

## **STORMWATER MANAGEMENT RULES AND REGULATIONS**

### **Department of Public Works**

Adopted: May 28, 2024

#### **§ 903-1 Purpose.**

The purpose of these rules and regulations is to establish Stormwater Management Rules and Regulations for the Town of Barnstable Stormwater Management and Illicit Discharge Control Ordinance, Chapter 185 of the Code of the Town of Barnstable.

#### **§ 903-2 Authority.**

The Department of Public Works, under the authority of Chapter 185, and after holding a duly called Public Hearing on May 28, 2024, adopts these Stormwater Management Rules and Regulations.

#### **§ 903-3 Definitions.**

For the purposes of these rules and regulations, the definitions section 4 of Chapter 185, shall apply to these rules and regulations.

#### **§ 903-4 Amendments.**

The Director may adopt, and periodically amend, these Stormwater Management Rules and Regulations after conducting a minimum of one public hearing to receive comments on any proposed revisions.

#### **§ 903-5 Applicability.**

These rules and regulations apply to any work, activity or project that may consist of or include any prohibited activities under section 16 of Chapter 185 of the Code. New Development and Redevelopment projects must comply with the rules and regulations contained herein unless expressly waived in writing by the Director in accordance with Chapter 185.

#### **§ 903-6 Permit Procedures and Requirements.**

- A. No Owner, applicant or other person shall apply for or seek a Building Permit without first confirming with the Department that a Stormwater Management Permit has been obtained or is otherwise not required.
- B. No work, construction or other activity, including clearing, grading, or excavation that results or may result in a Disturbance of Land equal to or greater than one (1) acre of land or will

disturb less than one acre of land but is part of a larger common plan of development or sale that may ultimately disturb an area equal to or greater than one (1) acre of land within the Town may commence without first obtaining a Stormwater Management Permit issued by the Department.

- C. The site Owner, applicant or their agents shall file with the Department a completed Stormwater Management Permit Application package as outlined below. Permit issuance is required prior to any applicable site-altering activity. While the applicant can be a representative, the permittee must be the Owner of the site.
- D. Proposed projects shall submit one (1) electronic copy of each item listed below. The Town reserves the right to request paper copies of any documents at their discretion.
- (1) Completed Stormwater Permit Application with original signatures of all Owners;
  - (2) Stormwater Management Plan as specified in Section 903-7;
  - (3) Erosion Control Plan as specified in Section 903-8;
  - (4) Operation and Maintenance Plan as specified in Section 903-9;
  - (5) Plan addressing source control and pollution prevention for land uses with higher potential pollutant loads, if required, as outlined in the Massachusetts DEP Stormwater Handbook, latest edition;
  - (6) An acknowledgement of the Site Inspections and Final Reports requirements as specified in Section 903-10; and
  - (7) Payment of any application and review fees as specified below.
- E. Fee Structure.
- (1) The Department shall receive with each submission an Application Fee payable to the Town of Barnstable. Applicants shall pay review fees as adopted by the Director in the Department's schedule of fees. These fees will be used to cover any administrative expenses connected with the review of the Stormwater Management Permit Application.
  - (2) In addition to the Application Fee, the Town of Barnstable is authorized to require an Applicant to pay an initial fee, as adopted by the Director in the Department's schedule of fees, for the reasonable costs and expenses associated with retaining expert third party qualified Professional Civil Engineer (P.E.) registered in the Commonwealth of Massachusetts and/or other professional consultant to provide peer review services deemed necessary to reach a final decision on the application. Payment may be required at any point during the review process prior to a final decision. The Department or Reviewing Agent shall notify the Applicant of such amount in writing. Failure to submit such amount within 14 days of receipt of said notice shall be deemed sufficient reason by the Reviewing Agent to deny said application.
    - (a) Such fee shall be held by the Town and used to provide independent professional peer review services, should the Reviewing Agent determine this to be necessary. Such fee shall be governed and administered in accordance with G.L c. 44, § 53G or § 53E 1/2.

