Town of Dalton*.

ONE HUNDRED YEAR FLOODPLAIN: An area delineated under the Federal Emergency Management Act (FEMA) indicating the extent of flooding as a result of a 100 year flood.

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 insure that it continues to function as designed.

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

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

PRE-CONSTRUCTION: All activity in preparation for 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 Management Commission. Where phased development the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

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.



Stormwater Management and Erosion Control Regulations

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

REDEVELOPMENT: Any development, construction, alteration, rehabilitation, improvement expansion, demolition or phased projects that meets or exceeds 200 square feet of land disturbance on existing or proposed slopes less than or equal to 15 % or 43,560 square feet on existing or proposed slopes less than 15 % and where the existing land has been subject to previous development.

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

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

SEDIMENTATION: The process or act of deposition of sediment.

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

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance e.g. twenty (20) percent.

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

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

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

STORMWATER MANAGEMENT PLAN: A plan showing existing and proposed features on a site. This is required as part of the application for a Land Disturbance Permit.

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream (both intermittent and continuous).

WETLAND RESOURCE AREA: Areas specified in either the Massachusetts Wetlands Protection Act G.L. c. 131, § 40.

WETLANDS: Areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including



Stormwater Management and Erosion Control Regulations

freshwater marshes around ponds and channels (rivers and streams), common names include marshes, swamps and bogs.

3.0 AUTHORITY

- A) The Regulations contained herein have been adopted by the Stormwater Management Commission in accordance with the *Town of Dalton's Stormwater Management and Erosion Control Bylaw*.
- B) Nothing in these Regulations is intended to replace or be in derogation of the requirements of the Town of Dalton's Zoning Bylaws and any Rules and Regulations adopted thereunder unless these regulations are more stringent.
- C) These Stormwater Regulations may be periodically amended by the Stormwater Management Commission in accordance with the procedures outlined in Section 5.0 (B) of the *Town of Dalton's Stormwater Management and Erosion Control Bylaw*.

4.0 ADMINISTRATION

The Stormwater Management Commission shall have the responsibility to administer, implement and enforce these Regulations. Projects and activities approved by the Stormwater Management Commission shall be deemed in compliance with the intent and provisions of these Stormwater Management and Erosion Control Regulations.

5.0 PROCEDURES

The issuance of a Land Disturbance Permit is required prior to any activity disturbing 43,560 square feet (1 acre) or more of land including disturbances less than 43,650 square feet if that disturbance is part of a larger common plan of development or sale that would disturb 43,650 square feet or more, or disturbing an area greater than or equal to 200 square feet on existing or proposed slopes greater than or equal to 15 %, or as listed in Section 4 of the Stormwater and Erosion Control Bylaw. The site owner or their Agent shall file with the Stormwater Management Commission for a Land Disturbance Permit. In either case, while application may be made by a representative, the permittee must be the owner of the site.

- A. Determination of Non-significance:** Any applicant may submit a request for a determination of non-significance. Such a request shall be accompanied by an explanation or documentation supporting a request for a determination of non-significance and demonstrating that the proposed work is not significant to any of the interests of the *Stormwater Management and Erosion Control Bylaw of the Town of Dalton* and that strict application of the bylaw does not further the purposes or objectives of the bylaw. The Stormwater Management Commission will prepare a written finding that the area on which proposed work is to be done, or which the proposed work will alter, is either significant or not significant to one or more of the interests identified in the *Stormwater Management and Erosion Control Bylaw of the Town of Dalton*. If a project is deemed significant by the Stormwater Management Commission the applicant must file for a full land disturbance permit.
- B. Segmentation:** In determining whether a Project requires a land disturbance permit, and during review, the Stormwater Management Commission shall consider the entirety of the Project, including any likely future expansion, and not separate phases or segments thereof. The Applicant may not phase or segment a Project to evade, defer or curtail review. The



Stormwater Management and Erosion Control Regulations

Applicant and the enforcement authority shall consider all circumstances as to whether various work or activities constitute one Project, including but not limited to: whether the work or activities, taken together, comprise a common plan or independent undertakings, regardless of whether there is more than one Applicant; any time interval between the work or activities; and whether the environmental impacts caused by the work or activities are separable or cumulative.

