Town of Londonderry

Department of Public Works & Engineering

STORM WATER REGULATIONS

Adopted: September 16, 2019
Amended: June 17, 2024

Town of Londonderry
Department of Engineering and Environmental Services

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SECTION 1. GENERAL PROVISIONS

A. Purpose

These Storm Water Regulations were developed in accordance with the Town of Londonderry's Storm Water Ordinance, Section 1(C)(2): "Adopt any regulations deemed necessary to accomplish the purposes of this ordinance."

It is the purpose of these Regulations to supplement to the Town of Londonderry's Storm Water Ordinance ("SWO"). The Regulations provide a more detailed guidance to the means and methods of carrying out the purposes of the SWO.

B. Administration

The Director of the Department of Engineering and Environmental Services or his designee shall administer the provisions of these Regulations.

The Department of Engineering and Environmental Services reserves the right to revise, supplement, or rescind any regulations or portion of this document as it deems appropriate.

C. Interpretations of Provisions

The provisions of these Regulations with respect to the meaning of the technical matters, terms, and phrases shall be interpreted and administered by the Director of Department of Engineering and Environmental Services acting in and for the Town of Londonderry.

D. Definitions

For the purpose of these Regulations and SWO, the following rules shall apply:

a) Words used in the singular shall include the plural, and the plural shall include the singular.

b) Words used in the present tense shall include the future tense.

c) The word "shall" is mandatory and not discretionary.

d) The word "may" is permissive.

e) Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Third New International Dictionary. The words enumerated below shall have the definition that follows:

1. Accidental Discharge - means a discharge prohibited by these Regulations, which occurs by chance, and without planning or thought prior to occurrence.

2. As-built Plans - means drawings depicting conditions as they were actually constructed.

3. Best Management Practices (BMPs") - are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce the increase of rate of storm water runoff and pollution of water, that have been approved by the Town of Londonderry ("Town"), and that have been incorporated by reference into these Regulations as if fully set out therein. [NOTE: See Section 6 for recommended BMP manuals.]

4. Channel - means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

5. Clean Water Act - means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

6. Code Enforcement Officer - means the Town employee assigned to enforce the implementation of the Town Ordinance.

7. Combined Sewer Drainage System - means a single pipe conveyance system intended to receive both sewage and storm or surface water.

8. Community Water - means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of a boundary of the Town.

9. Construction Activity - means activities subject to the EPA Phase II Storm Water Program and the National Pollutant Discharge Elimination System ("NPDES") General Construction Permits, including construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

10. Construction Period – is defined as the date of issuance of the stormwater permit to the completion of all work and final release of financial guarantees for the project.

11. Contaminant - means any physical, chemical, biological, or radiological substance or matter in water.

12. Department of Engineering and Environmental Services ("DEES") - means the Town of Londonderry Department of Engineering and Environmental Services.

13. Development - Any construction, land disturbance, or improvement of a site or structure with less than 40% existing impervious cover. Calculated by dividing the total existing impervious cover by the size of the site and converting to a percentage. This does not include activities for agriculture or silviculture practices.

14. Director of Engineering and Environmental Services ("Director") - means the chief administrator of DEES, who is authorized to assign staff to oversee the implementation of these Regulations and this SWO.

15. Design Storm Event - means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a storm water facility.

16. Discharge - means to dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system, or ponds, streams, lakes and wetlands.

17. Easement - means an acquired right to cross or otherwise use the land of another for a specified purpose.

18. Environmental Protection Agency (EPA) – the Federal agency responsible for implementing the Federal Water Control Act, (3 U.S.C § 1251 et seq.) AKA the "Clean Water Act".

19. Erosion - means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

20. Erosion and Sediment Control Plan - means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

21. Illicit Connections - means illegal and/or unauthorized connections to the municipal separate storm water system whether or not such connections result in discharges into that system. An "Illicit Connection" is:

a) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyance which allows any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or

b) Any pipe, open channel, drain or conveyance connected to the municipal separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

22. Illicit Discharge - means any discharge to the municipal storm sewer system that is not composed entirely of storm water and not specifically permitted through an existing NPDES discharge permit.

23. Industrial Activity - means activities subject to NPDES Storm Water Permits (for discharges associated with industrial activity) as defined in 40 CFR, Section §122.26 (b)(14).

24. Land Disturbing Activity - means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

25. Maintenance - means any activity that is necessary to keep a storm water facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a storm water facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the storm water facility.

26. Maintenance Agreement - means a document duly executed and recorded in the Registry of Deeds that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices and reporting.

27. Municipal Separate Storm Sewer System (MS4) - means the conveyances owned or operated by the Town for the collection and transportation of storm water, including the roads and streets and their drainage systems, catch basins, pipes, curbs, gutters, ditches, man-made channels, and storm water detention ponds.

28. National Pollutant Discharge Elimination System Permit ("NPDES Permit") - means

a permit issued pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

29. Non-point Source Pollution - means water sources and inputs within a watershed, which occur over a wide area, and are associated with particular land uses, as opposed to individual point source discharges.

30. Non-Storm Water Discharge - means any discharge to the storm drain system that is not composed entirely of storm water.

31. Notice Of Intent ("NOI") - means application for coverage under the EPA's General Permit for construction activities.

32. Off-site Facility - means a structural BMP located outside the subject property boundary described in the permit application for land development activity.

33. On-site Facility - means a structural BMP located within the subject property boundary described in the permit application for land development activity.

34. Inspection and Maintenance Program – a plan setting up the future responsible parties along with the functional, financial and organizational mechanisms for the ongoing inspection and maintenance of storm water management system to ensure that it continues to function as designed.

35. Outfall – the point at which storm water flows out from a point source discernible, confined and discrete conveyance into waters of New Hampshire or of the United States.

36. Peak Flow - means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

37. Person - means any and all persons, including any individual, firm or association and any municipal or private corporation or other entity organized or existing under the laws of this or any other state or country.