- (b) If the actual cost incurred by the Town for review of said application is less than the amount on deposit as specified above, the Department or Reviewing Agent shall authorize that such excess amount be refunded to the Applicant concurrently with final action on said application.
- F. Information Requests. The applicant shall submit all additional plans, analysis and information requested by the Reviewing Agent to issue a decision on the application.
- G. Actions. Within thirty (30) calendar days the Department or Reviewing Agent determines that a complete Application for a Stormwater Management Permit has been received, the Department or Reviewing Agent's shall take one of the following actions in writing:
- (1) "Approval" of the Stormwater Management Permit Application based upon determination that the proposed Stormwater Management Plan meets the Standards and will adequately protect the water resources of the community and is in compliance with the requirements set forth in these rules and regulations;
  - (2) "Approval with Conditions" of the Stormwater Management Permit Application subject to any conditions, modifications, or restrictions that will ensure the proposed Stormwater Management Plan meets the Standards and will adequately protect the water resources of the community and is in compliance with the requirements set forth in these rules and regulations;
  - (3) "Disapproval" of the Stormwater Management Permit Application based upon determination that the proposed Stormwater Management Plan, as submitted, does not meet the Standards or will not adequately protect the water resources of the community and is not in compliance with the requirements set forth in these rules and regulations.
- H. Appeals. An aggrieved Owner or applicant may appeal the decision, within sixty (60) calendar days, to the Superior Court, in accordance with M.G.L. Ch 249 §4.
- I. Access Permission. In accordance with section 8 of Chapter 185, including its notice provision, the Department its Reviewing Agents, or authorized contractors may enter upon privately owned property for the purpose of performing their duties under these rules and regulations and may make or cause to be made such examinations, surveys or sampling as the Department or Reviewing Agent deems reasonably necessary to determine compliance with the Stormwater Management Permit.
- J. Plan Changes. The permittee must notify the Reviewing Agent in writing of any drainage change or alteration in the system authorized in the Stormwater Management Permit before any change or alteration is made. If the Department or Reviewing Agent determines that the change or alteration is significant, based on the Standards, the requirements set forth in these rules and regulations, or accepted construction practices, the Department or Reviewing Agent may require that an amended application be filed. If any change or alteration from the Stormwater Management Permit occurs during any land disturbing activities, the Department

or Reviewing Agent may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

**§ 903-7 Stormwater Management Plan.**

The Stormwater Management Permit Application shall consist of a submittal of a Stormwater Management Plan to the Department. This Stormwater Management Plan shall contain sufficient information for the Department or Reviewing Agent to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Stormwater Management Plan shall be designed to meet the Standards, as set forth in Section 903-7 (B) and the Massachusetts DEP Stormwater Handbook, latest edition.

- A. The Stormwater Management Plan shall fully describe the project in drawings and narrative. It shall include, at a minimum, the following :
- (1) Massachusetts Stormwater Report Checklist (latest version);
  - (2) Names, addresses, and telephone numbers of the Owner, applicant, and person(s) or firm(s) preparing the plan;
  - (3) Project narrative containing relevant information related to stormwater requirements;
  - (4) Locus map of the site;
  - (5) Description of existing and proposed conditions;
  - (6) Existing and proposed zoning and land use at the site;
  - (7) Existing and proposed easements and utilities at the site;
  - (8) Existing and proposed topography (1-foot interval contours with additional spot grades as needed to depict detailed drainage patterns) at the site;
  - (9) Existing and proposed hydrology, watershed boundaries, drainage area, and stormwater flow paths;
  - (10) Existing and proposed stormwater conveyances, impoundments, and wetlands into which stormwater flows at and adjacent to the site;
  - (11) Existing and proposed flood zones as per the most recent version of the application Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM)
  - (12) Estimated high groundwater elevation as determined via completion of representative test pits or other investigations in areas to be used for stormwater retention, detention, or infiltration, including calculations of high groundwater adjustment as appropriate;
  - (13) Description of subsurface conditions, including infiltration rates determined in accordance with the Massachusetts Stormwater Management Handbook (latest edition) in areas to be used for stormwater retention, detention, or infiltration;
  - (14) Plans, drawings, and descriptions of proposed drainage system and all components including:
    - (a) Locations, design and construction details of all stormwater conveyances such as drainage swales and their method of stabilization;
    - (b) All measures for the detention, retention, and/or infiltration of stormwater;
    - (c) All measures for the protection of water quality;