- C.** The following activities are exempt from the provisions of Section 5.0
- 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;
 - 2) Construction of fencing that will not substantially alter existing terrain or drainage patterns;
 - 3) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns or result in discharge of sediment or other pollutants to the MS4 or, directly or indirectly, to a Watercourse or Waters of the Commonwealth;
 - 4) Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act regulation 310 CMR 10.04; and
 - 5) Disturbance of Land or Redevelopment that are subject to jurisdiction under the Massachusetts Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Standards and the Town of Adams Stormwater Management Regulations as reflected in an Order of Conditions issued by the Conservation Commission.
- D. Determination of Completeness.** The Stormwater Management Commission shall make a determination as to the completeness of the application and adequacy of the materials submitted within 5 business days. No review shall take place until the application has been found to be complete.
- E. Land Disturbance Applications:** An application for a Land Disturbance permit shall be made to the Stormwater Management Commission in a form and containing information as specified in the Regulations adopted by the Stormwater Management Commission and shall be accompanied by payment of the appropriate application and review fees. The fee shall be collected by the Stormwater Management Commission prior to any review. Applicants shall submit an additional complete application to the Commission which is currently reviewing other permits for the same project.
- 1) Land Disturbance Permit Application package shall include:
 - a) completed Application Form with original signatures of all owners;
 - b) a list of abutters, certified by the Assessors Office;
 - c) three (3) copies of the Erosion and Sediment Control Plan as specified in Section 5.0 (E) of these regulations;
 - d) three (3) copies of the Stormwater Management Plan as specified in Section 5.0 (F) of these regulations;



Stormwater Management and Erosion Control Regulations

- e) three (3) copies of the Operation and Maintenance Plan as specified in Section 5.0 (G) of these regulations,
 - f) payment of the application and review fees; and,
- 2) One (1) copy each of the Application Form, the Stormwater Management Plan, the Operation & Maintenance Plan and the list of abutters must be filed with the Town Clerk for all Land Disturbance Permits. The Land Disturbance Permit Application Package will also be submitted to any other Boards or Commissions reviewing the project.

F. Erosion and Sediment Control Plan. The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The plan shall ensure that the Massachusetts Surface Water Quality Standards (314 CMR 4.00) are met in all seasons. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design standards and contain the information listed below.

1) Standards

If a project requires a Stormwater Pollution Prevention Plan (SWPPP) per the NPDES General Permit for Storm Water Discharges From Construction Activities (and as amended), then the applicant is required to submit a complete copy of the SWPPP (including the signed Notice of Intent and approval letter). If the SWPPP meets the requirements of the General Permit, it will be considered equivalent to the Erosion and Sediment Control Plan described in this section. The Erosion and Sediment Control Plan shall be designed to meet the Massachusetts Stormwater Management Policy in compliance with the MS4 Permit and shall meet the following standards:

- a) Minimize total area of disturbance.
- b) Sequence activities to minimize simultaneous areas of disturbance.
- c) Minimize peak rate of runoff in accordance with the Massachusetts Department of Environmental Protection Stormwater Standards.
- d) Minimize soil erosion and control sedimentation during construction.
- e) Divert uncontaminated water around disturbed areas.
- f) Maximize groundwater recharge.
- g) Install and maintain all Erosion and Sediment Control measures in accordance with the Massachusetts Erosion and Sedimentation Control Guidelines for Urban and Suburban Areas, manufacturer's specifications and good engineering practices.
- h) Prevent off-site transport of sediment.
- i) Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project).
- j) Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control.
- k) Protect natural resources and prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities.
- l) Institute interim and permanent stabilization measures, which shall be instituted on a



Stormwater Management and Erosion Control Regulations

disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site.

- m) Properly manage on-site construction and waste materials, including truck washing and cement concrete washout facilities.
- n) Prevent off-site vehicle tracking of sediments,
- o) Incorporate appropriate BMPs designed to comply with the Massachusetts Stormwater Handbook.