38. Pollutant - means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; sediment; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure;

concrete and cement; and noxious or offensive matter of any kind.

39. Pollution - means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

40. Post-Construction Period – the period after final release of financial guarantee in perpetuity.

41. Premises - means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

42. Recharge - means the amount of water from precipitation that infiltrates into the ground and is not evaporated or transpired.

43. Redevelopment - Any construction, land disturbance, or improvement on a site that has 40% or more of existing impervious cover area. Calculated by dividing the total existing impervious cover area by the parcel size area and converting to a percentage

44. Runoff - means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm water system.

45. Sediment - means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

46. Sedimentation - means soil particles suspended in storm water that can settle in streambeds and disrupt the natural flow of the stream

47. Soils Report - means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a soils scientist or engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

48. Stabilization - means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

49. State Waters - means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface

and subsurface water, natural or artificial, lying within or forming a part of a boundary of the State of New Hampshire which are not entirely confined and retained completely upon the property of a single person.

50. Storm Water - means water from any form of natural precipitation that is not absorbed or evaporated and resulting from such precipitation. Street wash waters related to street cleaning or maintenance.

51. Storm Water Management - means the programs to maintain quality and quantity of storm water runoff to pre-development levels.

52. Storm Water Management Facilities - means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which storm water is collected, transported, pumped, treated or disposed of.

53. Storm Water Discharge Permit - means a permit issued by the Town through DEES.

54. Storm Water Management Plan - means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of storm water runoff to pre-development levels.

55. Storm Water Pollution Prevention Plan - ("SWPPP") means a plan that clearly describes appropriate control measures that include a description of all pollution control measures (*i.e.*, BMPs) that will be implemented as part of the construction or industrial activity to control pollutants in storm water discharges and describes the interim and permanent stabilization practices for the site including the Maintenance Agreement.

56. Storm Water Regulations - means a supplement to the SWO that includes additional conditions and requirements. Copies are available at DEES and the Office of the Town Clerk.

57. Storm Water Runoff - means flow on the surface of the ground, resulting from precipitation and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

58. Stream - means areas of flowing water occurring for sufficient time to develop and maintain defined channels but may not flow during dry portions of the year. Includes but is not limited to all perennial and intermittent streams located on U.S. Geological Survey Maps.

59. Structural BMPs - means devices that are constructed to provide control of storm water runoff.

60. Structural Storm Water Control - means a structural storm water management facility or device that controls storm water runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

61. Surface Water - includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes ponds and reservoirs.

62. Watercourse - means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

63. Watershed - means all the land area that contributes runoff to a particular point along a waterway.

SECTION 2. PROHIBITED DISCHARGES

The specific prohibited discharges in this section are not inclusive of all discharges prohibited by these Regulations.

A. Violation of Water Quality Standard

No person shall introduce or cause to be introduced into the Municipal Separate Storm Sewer System (MS4) any discharge that causes or contributes to causing the Town to violate a water quality standard, the Town's NPDES permit, or any state-issued discharge permit for discharges from its MS4.

B. Introduction of Prohibited Substances

No person shall dump, spill, leak, pump, pour, emit, empty discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:

1. New or used motor oil, antifreeze, or other motor vehicle fluid;

2. Industrial wastes;

3. Hazardous waste, including hazardous household waste;

4. Domestic sewage or septic tank waste, grease trap waste, or grit trap waste;

5. Garbage, trash, rubbish or yard waste;

6. Wastewater from a commercial car wash facility; from any vehicle washing, cleaning or maintenance at any new or used automobile, or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning or maintenance of any business or commercial or public service vehicle, including truck, bus, or heavy equipment, by a business or public entity that operates more than two such vehicles;

7. Wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;

8. Wastewater from commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;

9. Wastewater from any floor, rug or carpet cleaning;

10. Wastewater from the wash down or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;

11. Effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow-down from a boiler;

12. Ready-mixed concrete, mortar, ceramic, or asphalt base material or hydro mulch material, or from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material;

13. Runoff or wash down water from any animal pen, kennel, or foul or livestock containment area;

14. Filter backwash from a swimming pool, fountain, hot-tub, or spa;

15. Swimming pool water containing any harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in the pool cleaning;

16. Water from a water curtain in a spray room used for painting vehicles or equipment;

17. Contaminated runoff from a vehicle wrecking yard;

18. Any substance or material that will damage, block, or clog the MS4;

19. Any release from a petroleum storage tank, or any leachate or runoff from soil

contaminated by a leaking petroleum storage tank, or any discharge of pumped, confined, or treated waste water from the remediation of any such petroleum storage tank release, unless it complies with state and federal standards and does not contain any harmful quantity of any pollutant;

20. Any discharge not in compliance with an applicable NPDES permit (e.g., non- contact cooling water, storm water).

C. Introduction of Earth-type Materials

No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with cleaning, grading, excavation or other construction activities, (or associated with landfilling or other placement or disposal of soil, rock, or other earth materials) in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable (under the prevailing circumstances).

D. Introduction of Sewage and Grey Water

No person shall connect a pipe conveying sanitary sewage, domestic or industrial, to the MS4; this includes gray water discharge such as washing machine discharge, sink drains, floor drains, etc. or allow such a connection to continue.

E. Service Station Pavement Wash Water

No person shall cause or allow any pavement wash water from a service station to be discharged into the MS4 unless such wash water has first passed through a properly functioning and maintained, grease, oil, and sand interceptor.

F. Pesticide and Herbicide Use

No person shall use or cause to be used any pesticide or herbicide contrary to any directions for use on any labeling required by state or federal statute or regulation. Any use of any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States is prohibited.

G. Disposal of Pesticide and Herbicide

No person shall dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or a fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.

