

MEMORANDUM

Friday, May 7, 2021

Re: MS4 Permit
Requirements; Draft
Regulations

Michael Antonellis, MRP
MA Planning, LLC

Orlando,

As requested I have reviewed the EPA MS4 Stormwater Permit requirements. The Municipal EPA Stormwater Permit requires that local regulations regarding stormwater discharge permits include the following restrictions;

1. Apply to projects that disturb a minimum of 1 acre of land (or projects that are part of a common plan of development that disturb a minimum of 1 acre of land total)
2. Require stormwater management systems be designed in compliance with the 2008 Massachusetts Stormwater Handbook (or be more stringent than those standards)
3. Require Total Phosphorus and Total Suspended Solids (TSS) reduction from post-construction stormwater runoff from new and re-development as defined in the Permit.
 - New development: 90% removal of average annual load of TSS and 60% removal of average annual load of Total Phosphorus
 - Re development: 80% removal of average annual load of TSS and 50% removal of average annual load of Total Phosphorus

I've reviewed the information sent by the EPA for compliance with the MS4 Stormwater Permit. Included in that information, Tighe and Bond and the Northern Middlesex Stormwater Collaborative have created draft sample language for communities to adopt which conform to the EPA MS4 Stormwater permit requirements above. Draft language for Stormwater Rules and Regulations (attached) have been updated so it does not conflict with the town's stormwater bylaw and so there are no other conflicts. I recommend the Planning Board, hold a public hearing for the adoption of these updated Rules and Regulations prior to June 30th, which is the EPA deadline for compliance.

Further, I recommend that Lancaster take both the recommended draft bylaw and draft Rules and Regs and adopt both going forward (or some modified version thereof for continuity). A new Draft Bylaw

cannot be adopted prior to the June 30 deadline given the Town Meeting schedule. However, Lancaster should consider adopting new draft bylaw language at its Special Town Meeting in the Fall. I would be glad to assist with the development of that new draft bylaw language if requested.

It should be noted that the draft language for Stormwater Rules and Regulations creates a higher standard for stormwater discharge within Lancaster than what is already codified within the existing Rules and Regulations. The new Rules and Regulations intend to protect Lancaster's natural resources through best practice as identified by the EPA, Tighe and Bond, and the Northern Middlesex Stormwater Collaborative.

Lastly, the draft language (prior to my edits) appears to recommend that the Conservation Commission be the Stormwater Authority. In Lancaster's case, the Planning Board acts as that Authority. I would suggest that the town should consider reassigning responsibility to the Conservation Commission and the Conservation Agent given the scope of the work and the authority given to the Conservation Commission. With a Conservation Agent at full-time status now, this would be an appropriate assignment of duties.

best,

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Regards,

Michael Antonellis