

## **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.

This section is intended to protect town-wide stormwater infrastructure and water quality and 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 that discharges to the Town's Municipal Separated Storm Sewer System (MS4) including but not limited to impervious surface, paving, clearing, filling or alteration of vegetative cover, etc..

In any instance where the standards or other provisions of 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 to the permitting authority in conjunction with other required permit applications.
- 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 preparer shall be a professional qualified in stormwater management.

### **5.39A.4 Permitting Requirements - 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
- b. A stormwater maintenance agreement shall be recorded at the Registry of Deeds.

- c. The stormwater management plan shall be approved by the permitting authority and referenced in a plan note on any other related plan approved in conjunction with the stormwater management plan.
- d. 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.5 Standards for the Post-Construction Stormwater Management Plan – The application shall include a plan which shall:**

- a. specify the property owner, responsible party for post-construction monitoring, and plan preparer.
- a. identify the qualified third party inspector who will perform the inspections.
- b. reference the stormwater maintenance agreement. Perpetual easements will be provided to the Town allowing access for secondary maintenance, repair, replacement and improvement of the Stormwater Management Facilities.
- b. include a note documenting 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.

**5.39A.6 Requirements 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 stormwater management facilities are adequately maintained and are functioning as intended. If the facilities are not adequately maintained or functioning as intended, the qualified third party inspector shall provide a record of the deficiency and the responsible party will take corrective actions to remediate the deficiency within the time frame established by 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. The responsible party shall repair any deficiencies found during inspection of the Stormwater Management Facilities in a timeframe as established by the Parks and Public Works Department.
- d. The responsible party shall, on or by July 1 of each year, provide a completed and signed certification to the Director of Parks and Public Works, in a format acceptable to the Department. The certification shall describe any deficiencies found during inspection of the Stormwater Management Facilities and certify that the deficiencies of 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 and certify the same to the Director of Parks and Public Works
- f. The qualified third party inspector must meet the following criteria:
  1. Have a college degree in an environmental science or civil engineering, or comparable expertise;
  2. Have a practical knowledge of stormwater hydrology and stormwater management techniques, including the maintenance requirements for Stormwater Management Facilities; and
  3. 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 after 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).