H. Storage of Trash, Toxic Substances and Hazardous Wastes

No person shall store toxic or hazardous substances on property, or allow trash and debris to stand or collect on property, so as to allow exposure to precipitation and storm water runoff, which can affect storm water discharge to the MS4 or adjacent water table. Any toxic or hazardous substances stored onsite must be in accordance with EPA and State regulations.

I. Allowable Discharges

Notwithstanding any provisions to the contrary, the following types of discharges into the storm drain system are exempt from the prohibitions set herein:

1. Watering of lawns, landscaping and gardens;

2. Washing of personal motor vehicles by residents;

3. Draining of water from swimming pools or spas, after chlorine content of such water according to a test kit, shows a zero reading of chlorine;

4. Flushing of water lines or other discharges from potable water sources;

5. Flows from firefighting activities;

6. Managed minimal amounts of air conditioning condensation;

7. *Uncontaminated pumped groundwater;

8. *Discharges from rising ground waters, springs, and flows from riparian habitats and wetlands;

9. *Non-contact cooling water discharged in accordance with a valid NPDES permit.

***only if permitted by the approved design**

SECTION 3. PERMIT PROCEDURES AND REQUIREMENTS

A. Storm Water Discharge Permit

Unless otherwise excluded by these regulations, the permit outlined in Sections 5(A) and 5(C) of the SWO is required for the following activities:

1. Land disturbing activity of one (1) or more acres of land;

2. Land disturbing activity of less than one (1) acre of land, if such activity is part of a larger common plan of development that affects one (1) or more acres of land.

3. Land disturbing activity of less than one (1) acre of land, if located within an environmentally sensitive area or if in the discretion of the Director such activity poses a unique threat to water, or public health or safety;

4. The creation and use of borrow pits (the excavation of soils from one area to be used in another area) that would meet any of the criteria of 1, 2, or 3 above.

5. Any contiguous land disturbance activity that disturbs more than 5,000 square feet or disturbs more than 2,500 square feet within 100 feet of a surface water body.

6. Any cumulative land disturbance exceeding 20,000 square feet, whether the project is or is not part of a larger plan of development.

7. A subdivision of four or more lots (i.e., major subdivision).

8. Phasing of three or more contiguous lots per year of an existing or proposed subdivision.

9. Construction of utilities (gas, water, sewer, electric, drainage, telephone, etc.) requiring contiguous land disturbance of greater than 20,000 square feet.

The Town's process for the Storm Water Discharge Permit program includes the following:

1. During the review phase of the project, the Applicant is required to obtain the Storm Water Discharge Permit from DEES prior to conditional or final approval of the project by the Londonderry Planning Board ("Planning Board").

2. Upon receiving approval from the Planning Board, the Applicant is required to provide to DEES evidence of the EPA's receipt of the Applicant's project Notice of Intent (NOI) submittal.

3. Upon completion of construction of the project, the property Owner shall provide to DEES a notarized affidavit acknowledging their understanding of and implementation of the Storm Water Inspections and Maintenance portion of the Storm Water Pollution Protection Plan (SWPPP) for the site and the annual reporting and a copy of the recorded Storm Water Inspections and Maintenance Plan.

B. Exemptions

The following allowed activities listed below are exempt from the requirements of the regulations:

1. Small projects that will result in less than 5,000 square feet of land disturbance and provide the minimum erosion control measures and BMPs set forth in the New Hampshire Storm water Manual, Volume 3 (2008 or as updated).

2. Normal maintenance and improvement of land in agricultural use as provided in the

Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire as established by the New Hampshire Department of Agriculture, Markets and Food, dated June 2011, or as amended.

3. Maintenance of existing landscaping, gardens, or lawn areas.

4. The construction of any fence that will not alter existing terrain or drainage patterns.

5. Construction of utilities (gas, water, sewer, electric, telephone, storm drainage, etc.), disturbing less than 20,000 contiguous square feet, within the limits of an existing paved roadway that will not increase impervious area, or permanently change drainage patterns, and where construction trenches are stabilized at the end of each working day.

6. Disturbance solely related to maintenance and improvement of an existing street or road unless an increase in impervious area is proposed and the disturbance is greater than 20,000 square feet. This exemption applies for roadway projects that do not disturb highly erodible soils (e.g., reclaim and pave, resurfacing, milling).

7. Emergency repairs to any storm water management facility or practice that poses a threat to public health or safety, or as deemed necessary by the Building Department, Zoning Officer or Department of Engineering and Environmental Services.

C. Application Procedure

The following application procedure will apply for any construction project, whether a Site Plan or Subdivision application as outlined within these Regulations:

1. Step 1 – Review phase of project –

    a. Upon its receipt of complete project information as outlined under section 3(C)(1) below, DEES shall inform the Applicant whether the application for the Storm Water Discharge Permit is approved in accordance with the Town's Site Plan and Subdivision Regulations.

    b. If the application is not approved, DEES will issue comments to the application. The applicant shall address DEES's review comments.

2. Step 2 – Upon receipt of Planning Board approval, the Applicant shall provide project information as outlined under Section 3(C)(2) below prior to the pre- construction meeting required under the Town's Site and Subdivision regulations.

3. Step 3 – Upon completion of construction of the project, the property Owner shall provide the project information as outlined under Section 3(C)(3) below prior to a certificate of occupancy being issued by the Town.

D. Application Requirements

Under the Town's Storm Water Discharge Permit process, the following is required:

1. Step 1 - During the review process, the Applicant shall submit the following:

    a. Storm Water Discharge permit application.

    b. Project design drawings (Site plan or Subdivision application) in accordance with Planning Board requirements and the requirements of 40 CFR §122.26, including the SWPPP.

    c. A Project Storm Water Drainage report (Site plan or Subdivision application) in accordance with Planning Board requirements and the requirements of 40 CFR §122.26.

    d. Storm Water Pollution Protection Plan, including inspections and maintenance program ("I &M"), for the project including the maintenance agreement (signed by the property Owner).

