

The Stormwater Management Standards 310 CMR 10.05(6)

1. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.
2. Stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates. This Standard may be waived for discharges to land subject to coastal storm flowage as defined in 310 CMR 10.04.
3. Loss of annual recharge to ground water shall be eliminated or minimized through the use of infiltration measures including environmentally sensitive site design, low impact development techniques, stormwater best management practices, and good operation and maintenance. At a minimum, the annual recharge from the post-development site shall approximate the annual recharge from pre-development conditions based on soil type. This Standard is met when the stormwater management system is designed to infiltrate the required recharge volume as determined in accordance with the Massachusetts Stormwater Handbook.
4. Stormwater management systems shall be designed to remove 80% of the average annual post-construction load of Total Suspended Solids (TSS). This Standard is met when:
 - a. Suitable practices for source control and pollution prevention are identified in a long- term pollution prevention plan, and thereafter are implemented and maintained;
 - b. Structural stormwater best management practices are sized to capture the required water quality volume determined in accordance with the Massachusetts Stormwater Handbook; and
 - c. Pretreatment is provided in accordance with the Massachusetts Stormwater Handbook.
5. For land uses with higher potential pollutant loads, source control and pollution prevention shall be implemented in accordance with the Massachusetts Stormwater Handbook to eliminate or reduce the discharge of stormwater runoff from such land uses to the maximum extent practicable. If through source control and/or pollution prevention all land uses with higher potential pollutant loads cannot be completely protected from exposure to rain, snow, snow melt, and stormwater runoff, the proponent shall use the specific structural stormwater BMPs determined by the Department to be suitable for such uses as provided in the Massachusetts Stormwater Handbook. Stormwater discharges from land uses with higher potential pollutant loads shall also comply with the requirements of the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53 and the regulations promulgated thereunder at 314 CMR 3.00, 314 CMR 4.00 and 314 CMR 5.00.
6. Stormwater discharges within the Zone II or Interim Wellhead Protection Area of a public water supply and stormwater discharges near or to any other critical area require the use of the specific source control and pollution prevention measures and the specific structural stormwater best management practices determined by the Department to be suitable for managing discharges to such areas as provided in the Massachusetts Stormwater Handbook. A discharge is near a critical area, if there is a strong likelihood of a significant impact occurring to said area, taking into account site-specific factors. Stormwater discharges to Outstanding Resource Waters and Special Resource Waters shall be removed and set back from the receiving water or wetland and receive the highest and best practical method of treatment. A “storm water discharge” as defined in 314 CMR 3.04(2)(a)1 or (b) to an Outstanding Resource Water or Special Resource Water shall comply with 314 CMR 3.00 and 314 CMR 4.00. Stormwater discharges to a Zone I or Zone A are prohibited unless essential to the operation of a public water supply.
7. A redevelopment project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: Standard 2, Standard 3, and the pretreatment and structural best management practice requirements of Standards 4, 5, and 6. Existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions.
8. A plan to control construction related impacts including erosion, sedimentation and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentation, and pollution prevention plan) shall be developed and implemented.
9. A long-term operation and maintenance plan shall be developed and implemented to ensure that stormwater management systems function as designed.
10. All illicit discharges to the stormwater management system are prohibited.

Applicability

Except as expressly provided herein, stormwater runoff from all industrial, commercial, institutional, office, residential and transportation projects including site preparation, construction and redevelopment, and all point source stormwater discharges from said projects shall be managed according to the Stormwater Management Standards.

The Stormwater Management Standards do not apply to:

- (1) A single-family house;
- (2) Housing development and redevelopment projects comprised of detached single- family dwellings on four or few lots provided that there are no stormwater discharges that may potentially affect a critical area;
- (3) Multi-family housing development and redevelopment projects with four or fewer units, including condominiums, cooperatives, apartment buildings and townhouses, provided that there are no stormwater discharges that may potentially affect a critical area; and
- (4) Emergency repairs to roads or their drainage systems.

The Stormwater Management Standards apply to the maximum extent practicable to:

- (1) Housing development and redevelopment projects comprised of detached single- family dwellings on four or fewer lots that have a stormwater discharge that may potentially affect a critical area;
- (2) Multi-family housing development and redevelopment projects, with four or fewer units, including condominiums, cooperatives, apartment buildings, and townhouses, that have a stormwater discharge that may potentially affect a critical area;
- (3) Housing development and redevelopment projects comprised of detached single- family dwellings on five to nine lots, provided there is no stormwater discharge that may potentially affect a critical area;
- (4) Multifamily housing projects with five to nine units, including condominiums, cooperatives, apartment buildings, and townhouses, provided there is no stormwater discharge that may potentially affect a critical area;
- (5) Marinas and boat yards provided that the hull maintenance, painting and service areas are protected from exposure to rain, snow, snow melt, and stormwater runoff; and
- (6) Footpaths, bikepaths and other paths for pedestrian and/or nonmotorized vehicle access.

Critical areas include Outstanding Resource Waters as designated in 314 CMR 4.00, Special Resource Waters as designated in 314 CMR 4.00, recharge areas for public water supplies as defined in 310 CMR 22.02 (Zone Is, Zone IIs and Interim Wellhead Protection Areas for ground water sources and Zone As for surface water sources), bathing beaches as defined in 105 CMR 445.000, cold water fisheries as defined in 310 CMR 10.04 and 314 CMR 9.02, and shellfish growing areas as defined in 310 CMR 10.04 and 314 CMR 9.02.

For phased projects, the determination of whether the Stormwater Management Standards apply is made on the entire project as a whole including all phases. When proposing a development or redevelopment project subject to the Stormwater Management Standards, proponents shall consider environmentally sensitive site design that incorporates low impact development techniques in addition to stormwater best management practices.

Project proponents seeking to demonstrate compliance with the Stormwater Management Standards to the maximum extent practicable shall document that:

- (1) They have made all reasonable efforts to meet each of the Standards;
- (2) They have made a complete evaluation of possible stormwater management measures including environmentally sensitive site design, low impact development techniques that minimize land disturbance and impervious surfaces, structural stormwater best management practices, pollution prevention, erosion and sedimentation control, and proper operation and maintenance; and
- (3) If full compliance with the Standards cannot be achieved, they are implementing the highest practicable level of stormwater management.

The Stormwater Management Standards (Standards 4, 5, 6, 8, and 9) require project proponents to develop a construction period erosion, sedimentation, and pollution prevention plan and long -term pollution prevention and operation and maintenance plans. The level of detail in these plans should reflect the complexity of the project and the nature and extent of the impacts that may arise both during and after construction. For small residential projects that are subject to jurisdiction under the Wetlands Protection Act and that are required to meet the Stormwater Management Standards only to the maximum extent practicable, the issuing authority has broad discretion to tailor this requirement to the specific stormwater impacts of the project and require the construction period erosion and sedimentation control plan and the long- term pollution prevention and operation and maintenance plans only to the extent that they are necessary to address those impacts.