

**TOWN OF MILLIS
STORMWATER MANAGEMENT REGULATIONS
ARTICLE II**

Adopted June 28, 2004

**Regulation Governing Discharges To
The Municipal Storm Drain System**

SECTION 1. PURPOSE

Increased and contaminated stormwater runoff is a major cause of

- (1) impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
- (2) contamination of drinking water supplies;
- (3) alteration or destruction of aquatic and wildlife habitat; and
- (4) flooding.

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the town's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this regulation are:

- (1) to prevent pollutants from entering the town's municipal separate storm sewer system (MS4);
- (2) to prohibit illicit connections and unauthorized discharges to the MS4;
- (3) to require the removal of all such illicit connections;
- (4) to comply with state and federal statutes and regulations relating to stormwater discharges; and
- (5) to establish the legal authority to ensure compliance with the provisions of this regulation through inspection, monitoring, and enforcement.

SECTION 2. DEFINITIONS

For the purposes of this regulation, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY: The Board of Selectmen (hereafter the Board), its employees or agents designated to enforce this regulation.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

GROUNDWATER: Water beneath the surface of the ground.

ILLCIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this regulation. Connections to the municipal storm drain system which constitute illicit discharges as defined below which exist at the time of enactment of this regulation are considered illicit connections.

ILLCIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 7. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 7, subsection 4, of this regulation.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (M54) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or manmade or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the town.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORM WATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater or groundwater.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

(1) paints, varnishes, and solvents;

(2) oil and other automotive fluids;

(3) non-hazardous liquid and solid wastes and yard wastes;

(4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;

(5) pesticides, herbicides, and fertilizers;

(6) hazardous materials and wastes; sewage, bacteria, fecal coliform and pathogens;

(7) dissolved and particulate metals;

(8) animal wastes;

(9) rock, sand; salt, soils;

(10) construction wastes and residues;

(11) and noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

SURFACE WATER DISCHARGE PERMIT. A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.2 1 C and Ch.2 1 E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, costal waters, and groundwater.

WASTE WATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

SECTION 3. APPLICABILITY

This regulation shall apply to flows entering the municipally owned storm drainage system.

SECTION 4. AUTHORITY

This Regulation is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, the Millis Home Rule Charter, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

The Board shall administer, implement and enforce this regulation. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to employees or agents of the Board.

SECTION 6. REGULATIONS

The Board may promulgate rules and regulations to effectuate the purposes of this Regulation. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this regulation.

SECTION 7. PROHIBITED ACTIVITIES

- A. Illicit Discharges.** No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

B. Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

C. Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Board .

D. Exemptions

1. Discharge or flow resulting from fire fighting activities;
2. The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
 - (a) Waterline flushing;
 - (b) Flow from potable water sources;
 - (c) Springs;
 - (d) Natural flow from riparian habitats and wetlands;
 - (e) Diverted stream flow;
 - (f) Rising groundwater;
 - (g) Uncontaminated groundwater infiltration as defined in 40 CFR 3 5.2005(20), or uncontaminated pumped groundwater;
 - (h) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
 - (i) Discharge from landscape irrigation or lawn watering;
 - (j) Water from individual residential car washing;
 - (k) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
 - (l) Discharge from street sweeping.

- (m) Dye testing, provided verbal notification is given to the Department of Public Works forty-eight hours prior to the time of the test;
- (n) Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- (o) Discharge for which advanced written approval is received from the Board as necessary to protect public health, safety, welfare or the environment.

SECTION 8. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Board may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 9. NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and the department of public works, Board of health, and Conservation Commission. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 10. ENFORCEMENT

The Board or an authorized agent of the Board including the Building Inspector, Director of Public Works or Assistant Director of Public Works, shall enforce this regulation, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- A. Civil Relief** If a person violates the provisions of this regulation, regulations, permit, notice, or order issued thereunder, the Board may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. Orders** The Board or an authorized agent of the Board may issue a written order to enforce the provisions of this regulation or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57 after the thirty-first day at which the costs first become due.

- C. Criminal Penalty** Any person who violates any provision of this regulation, regulation, order or permit issued thereunder, shall be punished by a fine of not more than **\$100.00** Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. Entry to Perform Duties Under this Regulation** To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this regulation and regulations and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary.
- E. Appeals** The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction.

G. Remedies Not Exclusive The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 11. SEVERABILITY

The provisions of this regulation are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this regulation or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this regulation.

To the Board of Selectmen:

The undersigned wishes to submit a Municipal Storm Drain Permit Application as defined in the Stormwater Management and Municipal Storm Drain Regulation of the Town of Millis, and requests a review and determination by the Selectmen of said Municipal Storm Drain Plan.

The Municipal Storm Drain Plan involves property where owner's title to the land is derived under deed from

_____ dated _____, and
recorded in the

_____ County Registry of Deeds, Book _____, Page _____, or Land Court
Certificate

of Title No. _____, Registered in _____ District, Book _____, Page

Give a brief summary of the nature of the project.

The property (building) is described as being located at

it is currently used as _____,
and the

changes proposed to be made are

The project is located on the parcel shown on Assessors Map _____, Parcel _____

Applicant's Signature

Applicant's Name (print)

Applicant's Address

Owners' Signature(s)

Owners' Names(s)

Owners' Address

Date Received by Town Clerk: _____

Signature

Please note: 1) An applicant for a Municipal Storm Drain Plan Review must file with the Building Inspector a completed Municipal Storm Drain Permit Application, a list of abutters, three (3) copies of the Municipal Storm Drain Plan Package, and the application and review fees as noted in the Municipal Storm Drain Plan Review Fee Schedule. 2) The applicant shall also file a copy of the Municipal Storm Drain Plan and the application with the Town Clerk. The date of receipt by the Town Clerk shall be the official filing date.

MUNICIPAL STORM DRAIN PERMIT APPLICATION

FEE SCHEDULE

The following fee schedules are minimum fees. *[The Board]* may require higher fees if deemed necessary for proper review of an application or to ensure compliance.

<u>Lot Area</u>	<u>Professional Review Fee</u>	<u>Application Fee</u>
Less Than 3 Acres	\$500.00	\$500.00
3 to 10 Acres	\$1000.00	\$750.00
Greater than 10 Acres	\$1500.00	\$1000.00

Resubmittal/Amendment		
Filing Fee	\$250.00	
Review Fee	\$ at cost determined by the Board	

GENERAL

1. Any application not accompanied by the appropriate fee shall be deemed incomplete. Payment must be made to the Town of Millis in cash, money order, bank or certified check payable to the Town.
2. An Applicant's failure to pay any additional review or inspection fee within five business days of receipt of the notice that further fees are required shall be grounds for disapproval.
3. The applicant will publish the public notice and send abutter notifications. Abutter notification shall be by certified mail-return receipt requested. The applicant shall pay all costs associated with the publication and notification requirements. The applicant must provide the Board with the return receipt cards.

Professional review fees include engineering review, legal review, and clerical fees associated with the public hearing and permit processing. A fee estimate may be provided by the Board's consulting engineer.