2) Contents

The Erosion and Sediment Control Plan shall contain the following information:

- a) Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan.
- b) Title, date, north arrow, names of abutters, scale (1"=20' or 1"=40'), legend, and locus map (1"=800').
- c) Location and description of natural features including:
 - i. Watercourses and water bodies, wetland resource areas, riparian zones and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
 - ii. Existing vegetation of various kinds including tree lines, shrub layer, ground cover and herbaceous vegetation, and trees with a caliper twelve inches or larger, noting specimen trees and forest communities;
 - iii. Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Estimated Habitats of Rare Wildlife, Certified Vernal Pools and Potential Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
- d) Lines of existing abutting streets showing drainage and driveway locations and curb cuts.
- e) Existing soils (type, hydrologic group, erodibility) and the volume and nature of imported soil materials.
- f) Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed.
- g) Steep slopes for pre-development and post-development conditions, delineated by 0%-15%, 15%-25%, and over 25%.
- h) Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed.
- i) Drainage patterns, watersheds and subwatersheds, with calculations of proposed land disturbance within each subwatershed and areas of soil to be disturbed in each watershed throughout the duration of the proposed land disturbance activity.
- j) Location and details of erosion and sediment control measures with a narrative of the



Stormwater Management and Erosion Control Regulations

construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas.

- k) Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable.
- l) Stormwater runoff calculations in accordance with the Massachusetts Department of Environmental Protection's Stormwater Management Policy.
- m) Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other temporary and final stabilization measures.
- n) A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
- o) A description of provisions for phasing the project where 43,560 square feet of contiguous area or greater is to be altered or disturbed.
- p) Plans, reports, and calculations must be stamped and certified by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC).
- q) Such other information as is required by the Stormwater Management Commission.

F. Stormwater Management Plan. The Stormwater Management Plan shall contain sufficient information to describe the nature and purpose of the proposed development/redevelopment, pertinent conditions of the site and the adjacent areas, and proposed best management practices for the permanent management and treatment of stormwater. The Stormwater Management Plan shall contain sufficient information for the Stormwater Management Commission to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Policy. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. The applicant shall submit such material as is required below.

1) Standards

The Stormwater Management Plan shall be prepared in accordance with the Massachusetts Stormwater Management Policy. Stormwater Management Plans must include Low Impact Development (LID) and Green Infrastructure site planning and design strategies to be implemented to the maximum extent feasible in order to reduce the discharge of stormwater from developed sites as per the MS4 Permit. General performance standards for permit sites include:

- a) Low Impact Development and Green Infrastructure site design strategies shall be utilized to preserve existing natural features of the site, minimize the creation of impervious surfaces and manage stormwater in a decentralized fashion, to the maximum extent feasible.
- b) The selection, design and construction of all pre-treatment, treatment and infiltration BMPs shall be in accordance with Massachusetts Stormwater Handbook (or be more



Stormwater Management and Erosion Control Regulations

- stringent than those standards) and shall be consistent with all elements of the Massachusetts Stormwater Standards including but not limited to those regarding new stormwater conveyances, peak runoff rates, recharge, land uses with higher potential pollutant loads, discharges to Zone II or interim wellhead protection areas, sediment and erosion control, and illicit discharges.
- c) For redevelopment projects, the first 0.8 inch of runoff from the site's total impervious surfaces shall be retained on-site through a combination of infiltration, reuse and/or evaporation, to the maximum extent practicable. For new development, the first 1.0 inch of runoff from the site's total impervious area shall be retained on-site through a combination of infiltration, reuse and/or evaporation, to the maximum extent practicable.
 - d) Where it is not technically feasible to retain the first 0.8 inch of runoff from all impervious areas from redevelopment sites, or the first 1.0 inch of runoff from all impervious areas from new development sites, the applicant will describe in writing why it is technically infeasible to do so due to physical site constraints, and indicate the volume of runoff to be retained. If different volumes are retained for different areas of the site, each area shall be described individually. That portion of the required volume which is not retained on-site shall be treated using stormwater BMPs that are optimized for the removal of TSS, total phosphorus, bacteria and pollutants of concern identified in any applicable TMDL or impaired waters designation.
 - e) BMPs for redevelopment sites must remove 80% or more of the average annual load of TSS and 50% or more of the average annual load of Total Phosphorus. BMPs for new development must remove 80% or more of the annual average load of total suspended solids and 50% or more of the average annual load of total phosphorous for all post-construction impervious areas on-site.
- 2) Stormwater Management Plan Requirements.
- The Stormwater Management Plan shall contain the following information:
- a) A locus map, at a scale of 1"=800'.
 - b) The existing zoning, and land use at the site.
 - c) The proposed land use.
 - d) The location(s) of existing and proposed easements.
 - e) The location of existing and proposed utilities.
 - f) The site's existing and proposed topography with contours at 2 foot intervals.
 - g) The existing site hydrology.
 - h) A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows.
 - i) A delineation of 100-year flood plains, if applicable.
 - j) An estimate made by a Licensed Soil Evaluator of seasonal high groundwater elevation in each area to be used for stormwater retention, detention, or infiltration.
 - k) The existing and proposed vegetation and ground surfaces with runoff coefficient for each.



