

Stormwater Standards for Eversource-DCR Project

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To: Suedmeyer, Beth <SuedmeyerB@sudbury.ma.us>; Duchesneau, Adam <DuchesneauA@sudbury.ma.us>;

Hi Beth and Adam,

The Conservation Commission discussed the applicable stormwater standards to be applied to the Eversource Transmission Line-DCR MCRT project at last night's meeting. It was determined that the applicable standard for the transmission line component of the project must meet 310 CMR 10.05(6)(k) which reads:

No Area Subject to Protection under M.G.L. c. 131, § 40 other than bordering land subject to flooding, isolated land subject to flooding, land subject to coastal storm flowage, or riverfront area may be altered or filled for the impoundment or detention of stormwater, the control of sedimentation or the attenuation of pollutants in stormwater discharges, and the applicable performance standards shall apply to any such alteration or fill. Except as expressly provided, stormwater runoff from all industrial, commercial, institutional, office, residential and transportation projects that are subject to regulation under M.G.L. c. 131, § 40 including site preparation, construction, and redevelopment and all point source stormwater discharges from said projects within an Area Subject to Protection under M.G.L. c. 131, § 40 or within the Buffer Zone shall be provided with stormwater best management practices to attenuate pollutants and to provide a setback from the receiving waters and wetlands in accordance with the following Stormwater Management Standards as further defined and specified in the Massachusetts Stormwater Handbook:

1. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.
The applicant stated the project meets this standard.
2. Stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
The applicant stated the project meets this standard.
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 the 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.
The applicant stated that this standard does not apply as the transmission line does not propose to introduce new pavement. However, the paved rail trail component of the project must meet this standard to the maximum extent practicable, as noted below.
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 Massachusetts Stormwater

Handbook; and c. Pretreatment is provided in accordance with the Massachusetts Stormwater Handbook.

The applicant stated that this standard does not apply as the transmission line does not propose to introduce new pavement. But see caveat noted above.

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 use 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 through 53, and the regulations promulgated thereunder at 314 CMR 3.00: Surface Water Discharge Permit Program, 314 CMR 4.00: Massachusetts Surface Water Quality Standards and 314 CMR 5.00: Ground Water Discharge Permit Program.

The applicant stated this standard does not apply to the transmission line project. Further supporting information to be provided.

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 area 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) or (b) to an Outstanding Resource Water or Special Resource Water shall comply with 314 CMR 3.00: Surface Water Discharge Permit Program and 314 CMR 4.00: Massachusetts Surface Water Quality Standards. Stormwater discharges to a Zone I or Zone A are prohibited, unless essential to the operation of the public water supply.

The applicant stated that the need to meet this standard is predicated on the introduction of impervious surfaces, which the transmission line is not proposing. But see caveat noted above.

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 stormwater 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.

The applicant stated that this project would qualify as a redevelopment project which only requires the project to meet maximum extent practicable for standards 2, 3, 4, 5 and 6. The project must still meet standards 1, 8, 9, and 10 in full compliance and the applicant must explain how the current design improves existing conditions as required to meet standard 7.

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.

A SWPPP has been developed to meet this requirement.

9. A long-term operation and maintenance plan shall be developed and implemented to ensure that the stormwater management system functions as designed.

A long-term Operation and Maintenance Plan has been developed for the use and maintenance of the stormwater system.

10. All illicit discharges to the stormwater management system are prohibited.
The applicant stated this is not applicable as there are no illicit discharges.

Per 310CMR 10.05(6)(o): Project proponents seeking to demonstrate compliance with some of all of the Stormwater Management Standards to the maximum extent practicable shall demonstrate 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 and 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 of stormwater best management practices; and
3. If full compliance with the Standards cannot be achieved, they are implementing the highest practicable level of stormwater management.

The Commission has requested that the applicant provide this written justification to the Planning Board for Horsely Witten to confirm compliance with these criteria. The Commission understands there is still discussion with the peer reviewer to incorporate additional stormwater features in critical areas such as vernal pools and cold water fisheries. Should Horsely Witten determine that all reasonable efforts have been incorporated into the design to protect wetland resource areas, and the project meets all the above criteria, then the Commission agrees that the project is subject to maximum extent practicable standards for Stormwater Management, as provided by the Regulations.

For the rail trail component of the project, the Commission agreed that 310CMR (6)(m) is the appropriate standards to apply which requires the Stormwater Management Standards shall apply to the maximum extent practicable for footpaths, bikepaths, and other paths for pedestrian and/or non-motorized vehicle access. The Commission did, however, request the applicant provide the frequency at which Eversource vehicles would require access to the corridor to ensure there are no unanticipated negative impacts from the higher pollutant loads associated with vehicular use of the corridor.

Let me know if you have any questions.

Thanks,

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