



Town of Londonderry

**Department of Public Works &
Engineering**

STORM WATER REGULATIONS

September 16, 2019

Town of Londonderry
Department of Public Works & Engineering

STORM WATER REGULATIONS

TABLE OF CONTENTS

Table of Contents

SECTION 1. GENERAL PROVISIONS	4
A. Purpose	4
B. Administration	4
C. Interpretations of Provisions	4
D. Definitions	4
SECTION 2. PROHIBITED DISCHARGES	11
A. Violation of Water Quality Standard.....	11
B. Introduction of Prohibited Substances.....	11
C. Introduction of Earth-type Materials	12
D. Introduction of Sewage and Grey Water	13
E. Service Station Pavement Wash Water	13
F. Pesticide and Herbicide Use	13
G. Disposal of Pesticide and Herbicide	13
H. Storage of Trash, Toxic Substances and Hazardous Wastes.....	13
I. Allowable Discharges	14
SECTION 3. PERMIT PROCEDURES AND REQUIREMENTS.....	14
A. Storm Water Discharge Permit	14
B. Application Procedure	15
C. Application Requirements.....	16
D. Permit Compliance	16
SECTION 4. GENERAL PERMIT PROVISIONS.....	17
A. EPA Construction General Permit.....	17
B. Storm Water Pollution Prevention Plan (SWPPP)	17
C. Expiration of Approvals	17
D. Notice of Construction.....	17

E.	Joint Responsibility	18
F.	Final Stabilization	18
G.	Financial Guarantees	19
SECTION 5. WAIVERS.....		20
A.	Conditions for Waiver	20
SECTION 6. STORM WATER SYSTEM DESIGN AND MANAGEMENT STANDARDS....		20
SECTION 7. INDUSTRIAL ACTIVITY DISCHARGES.....		20
SECTION 8. ACCESS AND INSPECTION OF PROPERTIES AND FACILITIES		22
SECTION 9. NOTIFICATION OF ACCIDENTAL DISCHARGES AND SPILLS		22
A.	Notification.....	22
B.	Release Notification and Reporting	22
C.	Immediate Notification Required.....	22
D.	Liability for Damage and Loss	23
SECTION 11. ELIGIBILITY		24
<i>As outlined in Section 11 of the Ordinance.....</i>		24

STORM WATER REGULATIONS

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 Public Works & Engineering or his designee shall administer the provisions of these Regulations.

The Department of Public Works & Engineering 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 Public Works & Engineering 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. Contaminant - means any physical, chemical, biological, or radiological substance or matter in water.
11. Department of Public Works & Engineering ("DPWE") - means the Town of Londonderry Department of Public Works & Engineering.
12. Director of Public Works and Engineering ("Director") - means the chief administrator of DPWE, who is authorized to assign staff to oversee the implementation of these Regulations and this SWO.
13. 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.
14. 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.
15. Easement - means an acquired right to cross or otherwise use the land of another for a specified purpose.
16. 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".
17. 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.
18. 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.
19. 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.
20. 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.
21. 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).
22. 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.
23. 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.
24. Maintenance Agreement - means a document duly executed and recorded in land records that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.
25. 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.
26. 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.
27. 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.

28. Non-Storm Water Discharge - means any discharge to the storm drain system that is not composed entirely of storm water.
29. Notice Of Intent ("NOI") - means application for coverage under the EPA's General Permit for construction activities.
30. Off-site Facility - means a structural BMP located outside the subject property boundary described in the permit application for land development activity.
31. On-site Facility - means a structural BMP located within the subject property boundary described in the permit application for land development activity.
32. Operation and Maintenance Program – a plan setting up the future responsible parties along with the functional, financial and organizational mechanisms for the ongoing operation and maintenance of stormwater management system to insure that it continues to function as designed.
33. Outfall – the point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of New Hampshire or of the United States.
34. Peak Flow - means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
35. 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.
36. 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.
37. 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.

- 38. Premises - means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- 39. Recharge - means the amount of water from precipitation that infiltrates into the ground and is not evaporated or transpired.
- 40. Runoff - means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm water system.
- 41. 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.
- 42. Sedimentation - means soil particles suspended in storm water that can settle in streambeds and disrupt the natural flow of the stream
- 43. 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.
- 44. Stabilization - means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.
- 45. 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.
- 46. 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.
- 47. Storm Water Management - means the programs to maintain quality and quantity of storm water runoff to pre-development levels.
- 48. 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.

- 49. Storm Water Discharge Permit - means a permit issued by the Town through DPWE.
- 50. 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.
- 51. 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.
- 52. Storm Water Regulations - means a supplement to the SWO that includes additional conditions and requirements. Copies are available at DPWE and the Office of the Town Clerk.
- 53. 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.
- 54. 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.
- 55. Structural BMPs - means devices that are constructed to provide control of storm water runoff.
- 56. 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.
- 57. 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.
- 58. Watercourse - means a permanent or intermittent stream or other body of water,

either natural or man-made, which gathers or carries surface water.

59. 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 fowl 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 Section 5(A) 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.

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 DPWE 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 DPWE 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 DPWE a notarized affidavit acknowledging their understanding of and implementation of the Storm Water Operations and Maintenance portion of the Storm Water Pollution Protection Plan (SWPPP) for the site.

B. 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, DPWE 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, DPWE will issue comments to the application. The applicant shall address DPWE'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.

C. 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 operations and maintenance program ("O&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 DPWE:
 - 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 DPWE a signed notarized affidavit, on the Town's standard form, acknowledging understanding and implementation of the approved Storm Water O&M portion of the SWPPP and maintenance agreement for the site.

D. Permit Compliance

Approvals issued under this section shall be valid from the date of issuance through the construction period as outlined in Section 4.

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 DPWE 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 DPWE 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 DPWE 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 DPWE 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 DPWE 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 DPWE'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. DPWE 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 DPWE'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. DPWE will make a final inspection of the structural BMP to ensure that it complies with the approved plan and the provisions of these Regulations. Provisions for a partial pro-rata release of the performance surety based on the completion of various development stages can be made at the discretion of DPWE.

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

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 Stormwater 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.

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 DPWE.
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 DPWE 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 DPWE 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 July 18, 2017. 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