2. Step 2 - Upon receiving Planning Board approval, the Applicant shall submit the following to DEES:

    a. A copy of NOI submitted to EPA and acknowledgment of receipt by EPA.

    b. A copy of approved SWPPP including maintenance agreement (signed by property Owner).

3. Step 3 - Upon completing construction of the project, the property Owner shall provide to DEES a signed notarized affidavit, on the Town's standard form, acknowledging understanding and implementation of the approved Storm Water I &M portion of the SWPPP and maintenance agreement for the site.

E. Permit Compliance

Approvals issued under this section shall be valid from the date of issuance through the completion of the construction period. Compliance under this section shall be in perpetuity under the post construction period.

SECTION 4. GENERAL PERMIT PROVISIONS

A. EPA Construction General Permit

The Permit is required as outlined in Section 5 of the Town's Storm Water Ordinance and as outlined in 40 CFR §122.26 of the USEPA Regulations.

B. Storm Water Pollution Prevention Plan (SWPPP)

The SWPPP shall be updated and modified as appropriate and as required by the Construction General Permit, Town Ordinance and these Regulations. Any update or modification to the SWPPP shall be prepared, signed, and sealed by a Professional Engineer licensed in the State of New Hampshire.

All contractors and subcontractors identified in a SWPPP shall sign a copy of the following certification statement before conducting any professional service identified in the SWPPP.

"I certify under penalty of law that I understand the terms and conditions of the National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with activity from the construction site identified as part of this certification, with the Storm Water Ordinance of the Town of Londonderry, New Hampshire, and with those provisions of the Storm Water Pollution Prevention Plan (SWPPP) for the construction site for which I am responsible."

This certification must include the name and title of the person providing the signature; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made. The SWPPP with the certifications of document creator, contractors and subcontractors shall be retained at the construction site from the date of commencement of construction through the date of final stabilization. A copy must also be made available to DEES at least ten (10) working days before the commencement of construction.

C. Expiration of Approvals

Site plan and Subdivision approvals shall expire and become null and void if substantial work authorized by such approval has not commenced within the time frame noted in the Town's Site plan and Subdivision Regulations.

D. Notice of Construction

The applicant must notify DEES at least ten (10) working days in advance of the commencement of construction. The Owner/Operator/Contractor shall conduct regular inspections of the storm water management system during construction. Inspections shall

be performed on all areas that have not had final stabilization, areas used for storage of materials that are exposed to precipitation, structural control measures, locations where vehicles enter and exit the construction site, open manholes and piping that could collect sediment and other controls as outlined in the SWPPP. All inspections shall take place within 24-hours after any rainstorm of 0.5 inches or more of rain and once every seven days. These inspections must be documented by written reports that include the following information:

1. The date and location of the inspection;

2. Whether construction is in compliance with the approved SWPPP;

3. Variations from the approved construction specifications;

4. Any violations that exist.

E. Joint Responsibility

Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing BMP's, is jointly and severally responsible for any willful or negligent failure to adequately implement those BMP's (if such failure causes or contributes to causing the Town to violate a water quality standard, the Town's NPDES permit, or any State-issued discharge permit for discharges from its MS4).

F. Final Stabilization

When a site has been finally stabilized and all storm water discharges from construction activities that are authorized by these Regulations and by the NPDES permit for those construction activities are eliminated, or where the operator of all storm water discharges at a facility changes, the operator of the construction site shall submit to DEES a copy of the NPDES Notice of Termination ("NOT"), or EPA reference tracking number, of coverage under a NPDES General Permit for Storm Water Discharges.

Upon final stabilization of the construction site, the owner (or duly authorized representative thereof) by submission of the NOT to the EPA is certifying that the site has been finally stabilized. The Town may withhold an occupancy or use permit for any premises constructed on the site until such certification of final stabilization has been filed and DEES has determined, following any appropriate inspection, that final stabilization has, in fact, occurred and that any required permanent structural controls have been completed.

The operator shall retain copies of any SWPPP, certifications and all reports required by these Regulations or by the NPDES permit for the site, and records of all data used to

complete the NOT, for a period of at least three years from the date that the site is finally stabilized.

The operator shall assure that DEES is provided with two full sets of as-builts (to include at a minimum sewers, drains, storm water structures, swales, roads, curb lines, sidewalks, and vertical information on structures via profile or plan invert notes) of the completed project. These must be received within one hundred twenty (120) days of the submission of the NOT. If these as-builts are not received by the Town, then the Town may draw funds from any retainage or financial guarantees to have an engineer complete the as-builts with all costs being borne by the operator.

Within thirty (30) days of the submission of the NOT, the operator's construction site must be cleaned and free of any residual stock piles of materials, hay bales, silt fences or any such BMPs that were used for site erosion and sediment controls. If these are not completed to DEES's satisfaction, the Town may draw funds from any retainage, performance, or security bonds to have a contractor complete the clean-up and close out any remaining site stabilization.

G. Financial Guarantees

1. DEES will require the submittal of a performance surety in accordance with the Subdivision and Site plan regulations.

2. The performance surety shall be released only upon DEES's receipt of as-built plans and written certification by a registered professional engineer licensed to practice in the State of New Hampshire that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of these Regulations. DEES will make a final inspection of the structural BMP to ensure that it complies with the approved plan and the provisions of these Regulations. A copy of the recorded Storm Water Inspection and Maintenance Plan for the project shall also be provided. Provisions for a partial pro-rata release of the performance surety based upon the completion of various development stages can be made at the discretion of the DEES.

