

## **5.39A Post-Construction Stormwater Management**

### **5.39A.1 Purpose**

It is recognized that development activity poses potential impacts of flooding, adds pollution to water resources, and increases erosion and sedimentation. The purpose of this section is to ensure adequate long-term operation and maintenance of post-construction stormwater facilities (also known as BMP's: Best Management Practices).

This section is intended to protect town-wide stormwater infrastructure and water quality. It shall also ensure the Town's compliance with the Maine General Discharge Permit, which falls under the rules of NPDES Phase II and the EPA clean water act.

### **5.39A.2 Applicability**

A Post Construction Stormwater Management Plan is required for any site development or redevelopment activity involving one acre (43,560 square feet) or more of disturbed land area (impervious surface, paving, clearing, filling or alteration of vegetative cover, etc.) that discharges to the Town's Municipal Separated Storm Sewer System (MS4).

In any instance where the standards or other provisions of such State or Federal stormwater rules conflict with Town ordinances, the stricter standard shall apply.

### **5.39A.3 Submission Requirements**

- a. The plan shall be submitted as required by the permitting authority in conjunction with other permits.
- b. The plan shall conform to the applicable submission requirements of Section 8 of DEP Chapter 500 Rules available at [www.maine.gov/dep/stormwater](http://www.maine.gov/dep/stormwater).
- c. The plan shall be prepared by a qualified professional.

**5.39A.4 Permitting Requirements Plan** - Prior to any site disturbance involving any property governed by the Plan, the following conditions shall be met:

- a. The plan shall be approved by Parks and Public Works Department prior to any site disturbance.

- b. A stormwater maintenance agreement shall be recorded at the Registry of Deeds.
- c. The plan shall be approved by the permitting authority and if applicable, referenced in a plan note on the approved plan.

#### **5.39A.5 Standards for the Post-Construction Stormwater Management Plan**

- a. The plan shall specify the responsible party and refer to their successors, heirs and assigns.
- b. The plan must identify the qualified professional who shall perform the inspections and report to the permitting authority and the Parks and Public Works Director.
- c. Proof of submittal to the Town documentation that the responsible party, his/her/its successors, heirs and assigns, shall have the legal obligation to operate, repair, maintain and replace the Stormwater Management Facilities.
- d. Perpetual easements will be provided to the Town allowing access for secondary maintenance, repair, replacement and improvement of the Stormwater Management Facilities.
- e. If an offer of dedication or Town acceptance is proposed, the applicant shall be responsible for the maintenance of these Stormwater Management Facilities until such time (if ever) as they are accepted by the Town.

#### **5.39A.6 Requirement for Compliance**

Any party responsible for Stormwater Management Facilities required by a Post-Construction Stormwater Management Plan shall demonstrate compliance with the Plan as follows:

- a. The responsible party shall provide the Parks and Public Works and the Community Development Departments with an annual report documenting that the BMP's are adequately maintained and are functioning as intended. If the best management practices are not adequately maintained or functioning as intended, the qualified professional shall provide a record of the deficiency and responsible party will take corrective actions to remediate the deficiency within time frame acceptable to the Parks and Public Works Department.
- b. The responsible party shall at least annually, inspect, clean and/or maintain the Stormwater Management Facilities, including, but not limited to, any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures. This shall be in accordance with the cleaning and

maintenance requirements set forth in the approved Post-Construction Stormwater Management Plan.

- c. That person shall repair any deficiencies found during inspection of the Stormwater Management Facilities in a reasonable timeframe.
- d. That person shall, on or by July 1 of each year, provide a completed and signed certification to the Director Parks and Public Works, in a format acceptable to the Department, certifying that the person has inspected, cleaned and maintained the Stormwater Management Facilities. It shall describe any deficiencies found during inspection of the Stormwater Management Facilities and certify that the deficiencies to any Stormwater Management Facilities have been remediated.
- e. The required inspection(s) must be conducted by a qualified third-party inspector if the property is subject to a DEP stormwater permit. The third-party inspector shall perform an initial inspection to determine the status of the Stormwater Management Facilities. If the initial inspection identifies any deficiencies with the facilities, the same third-party inspector shall re-inspect the facilities after they have been maintained or repaired to determine if they are performing as intended.
- f. The qualified third party inspector must meet the following criteria:
  - a. Have a college degree in an environmental science or civil engineering, or comparable expertise;
  - b. Have a practical knowledge of stormwater hydrology and stormwater management techniques, including the maintenance requirements for Stormwater Management Facilities; and
  - c. Have the ability to determine if stormwater facilities are performing as intended.
- g. In order to determine compliance with this section and with the Post-Construction Stormwater Management Plan, the Director of Parks and Public Works, Community Development Director, or their designee, may request to enter upon a property at reasonable hours and by making a good faith effort to contact the owner, occupant or agent to inspect the Stormwater Management Facilities.
- h. Non-compliance with the plan that is not resolved within a reasonable time frame shall be referred to the Maine Department of Environmental Protection (MDEP).