- (d) The construction details and sizing for all components of the proposed drainage systems and stormwater management facilities;
  - (e) Notes on drawings specifying materials to be used, construction specifications, and typical details;
- (15) A drainage area map clearly showing pre and post construction watershed boundaries, drainage areas and stormwater flow paths. Proposed analysis points and corresponding sub-catchment boundaries shall be identified. Offsite areas contributing to the proposed drainage system shall be identified. Analysis points shall be the same for both pre-development and post-development analyses;
  - (16) Calculations supporting the estimate of stormwater treatment performance;
  - (17) Calculations supporting the design of infiltration practices, including design infiltration rates, estimated drawdown times, and mounding analyses, where applicable;
  - (18) Stormwater runoff shall be calculated using latest National Oceanic and Atmospheric Administration (NOAA) Atlas 14 precipitation amounts for recurrence intervals (storm events) 2-, 10-, 25-, and 100-year frequencies for 24 hour storm period;
  - (19) An Erosion and Sediment Control Plan as detailed in Section 903-8;
  - (20) An Operation and Maintenance Plan as detailed in Section 903-9;
  - (21) Documents must be stamped and certified by a qualified P.E. registered in the Commonwealth of Massachusetts; and,
  - (22) Any other information requested by the Department or Reviewing Agent.
- B. Stormwater Management Standards. Projects shall meet the following standards:
- (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) Low Impact Development (LID) site planning and design strategies must be implemented unless infeasible in order to reduce the discharge of stormwater from development sites;
  - (3) Stormwater management system design shall be consistent with, or more stringent than, the requirements of the 2008, or most current version, of the Massachusetts Stormwater Handbook;
  - (4) Stormwater management systems on new development shall be optimized for nitrogen removal and designed to meet an average annual pollutant removal equivalent to 90% of the average annual load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 60% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious surface area on the site.
    - (a) Average annual pollutant removal requirements in Section 903-7 B.(4) are achieved through one of the following methods:
      - i. Installing BMPs / Structural Control Measures (SCMs) that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016) or other BMP / SCM performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP / SCM performance, then any federally or State-approved BMP / SCM

- design guidance or performance standards (e.g., State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or
- ii. Retaining the volume of runoff equivalent to, or greater than, 1.0 inch multiplied by the total post-construction impervious surface area on the new development site; or
  - iii. Meeting a combination of retention and treatment that achieves the above standards; or
  - iv. Utilizing offsite mitigation that meets the above standards within the same USGS Hydrologic Unit Code (HUC)01 as the new development site.
- (5) Stormwater management systems on redevelopment sites shall be optimized for nitrogen removal and shall be designed to meet an average annual pollutant removal equivalent to 80% of the average annual post-construction load of TSS related to the total post-construction impervious area on the site AND 50% of the average annual load of TP related to the total post-construction impervious surface area on the site.
- (a) Average annual pollutant removal requirements in Section 903-7 B.(5) are achieved through one of the following methods:
- i. Installing BMPs / SCMs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP / SCM performance, then any federally or State-approved BMP / SCM design guidance or performance standards (e.g., State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or
  - ii. Retaining the volume of runoff equivalent to, or greater than, 0.8 inches multiplied by the total post-construction impervious surface area on the redevelopment site; or
  - iii. Meeting a combination of retention and treatment that achieves the above standards; or
  - iv. Utilizing offsite mitigation that meets the above standards within the same USGS HUC01 as the redevelopment site.
- (6) Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions where feasible and are exempt from part Section 903-7 B.(5). Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of Section 903-8 7.(5).

#### **§ 903-8 Erosion and Sediment Control Plan.**

- A. The Stormwater Management Permit Application shall include submittal of an Erosion and Sediment Control Plan to the Department. This Erosion and Sediment Control Plan shall

contain sufficient information for the Department, Reviewing Agent, or their designee about the nature and purpose of the proposed development, pertinent conditions of the site and adjacent areas, proposed erosion and sedimentation controls, and proposed control for other wastes on construction sites such as demolition debris, litter, and sanitary wastes to ensure they are not discharged to the MS4, drainage system, or Waters of the Commonwealth.

- B. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements as follows:
- (1) Minimize total area of disturbance;
  - (2) Sequence activities to minimize simultaneous areas of disturbance;
  - (3) Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
  - (4) Divert uncontaminated water around disturbed areas;
  - (5) Maximize infiltration and groundwater recharge;
  - (6) Install, inspect, and maintain all Erosion and Sediment Control measures in accordance with the manufacturer's specifications and best management practices;
  - (7) Prevent off-site transport of sediment and wastes;
  - (8) Protect all storm drain inlets and armor all newly constructed outlets;
  - (9) Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
  - (10) Comply with applicable federal, state and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
  - (11) Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than fourteen (14) days after construction activity has temporarily or permanently ceased on that portion of the site;
  - (12) Properly manage on-site construction waste and materials;
  - (13) Stabilize construction site entrances and exits and prevent off-site vehicle tracking of sediments; and,
  - (14) Ensure that any stormwater BMP / SCMs (for post-construction stormwater management) installed during construction will be protected from compaction, siltation, and erosion or will be restored or replaced such that the BMP will be capable of functioning as designed in accordance with these stormwater regulations.
- C. The content of the Erosion and Sediment Control Plan shall contain the following information:
- (1) Names, addresses, and telephone numbers of the Owner, applicant, and person(s) or firm(s) preparing this plan;
  - (2) Title, date, north arrow, names of abutters, scale, legend, and locus map;
  - (3) Location and description of natural features including:
    - (a) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a qualified P.E. for areas not assessed on these maps;