H. Responsibility.

1. Responsible parties during construction.

   a. Commercial and industrial development and/or redevelopment. The owner, and owner's legally designated representative (if any) shall all hold responsibility for implementing the SWPPP. This includes but is not limited to the installation, construction, inspection, and maintenance of all storm water management and erosion control measures required by the provisions of this chapter.

   b. Residential development and redevelopment. The owner is responsible for implementing the SWPPP. Excluding any post-development requirements of plan implementation, there are two ways for the Town to consider an owner to be

removed as the responsible party (the owner may also be required to comply with other regulating entities' additional requirements):

1) The owner completes the project in a manner satisfactory to the Town and if a NOI has been filed for the project, the NOI permittee files a notice of termination (NOT) with the EPA in accordance with the terms of the federal requirements.

2) The owner passes legal responsibility for the SWPPP to another competent party. In the case of a new subdivision where lots may be transferred to a different entity for construction of the buildings, it is the owner's responsibility to ensure that the owner has a legal basis to require compliance by the new entity.

c. Individual homeowner development. The homeowner or a homeowner who has taken control of a subdivided property bears responsibility for compliance with the approved SWPPP. If the homeowner is contracting building services to another person or entity, the homeowner may choose to pass legal responsibility of compliance to the contracted entity. If the responsibility is not passed, the homeowner remains the responsible party and shall comply with the terms of the original SWPPP.

2. Responsible parties, post-construction/long-term maintenance. Long-term maintenance of approved storm water practices shall be ensured through the storm water inspection and maintenance plan as described in Section 6(B) below. Responsibility for implementing the inspection and maintenance plan is as follows:

a. Commercial and industrial development and/or redevelopment. The owner, and owner's legally designated representative (if any) shall hold all responsibility for implementing the maintenance and inspection plan. The responsible party(ies) may contract with one or more third parties to conduct the inspection and maintenance activities but shall remain responsible for ensuring long-term effectiveness and maintaining records as required by Section 6(B) below.

b. Residential development and/or redevelopment. For residential development and/or redevelopment where a homeowners' association will not be established, the individual homeowners share joint and several liability for implementing the maintenance and inspection plan. For residential developments where a homeowners' association will be established, the following applies:

1) The homeowners' association shall assume responsibility and be specified as such in the documentation that establishes the association.

2) If the homeowners' association is dissolved or discontinued, the individual homeowners share joint and several liability for maintenance and inspection activities.

c. The responsible party(ies) may contract with one or more third parties to conduct

the inspection and maintenance activities but shall remain responsible for ensuring long-term effectiveness and maintaining records as required by Section 6(B)4.D below.

d. Installation, construction, maintenance and inspection requirements and responsibilities; post- construction inspection and maintenance. All applicants requiring a storm water management and erosion control plan shall submit relevant pollutant accounting information to the DEES as required by the Department. Required information shall be submitted at the time of as-builts.

SECTION 5. WAIVERS

A. Conditions for Waiver

The minimum requirements for storm water management may be waived in whole or in part upon written request of the applicant if it can be demonstrated that the proposed development is not likely to impair attainment of the objectives of these Regulations.

SECTION 6. STORM WATER SYSTEM DESIGN AND MANAGEMENT STANDARDS

A. Storm Water Design or BMPs Manual - The Town adopts as its storm water design and BMPs manual the following publications, which are incorporated by reference in these Regulations as if fully set out herein:

1. New Hampshire Department of Environmental Services Storm water Manual Volume 1, 2 and 3 dated December 2008 and any and all amendments and updates.

2. The Town of Londonderry's "Subdivision and Site Plan Regulations";

3. "New Hampshire DOT Guidelines for Temporary Erosion and Sediment Control and Storm Water Management" - NHDOT Bureau of Construction.

B. Post – Construction Storm Water Management Design Standards

The following performance standards shall be applied for post-construction storm water management. [Note: These standards are in addition to requirements that may be found in other sections of the Site Plan, Subdivision, and other land use regulations or Ordinances. These standards are also in general conformance to requirements set forth in the NH Small MS4 NPDES general permit, NPDES general permit for discharges from construction activities, NHDES wetlands permits (RSA 482-A), and the NHDES alteration of terrain rules (RSA 485-A:17).]

1. **Design guidelines**.

A. All proposed storm water treatment practices and measures shall be appropriately selected, designed, installed, and maintained in accordance with manufacturers' specifications and performance specifications in the New Hampshire Storm water Manual, Volumes 1, 2 and 3 (2008 or as updated), a copy of which is available from the NHDES website at https://www.des.nh.gov/water/stormwater Design considerations shall include the following, as appropriate:

1) Where practical, the use of natural, vegetated filtration BMPs or subsurface gravel wetlands for water quality treatment is preferred.

2) All storm water detention areas shall be designed to drain within a maximum of 72 hours for water quality and flood control.

3) BMP design shall account for frozen ground conditions when the devices may not function at their optimal design.

4) All storm water management practices involving bioretention and vegetative cover as a key functional component must have a landscaping plan detailing both the type and quantities of plants and vegetation to be used in the practice and how and who will manage and maintain this vegetation. The use of native plantings appropriate for site conditions is strongly encouraged for these types of storm water treatment areas in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section. The landscape plan must be prepared by a licensed landscape architect, soil conservation district office, or another qualified professional.

B. Storm water management and erosion and sediment control practices shall be located outside any specified buffer zones unless otherwise approved by the Planning Board. Alternatives to stream and wetland crossings that eliminate or minimize environmental impacts shall be considered whenever possible.

C. Low Impact Development (LID) site planning and design strategies shall be used to the maximum extent practicable (MEP) for both new development and redevelopment sites to reduce storm water runoff volumes, protect water quality, and maintain predevelopment site hydrology. Low Impact Development (LID) techniques with the goals of protecting water quality, maintaining predevelopment site hydrology. Low Impact Development (LID) techniques that preserve existing vegetation, reduce the development footprint, minimize or disconnect impervious area, and use enhanced storm water BMP's (such as raingardens, bioretention systems, tree box filters, and similar storm water management landscaping techniques) shall be incorporated into landscaped areas. Capture and reuse of storm water is strongly encouraged. The Applicant must document in writing why the LID strategies are not appropriate when not used to manage stormwater.

