

for receipt and consideration of information submitted by the public. Site plan review procedure shall include evaluation of opportunities for use of low impact design and green infrastructure. When the opportunity exists, the permittee shall encourage project proponents to incorporate these practices into the site design. The permittee shall track the number of site reviews, inspections, and enforcement actions. This information shall be included as part of each annual report required by Part 4.4.

### **2.3.6 Stormwater Management in New Development and Redevelopment (Post Construction Stormwater Management)**

Objective: The objective of this control measure is to minimize the water quality impact from new development and reduce the water quality impact due to stormwater runoff from a redeveloped site.

- a. Permittees shall develop, implement, and enforce a program to address post-construction stormwater runoff from all new development and redevelopment projects that disturb a minimum of one or more acre(s) and discharge into the permittees MS4 at a minimum. Permittees authorized under the MS4-2003 permit shall continue to implement and enforce their program and modify as necessary to meet the requirements of this Part.
  - i. The permittee's new development/ redevelopment program shall include projects less than one acre if the project is part of a larger common plan of development or redevelopment which disturbs one or more acre.
  - ii. The permittee shall develop or modify, as appropriate, an ordinance or other regulatory mechanism within two (2) years of the effective date of the permit to be consistent with Section 4 Element C and Element D of the Southeast Watershed Alliance's Model Stormwater Standards for Coastal Watershed Communities<sup>9</sup>; OR contain provisions that are as least as stringent as the following:
    - a) Low Impact Development (LID) site planning and design strategies must be used to the maximum extent feasible in order to reduce the discharge of stormwater from new development.
    - b) Salt storage areas on commercial and industrial new and redevelopment sites shall be covered and loading/offloading areas shall be designed and maintained in accordance with NH DES published guidance (Fact Sheets WD-WMB-4<sup>10</sup> and WD-DWGB-22-30<sup>11</sup>) such that no untreated discharge to receiving waters results. Snow storage areas shall be located in

<sup>9</sup> Model Stormwater Standards for Coastal Watershed Communities, Southeast Watershed Alliance, December 2012. [http://southeastwatershedalliance.org/wp-content/uploads/2013/05/Final\\_SWA\\_SWStandards\\_Dec\\_20121.pdf](http://southeastwatershedalliance.org/wp-content/uploads/2013/05/Final_SWA_SWStandards_Dec_20121.pdf).

<sup>10</sup> Environmental Fact Sheet: Road Salt and Water Quality, New Hampshire Department of Environmental Services, 2016. <http://des.nh.gov/organization/commissioner/pip/factsheets/wmb/documents/wmb-4.pdf>.

<sup>11</sup> Environmental Fact Sheet: Storage and Management of Deicing Materials, New Hampshire Department of Environmental Services, 2011. <http://des.nh.gov/organization/commissioner/pip/factsheets/dwgb/documents/dwgb-22-30.pdf>.

accordance with NH DES published guidance (Fact Sheets WD-WMB-4 and WD-DWGB-22-30) such that no direct untreated discharges to receiving waters are possible from the storage site. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater.

- c) The selection and design of treatment and infiltration practices shall follow the guidance in Volume 2 of the New Hampshire Stormwater Manual<sup>12</sup>, where applicable.
- d) Post construction stormwater runoff from new development sites shall be controlled by:
  - 1) Retention or treatment of stormwater runoff to the MS4 by one of the following:
    - a. Require BMPs that are designed to retain the Water Quality Volume calculated in accordance with N.H. Code Admin. R. Part Env-Wq 1504.10. OR
    - b. Require BMPs that are designed to remove 90% of the average annual load of Total Suspended Solids (TSS) generated from the total post-construction impervious area<sup>13</sup> AND 60% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious area<sup>14</sup>. Pollutant removal shall be evaluated consistent with Attachment 3 to Appendix F and the Stormwater Best Management Practices (BMP) Performance Analysis<sup>15</sup> or other tools provided by EPA Region 1 consistent with these resources. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved<sup>16</sup> BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance.
  - 2) Implement long term maintenance practices of BMPs in accordance with N.H. Code Admin. R. Part Env-Wq 1507.08.

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<sup>12</sup> New Hampshire Stormwater Manual Volume 2: Post-Construction Best Management Practices Selection & Design, New Hampshire Department of Environmental Services, December, 2008.

<http://des.nh.gov/organization/commissioner/pip/publications/wd/documents/wd-08-20b.pdf>.

<sup>13</sup> The required removal percentage is not required for each storm, it is the average removal over a year that is required

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<sup>15</sup> Stormwater Best Management Practices (BMP) Performance Analysis, Tetra Tech, Inc. for U.S. EPA Region 1, Rev. March 2010. <https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/BMP-Performance-Analysis-Report.pdf>.

<sup>16</sup> State approved includes any state in the United States, including, but not limited to, approved guidance by the State of New Hampshire

- e) Post construction stormwater runoff from redevelopment sites shall be controlled by:
- 1) Retention or treatment of stormwater runoff from the disturbed portion of the redevelopment site to the MS4 by one of the following:
    - a. Require BMPs that are designed to retain or treat the Water Quality Volume calculated in accordance with N.H. Code Admin. R. Part Env-Wq 1504.10 and be designed to remove pollutants in accordance with N.H. Code Admin. R. Part Env-Wq 1507.03; OR
    - b. Require BMPs that remove 80% of the average annual load of Total Suspended Solids (TSS) generated from the total post-construction impervious area<sup>17</sup> AND 50% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface<sup>18</sup>. Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool 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 performance, any federally or State approved<sup>19</sup> BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance.
  - 2) Implement long term maintenance practices of BMPs in accordance with N.H. Code Admin. R. Part Env-Wq 1507.08.
  - 3) Offsite mitigation within the same USGS HUC10 or smaller watershed as the redevelopment site may be used to meet the pollutant removal equivalent of the requirements in Part 2.3.6(a)ii.(e)(1)b. and the equivalent groundwater recharge requirements of Part 2.3.6(a)ii.(e)(2) above.
- f) Redevelopment that disturbs greater than 1 acre and is exclusively maintenance and improvement of existing roadways shall be exempt from Part 2.3.6(a)ii.(e). Roadway maintenance or improvements that increase the amount of impervious area on the redevelopment site shall meet the requirements of Part 2.3.6(a)ii.(e) fully.
- b. For projects subject to the ordinances required by this Part the permittee shall require the submission of as-built drawings within a specified time frame, not to exceed two years from completion of construction projects at a minimum. The as-built drawings must

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