- (b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and,
  - (c) Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife, and Certified Vernal Pools, and Priority Habitats of Rare Species within one hundred (100) feet of any construction activity.
- (4) Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
  - (5) Existing soils, volume and nature of imported soil materials;
  - (6) Topographical features including existing and proposed contours at intervals no greater than one (1) feet with spot elevations provided when needed;
  - (7) Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
  - (8) Drainage patterns and approximate slopes anticipated after major grading activities;
  - (9) Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for SCMs, interim grading, and material stockpiling areas;
  - (10) Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
  - (11) Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
  - (12) A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
  - (13) A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
  - (14) A description of how the project Owner/applicant will inspect the site during the course of construction to monitor the management of stormwater in accordance with applicable town, state, and federal regulations;
  - (15) Plans must be stamped and certified by a qualified P.E.; and,
  - (16) Such other information as is required by the Reviewing Agent.

**§ 903-9 Operation and Maintenance Plan.**

- A. The Stormwater Management Permit Application shall include a submittal of Operation and Maintenance Plan (O&M Plan) to the Department. This O&M Plan shall be designed to ensure compliance with the Stormwater Management Permit, these rules and regulations, and that the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, are met in all seasons and throughout the life of the system. The Department of Public Works or Reviewing Agent shall make the final decision of what maintenance option is appropriate in a given situation. The Department or Reviewing Agent will consider natural features, proximity of the site to



MS4 infrastructure, proximity of the site to waterbodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The O&M Plan shall remain on file with the Department and shall be an ongoing requirement.

B. The O&M Plan shall include:

- (1) The name(s) of the Owner(s) of all components of the system;
- (2) Maintenance agreements that specify and/or include as attachments:
  - (a) The names and addresses of the person(s) responsible for operation and maintenance;
  - (b) A legal instrument (e.g. deed, homeowner's association, utility trust, or agreement) that establishes the terms of legal responsibility for financing, operation, maintenance, and emergency repairs;
  - (c) A Maintenance Schedule that includes routine inspection along with routine and non-routine maintenance tasks for each BMP / SCM;
  - (d) A plan that is drawn to scale and shows the location of all the stormwater BMPs / SCMs in each treatment train along with the discharge point;
  - (e) A description and delineation of public safety features;
  - (f) A list of easements, if applicable, with the purpose and location of each;
  - (g) The signature(s) of the Owner(s) and Applicant;
  - (h) Estimated operation and maintenance budget;
  - (i) The responsible party shall:
    - i. Maintain a log of all operation and maintenance activities for the last three years including inspections, repair, replacement, and disposal (the log shall indicate the type of material and the disposal location);
    - ii. Make this log available to the Department or Reviewing Agent, or the Commonwealth of Massachusetts upon request; and,
    - iii. Allow Department and the Reviewing Agent access to inspect each BMP / SCM to determine whether the responsible party is implementing the Operation and Maintenance Plan.
- (3) Changes to Operation and Maintenance Plans.
  - (a) The Owner(s) of the stormwater management system must notify the Reviewing Agent of changes in ownership or assignment of financial responsibility.
  - (b) The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of these rules and regulations by mutual agreement of the Department or Reviewing Agent and the responsible parties. Amendments must be in writing and signed by all responsible parties. Responsible parties shall include Owner(s) and Applicant, persons with financial responsibility, and persons with operational responsibility during future years.

C. Stormwater infrastructure shall be privately owned, inspected and maintained per the Operation and Maintenance procedures approved for the project. Inspection and maintenance logs shall be provided to the Town on a yearly basis by June 30<sup>th</sup> for the Town to use in preparation of its annual report to the US EPA as part of the NPDES MS4 Permit

requirements.

- D. As outlined in the Certificate of Completion, the landowner or responsible party shall provide the Department or Reviewing Agent an annual report prepared and stamped by a qualified P.E. documenting and certifying performance of required maintenance and providing an assessment of overall system performance.
- E. The O&M Plan shall include procedures for using dedicated funds, establishing an escrow account, and/or developing a maintenance contract, if determined appropriate to ensure adequate long-term maintenance.
- F. Stormwater Management operation and maintenance duties shall be recorded with the deed for each lot in a subdivision. The Applicant may elect to setup a Homeowner's Association (HOA) or other means to ensure all BMPs / SCMs are inspected and maintained as required.