D. The design of the storm water treatment systems shall account for upstream and upgradient storm water runoff that flows onto, over, or through the site to be developed or redeveloped and provide for this contribution of storm water runoff.

E. Surface runoff shall be directed into appropriate storm water control measures designed for treatment and/or filtration to the maximum extent practicable and/or captured and reused onsite.

F. All newly generated storm water from new development shall be treated on the development site. A development plan shall include provisions to retain natural predevelopment watershed areas on the site by using the natural flow patterns.

G. Runoff from impervious surfaces shall be treated to achieve at least 80% removal of Total Suspended Solids (TSS) and at least 50% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the NH Storm Water Manual. Volumes 1 and 2, December 2008, as amended or other equivalent means. Where practical, the use of natural, vegetated filtration practices or gravel wetlands for water quality treatment are preferred given its relatively high nitrogen removal efficiency. All new impervious area draining to surface waters impaired by nitrogen, phosphorus or nutrients shall be treated with storm water BMP's designed to optimize pollutant removal efficiencies based on design standards and performance data published by the UNH Storm Water Center and/or included in the latest version of the NH Storm Water Manual.

H. Pollutant discharge minimization requirements.

1) Storm water runoff shall not be discharged to municipal drainage systems or privately owned drainage systems (whether enclosed or open drainage) or to surface water bodies and wetlands, unless it meets the minimum pollutant discharge requirements in Subsection B(1)(G) above or is from a vegetated area conveyed as sheet flow.

2) Storm water treatment practices shall be designed for the water quality volume (WQV) or water quality flow (WQF), as applicable, calculated in accordance with Code of Administrative Rules Env-Wq 1504.10 and 1504.11, respectively.

3) No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity noxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface water or groundwater so as to contaminate, pollute, harm, impair, or not meet water quality standards of such waters.

4) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet the regulations of NHDES, including those involving underground storage tanks, aboveground storage tanks, hazardous waste, and required BMPs for groundwater protection (Code of

Administrative Rules Chapter Env-Wq 401).

5) The physical, biological, and chemical integrity of the receiving waters shall not be degraded by the storm water runoff from the development site.

I. Measures shall be taken to control the post-development peak runoff rate so that it does not exceed pre-development runoff rate. Drainage analyses shall include calculations comparing pre- and post-development storm water runoff rates (cubic feet/second) and volumes (cubic feet) for the 1-inch rainstorm and the 2-year, 10-year, 25-year, and 50-year 24-hour storm events. Similar measures shall be taken to control the post-development runoff volume to infiltrate the groundwater recharge volume (GR_V) in accordance with NH DES Alteration of Terrain requirements. For sites where infiltration is limited or not practicable to provide the minimum GR_V, the Applicant must demonstrate that the project will not create or contribute to water quality impairment.

J. The sizing and design of storm water management practices shall utilize new precipitation data from the Northeast Region Climate Center (NRCC), or the most recent precipitation atlas published by the National Oceanic and Atmospheric Administration (NOAA) for the sizing and design of all storm water management practices. See the NRCC website at http://precip.eas.cornell.edu/

K. The design of the storm water drainage systems shall provide for the discharge of storm water without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation.

L. Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.

M. Access drive of a minimum width of 12 feet for maintenance of storm water facilities including sediment forebays and outlet structures shall be provided as part of the design. Access easements may be required.

N. Salt storage areas shall be fully covered with permanent or semi-permanent measures and loading/offloading areas shall be located and designed to not drain directly to receiving waters and maintained with good housekeeping measures in accordance with NH DES published guidance. Runoff from snow and salt storage areas shall enter treatment areas before being discharged to receiving waters or allowed to infiltrate into the groundwater. See NHDES published guidance fact sheets on road salt and water quality, and snow disposal at:

https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/wmb-4.pdf.

2. Additional Submission Requirements for Drainage Study/Storm Water Management Report and Plans:

A. All applications shall include a comprehensive Storm Water Management Plan (SWMP). The SWMP shall include a narrative description and an Existing Conditions Site Plan showing all pre-development impervious surfaces, buildings and structures; surface water bodies and wetlands; drainage patterns, sub-catchment and watershed boundaries; building setbacks and buffers, locations of various hydrologic group soil types, mature vegetation, land topographic contours with minimum 2-foot intervals and spot grades where necessary for sites that are flat.

B. The SWMP shall include a narrative description and a Proposed Conditions Site Plan showing all post-development proposed impervious surfaces, buildings and structures; temporary and permanent storm water management elements and best management practices (BMP); GIS files containing the coordinates of all storm water infrastructure elements (e.g. catch basins, swales, detention/bioretention areas, piping); important hydrologic features created or preserved on the site; drainage patterns, sub-catchment and watershed boundaries; building setbacks and buffers; proposed tree clearing and topographic contours with minimum 2-foot intervals. The plans shall provide calculations and identification of the total area of disturbance proposed on the site (and off site if applicable) and total area of new impervious surface created. A summary of the drainage analysis showing a comparison of the estimated peak flow and volumes for various design storms at each of the outlet locations shall be included.

C. The SWMP shall describe the general approach and strategies implemented, and the facts relied upon, to meet the goals of Subsection A and Subsection B noted above under this section. The SWMP shall include design plans and/or graphical sketch(es) of all proposed above ground LID practices.

D. The SWMP shall include calculations of the change in impervious area, pollution loading and removal volumes for each best management practice.

E. The SWMP shall include a description and a proposed Site Plan showing proposed erosion and sediment control measures, limits of disturbance, temporary and permanent soil stabilization measures in accordance with the NHDES Storm Water Manual Volume 3 (most recent version) as well as a construction site inspection plan including phased installation of best management practices and final inspection upon completion of construction.

F. Calculations shall include sizing of all structures and best management practices, including sizing of emergency overflow structures based on assessment of the 100-year 24-hour frequency storm discharge rate.

