Construction Site Stormwater Runoff Control

Legal Authority

Within the Construction Site Stormwater Management (MCM 4) section of the CT MS4 Permit there is a requirement for MS4 municipalities and institutions to establish a legal authority to require certain measures during construction projects. For each legal authority requirement (a - e), we provide example language in the center column below that meets the permit conditions. Yellow highlighted text indicates the potential places where towns should customize the language to fit their own processes.

This is not mandatory language - this legal authority can be met in many different ways. We’ve also included some links to alternative regulations that can assist or complement the permit requirements.

From [CT MS4 Permit Section 6(a)(4)](https://nemo.uconn.edu/ms4/basics/permit.htm) (page 25):

*The permittee shall implement and enforce a program to control stormwater discharges (to its MS4) associated with land disturbance or development (including re-development) activities from sites with one acre or more of soil disturbance, whether considered individually or collectively as part of a larger common plan.* (eg ½ acre lot in 5 acre subdivision)

*Such program shall include the following elements:*

|  |  |  |
| --- | --- | --- |
| Elements from the permit | Example text to meet permit conditions | Other example references |
| (i) The permittee shall establish an appropriate legal authority that requires: |  |  |
| a. developers, construction site operators, or contractors to maintain consistency with the 2002 Guidelines for Soil Erosion and Sedimentation Control, as amended, the Connecticut Stormwater Quality Manual, and all stormwater discharge permits issued by the DEEP within the municipal or institutional boundary pursuant to CGS 22a-430 and 22a-430b; | Adapted from [Greenwich Stormwater Drainage Manual 3.2 - Standard 10:](https://www.greenwichct.gov/DocumentCenter/View/446/Complete-Drainage-Manual-No-Appendix-PDF)  Developers, construction site operators, or contractors must submit to the [town/Engineering Division/Planning office] 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). The plan must be developed and implemented in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control (as amended), the Connecticut Stormwater Quality Manual (as amended), and any applicable stormwater discharge permits issued by the DEEP within the municipal or institutional boundary pursuant to CGS 22a-430 and 22a-430b.  All development, regardless of the area of disturbance, must implement erosion and sedimentation controls prior to and during construction. Additionally, temporary controls shall be removed from a site and disposed of properly after the site has been stabilized. | [Mansfield Zoning Regulations – Article 6 B (s) & (t)](http://www.mansfieldct.gov/content/1914/2787/2791.aspx)  [Manchester Zoning Regulations: Activities Requiring a Certified Erosion and Sediment Control Plan](http://planning1.townofmanchester.org/NewPlanning/assets/File/Development%20Applications%2C%20Regulations%20and%20Maps/Regulations/Full%20Sections%20Combined.pdf)  [3.04.02](http://planning1.townofmanchester.org/NewPlanning/assets/File/Development%20Applications%2C%20Regulations%20and%20Maps/Regulations/Full%20Sections%20Combined.pdf) |
| b. the implementation of additional measures to protect/improve water quality (in addition to the above requirements) as deemed necessary by the municipality or institution; | The town reserves the right to implement additional measures to protect and/or improve water quality as it deems necessary. |  |
| c. the permittee to carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with municipal regulations, ordinances or programs or institutional requirements related to the management of the permittee’s MS4. Specifically, inspections shall be conducted, where allowed, to inventory the number of privately-owned retention ponds, detention ponds and other stormwater basins that discharge to or receive drainage from the  permittee’s MS4; | Adapted from [Greenwich Stormwater Drainage Manual 3.2 - Standard 11](https://www.greenwichct.gov/DocumentCenter/View/446/Complete-Drainage-Manual-No-Appendix-PDF):  A. The applicant shall notify the [approving authority] [#] business days before starting land-disturbing activity.  B. Periodic inspections of the construction site shall be conducted by the [town designated inspector e.g. town engineer, approved professional engineer of record, etc.] to ensure compliance with the plan to control construction related impacts to stormwater. The Town reserves the right to conduct inspections, surveillance and/or monitoring of the site at any time.  C. At a minimum, inspections shall include: an initial site inspection prior to approval of any plan; inspection of site erosion controls; inspection of the stormwater management system prior to backfilling of any underground drainage or stormwater conveyance structures; and a final inspection before [the surety is released]. The stormwater system shall be inspected to verify its as-built features, and the inspector shall also evaluate the system during a storm event.  D. Upon completion, the applicant shall certify that the project is in accordance with approved plans and specifications, and shall provide inspections to adequately document compliance. The [approving authority] will issue a letter certifying completion upon its receipt and approval of the final inspection and reports, and/or upon otherwise determining that all work was completed in conformance with the approved plans. | [Central Mass Stormwater Coalition Construction Site Inspection SOP](https://www.centralmastormwater.org/sites/centralmastormwater/files/uploads/construction_inspection_sop_final.pdf) |