**§ 903-10. Site Inspections and Final Reports.**

- A. Pre-Construction Meeting. Prior to starting clearing, excavation, construction, or disturbance of land, the Applicant, the Applicant's technical representative, the general contractor, or any other person with authority to make changes to the project, shall meet with the Department or Reviewing Agent to review the permitted Stormwater Management, Erosion and Sediment Control, and Operation and Maintenance Plans and their implementation.
- B. Permittee Erosion and Sediment Control Inspections. The permittee shall conduct and document inspections of all erosion and sediment control measures no less than weekly or as specified in the Stormwater Management Permit, and prior to and following anticipated storm events. The purpose of such inspections is to determine the overall effectiveness of the erosion and sediment control plan, and the need for maintenance or additional control measures. The permittee shall submit monthly erosion and sediment control reports to the Department or Reviewing Agent in a format approved by the Department.
- C. Routine Inspections. Routine inspections shall be performed as follows:
  - (1) Initial Site Inspection: Prior to commencing construction activities of a permitted project. During this routine inspection, the assigned inspector will advise if any additional inspections beyond those described below are necessary due to project scope;
  - (2) Erosion and Sediment Control Inspection: To ensure erosion and sediment control measures are in place and stabilized, and to ensure erosion control practices are in accordance with the permitted plan;
  - (3) Final Grading has been substantially completed;
  - (4) Bury Inspections: Prior to backfilling of any underground drainage or stormwater structures;

- (5) Substantial Completion Inspection: Once the project is substantially complete, submit an initial draft of punch list of items to be completed or corrected prior to final inspection;
  - (6) Final Inspection. After completing the punch list developed at substantial completion, and before any surety is released, the Applicant must submit a final report that includes a record as-built plan detailing the actual stormwater management system as installed. Upon complete review of these submitted documents, the Department, Reviewing Agent or Department-authorized inspector shall inspect the system to confirm its “as-built” features. This inspection shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate, the inspector shall so report to Department or Reviewing Agent.
- D. Inspector Qualifications. Inspections shall be performed by a qualified employee of the Town of Barnstable or a designee approved in writing by the Department. Alternatively, at the Town’s discretion, inspections shall be performed by an independent third-party Professional Engineer, subject to the Town’s approval.
- E. Final Report. After the project has met substantial completion and the punch list has been reviewed, the permittee shall submit a report (including certified as-built construction plans) from a P.E. to the Department or Reviewing Agent in a format designated by the Department. These plans must be stamped by a qualified P.E. and PLS. The permittee will be granted 6 months after the substantial completion inspection to submit finalized reports and stamped as-built plans. The as-built drawings must depict all on site controls, BMPs / SCMs, designed to manage the stormwater associated with the completed site (post-construction stormwater management). The report shall certify that all permitted construction, plans, and approved changes and modifications, were completed in accordance with the conditions of the approved Stormwater Management Permit. Any discrepancies shall be noted in the report.

If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee. If the permittee fails to act the Town of Barnstable may use the surety bond to complete the work. Examples of inadequacy include but are not limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins or other structural BMPs / SCMs.

#### **§ 903-11 Certification of Completion.**

Upon completion of the work under the Stormwater Management Permit, the permittee shall request in writing a Certificate of Completion from the Department. Upon a failure to apply for a Certificate of Completion, or failure to correct any identified deficiencies, the Department may issue an enforcement order to address the failure and record the enforcement order for notice purposes in the chain of title for the property at the Land Court or Registry of Deeds, whichever is appropriate.

Following the receipt of the written request for a Certificate of Completion, the Department or Reviewing Agent will issue a Certificate of Completion following its receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the Stormwater Management Permit has been satisfactorily completed in conformance with Chapter 185 and these rules and regulations. The Department or a Reviewing Agent may include in the Certificate of Completion the required ongoing permit conditions, whether perpetual or for a stated period of time, for maintenance procedures as outlined O&M Plan and/or work deemed necessary by the Department or Reviewing Agent. Within 60 days of issuance of the Certificate of Completion, the permittee shall record or cause to be recorded the Certificate of Completion in the chain of title for the property at the Land Court or Registry of Deeds, whichever is appropriate. Certification of recording, including the book and page or document number, shall be provided to the Department. A failure to timely record the Certificate of Completion shall be deemed a violation of these rules and regulations and subject the owner or permittee to penalties under section 7(F) of Chapter 185. Upon failure of the permittee to so record the Certificate of Completion, the Department may do so at the expense of the owner and permittee.