G. Where proposed changes are anticipated within mapped limits of the 100-year floodplain, the Applicant must meet the requirements of the Zoning Ordinance regarding the Floodplain Overlay District.

H. For sites meeting the definition of a redevelopment site, the project shall meet one of the following storm water treatment standards:

1) Implement measures on-site that result in disconnection or treatment of at least 30% of the existing impervious cover and 50% of the additional proposed impervious cover and pavement areas preferably using infiltration or filtration practices.

2) Implement other LID techniques on-site to the maximum extent practicable to provide treatment for at least 50% of the entire site area.

I. The SWMP shall include a long-term storm water management BMP inspection and maintenance plan (see Subsection 4 below) that describes the responsible parties and contact information for the qualified individuals who will perform future BMP inspections. The inspection frequency, maintenance and reporting protocols shall be included.

J. The SWMP shall describe and identify locations of any proposed deicing chemical and snow storage areas. SWMP will describe how deicing chemical use will be minimized or used most efficiently.

K. In urbanized areas that are subject to the EPA MS4 Storm Water Permit and will drain to chloride-impaired waters, any new developments and redevelopment projects shall submit a description of measures that will be used to minimize salt usage, and track and report amounts applied to NHDES's New Hampshire Salt Management System Database at:

https://www.nhms4.des.nh.gov/nh-resources/winter-maintenance/

3. Spill Prevention, Control and Countermeasure (SPCC) Plan

Any existing or otherwise permitted use or activity having regulated substances in amounts greater than five gallons, shall submit to the local official such as the Fire Chief, a SPCC plan for review and approval. The Plan will include the following elements:

A. Disclosure statements describing the types, quantities, and storage locations of all regulated substances that will be part of the proposed use or activity.
B. Owner and spill response manager's contact information.
C. Location of all surface waters and drainage patterns.
D. A narrative describing the spill prevention practices to be employed when normally using regulated substances.
E. Containment controls, both structural and non-structural.
F. Spill reporting procedures, including a list of municipal personnel or agencies that will be contacted to assist in containing the spill, and the amount of a spill requiring outside assistance and response.
G. Name of a contractor available to assist in spill response, contaminant, and cleanup.
H. The list of available clean-up equipment with instructions available for use on-site and the names of employees with adequate training to implement containment and clean up response

4. Storm Water Management Plan and Site Inspections

A. The Applicant shall provide that all storm water management and treatment practices shall have an inspection and maintenance plan in place with an agreement to ensure the system will continue to function as designed in perpetuity. This agreement will include all maintenance easements required to access and inspect the storm water treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the storm water system. The inspections and maintenance plan shall specify the parties responsible for the proper maintenance of all storm water treatment practices. The inspection and maintenance plan document shall be provided to the Planning Board as part of the application prior to issuance of any local permits for land disturbance and construction activities.

B. The Applicant shall provide legally binding documents for filing with the registry of deeds which demonstrate that the obligation for maintenance of storm water best management practices and infrastructure runs with the land and that the Town has legal access to inspect the property to ensure their proper function or maintain onsite storm water infrastructure when necessary to address emergency situations or conditions.

C. The property owner shall bear responsibility and all costs for the installation, construction, inspection, and maintenance of all storm water management and erosion control measures required by the provisions of these regulations and as approved by the Planning Board, including emergency repairs completed by the Town, when necessary.

D. An inspection and maintenance plan for post-construction monitoring of storm water BMPs is required to ensure long-term performance and functionality, and shall including the following elements:
   1) Site name, address, tax map, lot number, and Owner's name and address.
   2) Name of responsible party for inspections and maintenance including name address, telephone, and e-mail.
   3) General description of the site, the site BMPs and the intent of the inspection and maintenance plan for the site and the BMPs.
   4) Description of specific maintenance actions for each BMP and include construction details of each BMP.
   5) A plan showing the location and labeling of each BMP. The plan shall also show and label locations of snow storage areas.
   6) Proposed schedule of inspection frequency consistent with the New Hampshire Storm Water Manual.
   7) A sample inspection log/checklist to document each inspection and maintenance activity for each BMP. The log shall include maintenance of site impervious areas such as parking lots and sidewalks and maintenance of pervious areas such as lawns and landscaping that contribute runoff to the BMPs. The inspection checklist should include photo documentation requirements for the BMPs.
   8) A sample deicing log to track amount and type of deicing materials applied to the site.

9) Description of maintenance response actions, including actions to be taken if invasive species begin to grow in the BMPs.
10) Documentation of how reports will be completed, submittal and retention procedures, and contingency plans if future maintenance is required.

SECTION 7. INDUSTRIAL ACTIVITY DISCHARGES

Industrial activity discharges as outlined in Section 5(B) of the Storm Water Ordinance shall comply with the following requirements (unless they have their own private, NPDES permitted outfalls):

1. Storm Water Activity Associated with Industrial Discharge - Any operator who intends to obtain coverage for storm water discharge associated with industrial activity under the NPDES General Permit for Storm Water Discharges Associated with Industrial Activity ("the Industrial General Permit") shall submit a signed copy of its NOI to the Director at least five (5) business days prior to the commencement of the industrial activity at the facility. If industrial activity is already underway upon the effective date of the Storm Water Regulations, the NOI shall be submitted within thirty (30) days.

2. Industrial General Permit SWPPP - A SWPPP shall be prepared and implemented in accordance with the requirements of the Industrial General Permit or any individual or group NPDES permit issued for storm water discharges from the industrial facility, and with any additional requirement imposed by or under these Regulations.

3. Preparation of SWPPP - The SWPPP shall be prepared, signed and sealed by a Professional Engineer licensed in the State of New Hampshire.