| d. the owner of a site seeking development approval from the permittee to provide and comply with a long term maintenance plan and schedule to ensure the performance and pollutant removal efficiency of privately-owned retention ponds, detention ponds and other stormwater basins that discharge to or receive discharge from the permittee’s MS4 including short-term and long-term inspection and maintenance measures to be implemented by the private owner; and | Adapted from [Greenwich Stormwater Drainage Manual 3.2 - Standard 12](https://www.greenwichct.gov/DocumentCenter/View/446/Complete-Drainage-Manual-No-Appendix-PDF):  A long-term Operation and Maintenance (O&M) Plan shall be developed and implemented to ensure that stormwater management systems function as designed. Stormwater management systems include any retention pond, detention pond or other stormwater basin that discharges to or receives discharge from the municipal separate storm sewer system. This plan shall be reviewed and approved as part of the review of the proposed permanent (post-construction) stormwater management system. Execution of the O&M Plan shall be considered a condition of approval of a development plan. The [approving authority] shall require a project applicant to establish a homeowners association or similar entity to maintain the stormwater management system.  At a minimum, the O&M Plan shall identify:   * Stormwater management system(s) owners * The party or parties responsible for operation and maintenance including how future property owners will be notified of the presence of the stormwater management system and the requirement for proper operation and maintenance * The routine and non-routine maintenance tasks to be undertaken after construction is complete and a schedule for implementing those tasks * Log form for recording operation and maintenance activities * Estimated operations and maintenance budget * The maintenance declaration in place * Plan that is drawn to scale and shows the location of all stormwater BMPs in each treatment train along with the discharge point * Sealed and signed by a Professional Engineer   The applicant shall include with the development plan a mechanism for implementing and enforcing the O&M Plan. The applicant shall identify the lots or units that will be serviced by the proposed stormwater management systems. The applicant shall also provide a copy of the legal instrument (deed, homeowner’s association, utility trust or other legal entity) that establishes the terms of and legal responsibility for the operation and maintenance of stormwater management systems. In the event that the stormwater management systems will be operated and maintained by an entity, municipality, state agency or person other than the sole owner of the lot upon which the stormwater management facilities are placed, the applicant shall provide a plan and easement deed that provides a right of access for the legal entity to be able to perform said operation and maintenance functions, including inspections. The owner shall keep the O&M Plan current, including making modifications to the O&M Plan as necessary to ensure that stormwater management systems continue to operate as designed and approved. Proposed modifications of O&M Plans including, but not limited to, changes in inspection frequency, maintenance schedule, or maintenance activity along with appropriate documentation, shall be submitted to the [approving authority] for review and approval within [thirty days] of change.  Parties responsible for the operation and maintenance of a stormwater management system shall keep records of the installation, maintenance and repairs to the system, and shall retain records for at least [five years].  Parties responsible for the operation and maintenance of a stormwater management system shall provide records of all maintenance and repairs during inspections and/or upon [the town’s] request.  When the responsible party fails to implement the O&M Plan, the municipality is authorized to assume responsibility for their implementation and to secure reimbursement for associated expenses from the responsible party, including, if necessary, placing a lien on the subject property. | [Bridgeport Stormwater Management Manual – 11.2 (p 20)](https://www.bridgeportct.gov/filestorage/341650/341652/345382/Storm__Water_Regulations.pdf)  [Bristol Code of Ordinances Chapter 22 – Water, Sewers, & Sewage Disposal, ARTICLE V – Stormwater Control](https://library.municode.com/ct/bristol/codes/code_of_ordinances?nodeId=PTIICOOR_CH22WASESEDI_ARTVSTWACO)  [Guilford Zoning Regs, Section 273-75 F.3(g)](http://www.ci.guilford.ct.us/wp-content/uploads/PZ-REGS-051217.pdf) |
| e. the permittee to control through interagency or inter-jurisdictional agreements, the contribution of pollutants between the permittee’s MS4 and MS4s owned or operated by others. | If a project may potentially impact another MS4 such as CT DOT, State or Federal Institutions, or another municipality, applicant must notify the appropriate representative. | Coordination [letter template](http://nemo.uconn.edu/ms4/pubs/CTMS4_interconnect_letter.docx)  Example agreement for new connections to the MS4 - [SOP for Connection or Discharge to any MassDOT Drainage System](https://www.mass.gov/files/documents/2017/11/09/Connection%20or%20discharge%20to%20any%20MassDOT%20drainage%20system%20%28SOP%29.pdf) – Appendix A |