Stormwater Management and Erosion Control Regulations

- l) A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths.
- m) A description and drawings of all components of the proposed drainage system including:
 - i. locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,
 - ii. all measures for the detention, retention or infiltration of water,
 - iii. all measures for the protection of water quality including estimated pollutant load reduction for all proposed stormwater BMPs and stormwater management facilities where applicable,
 - iv. the structural details for all components of the proposed drainage systems. Stormwater BMPs, and stormwater management facilities,
 - v. notes on drawings specifying materials to be used, construction specifications, and typicals, and
 - vi. expected hydrology with supporting calculations.
- n) The proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable.
- o) The timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization.
- p) A maintenance schedule for the period of construction.
- q) Any other information requested by the Stormwater Management Commission.

G. Operation and Maintenance Plans. An Operation and Maintenance Plan (O&M Plan) for the permanent stormwater management system is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with these Regulations and that the Massachusetts Surface Water Quality Standards contained in 314 CMR 4.00 are met in all seasons and throughout the life of the system. The Stormwater Management Commission shall make the final decision of what maintenance option is appropriate in a given situation. The Commission will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. Once approved by the Stormwater Management Commission the Operation and Maintenance Plan shall be recorded at the Berkshire County Registry of Deeds by the permittee, shall remain on file with the Commission and shall be an ongoing requirement. The Operation and Maintenance Plan shall conform to the requirements listed below. Stormwater management easements shall be provided by the property owner(s) and shall be sufficient in location and extent to carry out the required maintenance.

- 1) Operation and Maintenance Plan Requirements
An Operation and Maintenance Plan shall include:
 - a) The name(s) of the owner(s) for all components of the system



Stormwater Management and Erosion Control Regulations

- b) A map showing the location of the systems and facilities including all structural and nonstructural stormwater best management practices (BMPs), catch basins, manholes/access lids, pipes, and other stormwater devices.
 - c) Maintenance agreements that specify:
 - i. The names and addresses of the person(s) responsible for operation and maintenance.
 - ii. The person(s) responsible for financing maintenance and emergency repairs.
 - iii. An Inspection and Maintenance Schedule for all drainage structures, including swales and ponds. Where applicable, this schedule shall refer to the Maintenance Criteria provided in the Massachusetts Stormwater Handbook or the EPA National Menu of Stormwater Best Management Practices or equivalent.
 - iv. Instructions for routine and long-term operation and maintenance shall have sufficient detail for responsible parties to perform necessary maintenance activities and prevent actions that may adversely affect the performance of each structural and/or nonstructural stormwater BMP.
 - v. A list of easements with the purpose and location of each.
 - vi. The signature(s) of the owner(s).
- 2) Stormwater Management Easement(s).
- a) Stormwater management easements shall be provided by the property owner(s) as areas are necessary for:
 - i. access for facility inspections and maintenance,
 - ii. preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and
 - iii. direct maintenance access by heavy equipment to structures requiring regular cleanout maintenance.
 - b) The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
 - c) Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Stormwater Management Commission.
 - d) Easements shall be recorded with the Berkshire County Registry of Deeds prior to issuance of a Certificate of Completion by the Stormwater Management Commission.
- 3) Changes to Operation and Maintenance Plans
- a) The owner(s) of the stormwater management system must notify the Stormwater Management Commission or its Agent of changes in ownership or assignment of financial responsibility.
 - b) The maintenance schedule in the Maintenance Agreement may be amended to



Stormwater Management and Erosion Control Regulations

achieve the purposes of this Stormwater Management and Erosion Control Bylaw and Regulations by mutual agreement of the Stormwater Management Commission and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility. Once the amended Plan is signed the Stormwater Management Commission shall file it at the Registry of Deeds at the expense of the current owner(s).