4. Qualified personnel (provided by the operator) shall conduct comprehensive site compliance evaluations as required by the Storm Water Multi Sector General Permit for Industrial Activity at intervals of no less than annually. Based on the results of the compliance prevention measures and controls identified in the SWPPP, the Plan shall be revised as appropriate within two (2) weeks of such evaluation and shall provide for implementation of any changes to the SWPPP in a timely manner, but in no case more than twelve (12) weeks after the compliance evaluation.

5. A report summarizing the scope of the comprehensive site compliance evaluation required by the Multi Sector General Permit personnel making the compliance inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken in accordance with necessary and appropriate plan revisions shall be made and retained as part of the SWPPP for at least one (1) year after all storm water discharges from the facility are eliminated and the required NOI has been submitted. The report shall identify any incidence of noncompliance; or, if the report does not identify any incidence of noncompliance,

the report shall contain a certification that the facility complies with the SWPPP, the applicable NPDES permit, and these Regulations. The individual responsible for the comprehensive site compliance evaluation shall sign the report, and it shall be submitted to the Director within ten (10) days of completion.

6. If the industrial facility is required by the Multi Sector General Permit to conduct semi-annual monitoring, a signed copy of each storm water analytical monitoring report prepared in accordance with the Multi Sector General Permit shall be submitted to the Director.

7. By written notice, the Director may require any industrial facility identified in accordance with this Section 7 to implement a monitoring program that includes the submission of quantitative data on the following constituents: any pollutants limited in effluent guidelines subcategories, where applicable, any pollutant listed in an existing NPDES permit for the facility, oil and grease, COD, pH, BOD5, TSS, Total phosphorus, total Kjeldahl nitrogen, nitrate plus nitrite nitrogen, and any information on discharges required under 40 CFR §122.21(g)(7)(iii) and (iv). The Director may require written reports of any such monitoring to be submitted to DEES.

8. Where all storm water discharges associated with industrial activity authorized by the SWO and the NPDES permit for those discharges from industrial activities are eliminated, or where the operator of storm water discharges associated with industrial activity at a facility changes, the facility operator shall submit to the

   Director a Notice of Termination that includes the information required for Notices of Termination by Part IX of the Storm Water Multi-Sector General Permit for Industrial Activity**.**

SECTION 8. ACCESS AND INSPECTION OF PROPERTIES AND FACILITIES

Access and inspection shall be as outlined in Section 8 of the Ordinance

SECTION 9. NOTIFICATION OF ACCIDENTAL DISCHARGES AND SPILLS

A. Notification.

Notice shall be provided as outlined in Section 9 of the SWO.

B. Release Notification and Reporting

Any person in charge of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, dumping, disposing or any other release of any substances that may flow, leach, enter, or otherwise be introduced into the MS4 or waters of the United States, shall immediately telephone

and notify DEES and the Town of Londonderry Fire Department of nature, quantity and time of occurrence of the event. Such events include all spills of any size that enters a catch basin, culvert, or structure that conveys runoff from the site. Such events also include any material that spills outside the limits of the approved work area of the site and any spill that breaches a silt fence, or other BMP control structure. Spills that reach a wetland, stream, brook, pond, etc. whether within the work site or outside the work site, also are to be reported.

In this section, “substances” include any reportable quantity as outlined in 40 CFR Part 302; any extremely hazardous substance as established under 40 CFR Part 355; and any oil that causes a film or sheen or discolors the surface of the water or causes a sludge emulsion to be deposited beneath the surface of the water or any harmful quantity of pollutant.

All spills other than those described above are to be recorded within the daily activity log of the site contractor or industrial operator, as well the remediation taken, and the extent and quantity of the spill

C. Immediate Notification Required

Following notification as required in Section 9(B) above, written notice addressed and mailed to the Director or his duly authorized agent shall be provided within three (3) business days of the phone or in person notice and shall include the chemical or substance name, exact location of release, time and duration of release, estimated quantity and concentration of release, source of release, precautions that should be taken in regards to release, steps taken to contain and /or clean up release and the telephone numbers given of the person or persons to be contacted for further information.

If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill. Information regarding the steps taken to ensure no reoccurrence shall be submitted to DEES in writing within five (5) days of the incident.

D. Liability for Damage and Loss

The notifications required in Section 9(B & C) shall not relieve the responsible person of any expense, loss, damage or other liability which may be incurred as a result of the release. This includes liability for damage to the Town, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person of any fine, penalty, or other liability which may be imposed pursuant to the SWO, these Regulations, or state or federal law. Any person responsible for a release shall comply with all state, federal, and any other local requiring reporting, cleanup, containment, and

any other appropriate remedial action in response to the release. The responsible person shall reimburse the Town for any cost incurred by the Town in responding to the release. Failure to provide notification of a release as provided above is a violation of the SWO.

SECTION 10. VIOLATIONS, ENFORCEMENT AND PENALTIES

As outlined in Section 10 of the Ordinance.

SECTION 11. ELIGIBILITY

As outlined in Section 11 of the Ordinance.

EPA reissued the Construction General Permit ("CGP") on February 17, 2022. The CGP now covers both the Phase I large construction sites greater than five acres and "Storm Water Associated with Small Construction Activity," which includes construction sites from one to five acres (or smaller than one acre if part of a larger "common plan of development or sale" that totals one acre). The permit contains conditions to protect endangered species and historic properties and places requirements on the owner and operator of the construction site, including to:

1. Develop and implement a SWPPP.

2. Post a visible public notice at the main entrance of the construction site (or if unfeasible, at a local public building) containing confirmation of permit coverage and details on where the SWPPP may be viewed.

3. As part of the SWPPP, develop a site map showing surface waters, disturbed areas, BMPs, etc.

4. Have "qualified personnel" inspect all erosion and sediment control BMPs, maintain BMPs after storm events and keep records in the SWPPP of all inspections and maintenance performed.

5. Control wastes, such as discarded building materials, concrete truck washout, and sanitary wastes.

6. File a Notice of Termination when the construction site is stabilized and revegetated.