- H. Information Requests:** The Stormwater Management Commission may request such additional information as is necessary to enable the Commission to determine whether the proposed land disturbance activity will protect water resources and meet the objectives of the Stormwater Management and Erosion Control Bylaw and Regulations.
- I. Project Changes.** The permittee, or their Agent, must notify the Stormwater Management Commission in writing of any change or alteration of a land-disturbing activity before the change or alteration occurs. If the Commission determines that the change or alteration is significant, the Commission may require that an amended application or a full application be filed in accordance with this Section. If any change or alteration from the Land Disturbance Permit occurs during land disturbing activities, including significant changes in schedule, the Commission may require the installation of interim erosion and sedimentation control measures before considering the change or alteration.
- J. Review Fee Schedule**
A review fee of one hundred twenty five dollars (\$125.00) shall be submitted with the application for a Land Disturbance Permit. The applicant is responsible for fees associated with the required legal notice.

6.0 WAIVERS

- A.** The Stormwater Authority may waive strict compliance with these Regulations if such action is allowed by federal, state and local statutes and/or regulations; is in the public interest; and is consistent with the purposes of the *Stormwater Management and Erosion Control Bylaw*.
- B.** Any applicant may submit a written request for a waiver, accompanied by supporting information explaining how the waiver will comply with the purposes of the *Stormwater Management and Erosion Control Bylaw*.
- C.** All waiver requests shall be considered within 45 days, and the Stormwater Management Commission will provide a written decision. If additional information is required, the Stormwater Management Commission may extend the review period. If the applicant objects to an extension, or fails to provide requested information, the waiver request may be denied without prejudice by the Stormwater Management Commission.

7.0 INSPECTION AND SITE SUPERVISION

All inspections will be conducted by an Agent of the Stormwater Management Commission.

- A. Preconstruction Meeting.** Prior to clearing, excavation, construction, or any land disturbing activity requiring a permit, the applicant, the applicant's technical



Stormwater Management and Erosion Control Regulations

representative, the general contractor, pertinent subcontractors, and any person with authority to make changes to the project, shall meet with the Stormwater Management Commission or a designated Agent to review the permitted plans and proposed implementation.

B. Inspection. The Stormwater Management Commission or a designated Agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the approved plans and any conditions of approval. One copy of the permit plans and conditions of approval signed by the Stormwater Management Commission shall be maintained at the site during the progress of the work. A copy of the NPDES Construction General Permit and Stormwater Pollution Prevention Plan (if applicable) shall be kept on site as well. In order to obtain inspections, the permittee shall notify the Agent of the Commission at least three (3) working days before each of the following events:

- 1) Erosion and sediment control measures are in place and stabilized;
- 2) Rough Grading has been substantially completed;
- 3) Final Grading has been substantially completed;
- 4) Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures.
- 5) Close of the Construction Season; and
- 6) Final Landscaping (permanent stabilization) and project final completion.

C. Final Inspection. After the stormwater management system has been constructed the applicant must submit a record plan detailing the actual stormwater management system as installed. The applicant must submit an explanation detailing any differences between the plans approved with the permit and the as-built plans. This explanation must be stamped by a Professional Engineer. The Stormwater Management Commission or a designated Agent shall inspect the system to confirm its "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the Commission which will issue a Certificate of Completion.

If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. Examples of inadequacy shall be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

D. Permittee Inspections. The permittee or his/her Agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the Erosion and Sedimentation Control Plan, and the need for maintenance or additional control measures. The permittee or his/her Agent shall submit monthly reports to the Stormwater Management Commission or a designated Agent in a format approved by the Commission. The Commission may require, as a condition of



Stormwater Management and Erosion Control Regulations

approval, that an Environmental Site Monitor, approved by the Commission, be retained by the applicant to conduct such inspections and prepare and submit such reports to the Commission or its designated Agent.

- E. Access Permission.** To the extent permitted by state law, and as authorized by the owner at the time of the application or other party in control of the property, the Stormwater Management Commission, its Agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Regulation and may make or cause to be made such examinations, surveys or sampling as the Commission deems reasonably necessary to determine compliance with the permit.

8.0 FINAL REPORTS

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

9.0 CERTIFICATE OF COMPLETION

The Stormwater Management Commission will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this Bylaw. The Certificate of Completion shall be recorded at the Registry of Deeds by the Owner(s).