Municipality/Organization: **Town of Townsend**

EPA NPDES Permit Number: 1228

MaDEP Transmittal Number: **W- 036204**

Annual Report Number & Reporting Period: **March 05-March 06**

NPDES PII Small MS4 General Permit Annual Report

Part I. General Information

Contact Person: Kathleen Araujo Title: Land Use Coordinator

Telephone #: 978-597-1703 Email: kathya@townsend.ma.us

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: Kathleen C Araujo

Printed Name: Kathleen C. Araujo

Title: Land Use Coordinator

Date: 4-27-06

Part II. Self-Assessment

As we began year two of our permit, the stormwater adhoc committee expanded in membership and met frequently with myself and Mark Archambault of Nashua Riverwatershed Associations to draft bylaw language for the Stormwater bylaw and Illicit Discharge and Detection. We met monthly and have completed drafting the language and will be presenting to the Board of Selectmen shortly. Public Information night for the proposals will be scheduled after presentation to the Board of Selectmen with the Fall Special Town Meeting as the target date for town meeting vote.

Our Conservation Agent has been unable to begin GPS mapping due to need for software and current workload (he is funded part-time). There has been commitment from the Board of Selectmen to fund the needed software.

Our Government channel has not yet been able to add our programming idea for stormwater but is still on the record for inclusion. We have been still unsuccessful in launching a stream clean-up program. Issues of liability, etc. have posed are the problems. We are still brainstorming this issue and will return more focus after passage of the proposed bylaws.

This year we were funded for a regional hazardous waste collection program and have had two collection days versus the one day in past years. Participation has been good even with the changes (user fees, pre-registration as well held in a bordering town. Reporting of collection has been the challenge. The coordinator can only supply me with number of participants, # of which are Townsend residents and the total weight of waste. The Highway department continues its monthly collection of waste oil. We collected 1454 gallons this year between January 1, 2006 through December 31, 2005. The collected waste oil is recycled as heating oil for the Highway facility.

Our Highway Department has been able to keep up with annual (versus every two years) for cleaning of catch basins. Their efforts are greatly appreciated.

In November of 2005, two EPA representatives attended one of our stormwater meetings and conducted site visits with the committee at active sites. Their participation was very helpful and appreciated.

Lastly, with the aid of our Recylcing Committee, Earth Day has been revitalized. Plans were underway most of this last year and the event is scheduled for this upcoming Saturday, April 29, 2006. Activities included swaps of latex paint, plants, and books as well as exhibitors, educational presentations, display of adopt-a-street trash collection to name a few. There has been wide publication of the event and, weather permitting, the event should be a success.

Part III. Summary of Minimum Control Measures

1. Public Education and Outreach

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 1 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 2-3
1a	Distribute/post nonpoint Source Pollution posters	Land Use Coordinator	Completed year 1		
Revised					
1b	Stormwater message on Local cable access channel	Land Use Coordinator	Completed. Need to add periodically	Adding an additional local station this year	Identify another way to use new station. Adding video to be played daily for public education on recycling/storm water/drains
Revised					
1c	Obtain/Distribute Auto Shop brochures	Land Use Coordinator	No further progress this year	Understaffed.	Use Senior work off program volunteer to copy flyer and add to appropriate tax bill mailing. Underway for FY07
Revised					
1d	Add Stormwater information to Town's Website	Land Use Coordinator	Messages put on year 1. Statement added this year on Land Use page	Identify new messages/ways to reach the public through the website	Website redesigned. Messages on multiple locations. Also added was an event list which further publicizes events like Hazardous Waste Day. Flyers developed and in distrubtion.
Revised					
Revised					
Revised					

2. Public Involvement and Participation

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 1 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 2 & 3
2a	Advisory Committee	Land Use Coordinator	Formed year one.	Staff position vacancy not backed filled until 12/04.	Resume quarterly meetings will staff positions filled. July of 2006 Began meeting with NRWA employee funded by EPA grant to work with committee. Met Monthly.
Revised					
2b	Adopt-a-Highway Program	Land Use Coordinator	Highway Department	Mail flyers with excise tax bills	Recycling committee has taken on street clean up effort. Signs have been posted for "Clean Streets" Marked participation for first year start up.
Revised					
2c	Hazardous Waste Day Collection	Fire Department	Hold waste collection annually	Done in November.	Continue. Regional grant award resulted in regional collection days held in October 2005 and March 2006
Revised					
2d	Continue Waste Oil Collection & Recycling	Highway Department	Hold first Saturday Monthly	Held monthly. Highly successful. Town-wide participation	Continue. Monthly participation continued.
Revised					
2e	Volunteer annual stream clean-up day	Land Use Coordinator	One clean-up day every spring	No progress.	No progress to date due to issues mentioned in self-assessments. Continue effort to establish.
Revised					
Revised					

2a. Additions

3. Illicit Discharge Detection and Elimination

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 1 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 2, 3
3a	Map Outfalls and Receiving	Land Use Coordinator	Map 25% of outfills that drain urbanized areas each year	25% complete	Continue mapping.
Revised					
3b	Review existing bylaws and regulations	Land Use Coordinator	Determine if existing bylaws & regs fulfill EPA requirements	Bylaw Review Committee completed preliminary review.	Met monthly with ad hoc committee. Developed Stormwater bylaw. In the process of public education. Expected to be included on Fall STM warrant.
Revised					
3c	Develop Illicit Discharge Detection & elimination plan	Land use Coordinator	Make recommendations for inclusion into proposed plan	No progress	Will be addressed following bylaw presentation in fall as a committee effort.
Revised					
3d	Develop/Modify General illicit Discharge bylaw	Land Use Coordinator	Propose recommendation for modifying/developing bylaw		Met monthly and developed bylaw. In the process of pubic education with inclusion on Fall STM warrant expected.
Revised					
3e	Present Bylaw for Town Meeting Action	Land Use Coordinator	Make Presentation for Town Meeting Action		Expected for Fall 2006 STM.
Revised					
Revised					

4. Construction Site Stormwater Runoff Control

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 1 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 2,3
4a	Review Existing Site Inspection Practices	Land Use Coordinator		Under review with Conservation Agent	Toured sites with EPA representatives in November 2005.
Revised					
4b	Develop/Modify Site Inspection Program	Land Use Coordinator	Make recommendations for modifying existing program		After review document recommendations
Revised					
4c	Review Existing Bylaws and regulations	Land Use Coordinator	Determine if existing bylaws and regs fulfill EPA requirements	Part of bylaw review committee	Completed in 2005. Recommended to develop bylaw and regulations.
Revised					
4d	Develop/Modify Bylaw for Construction Site Runoff	Land Use Coordinator	Propose recommendations for modifying/developing bylaw		No action at this point
Revised					
4e	Present Bylaw for Town Meeting Action	Land Use Coordinator	Make Presentation for Town Meeting Action		No action at this point.
Revised					
Revised					

4a. Additions

5. Post-Construction Stormwater Management in New Development and Redevelopment

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 1 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 2
5a	Review Existing Site Inspection Practices	Highway Department	Determine if existing practices fulfill EPA requirements	complete	
Revised					
5b	Develop/modify inspection & Maintentance Practices	Highway Department	Make recommendations for modifying existing practices		Fall stormwater agenda item.
Revised					
5c	Review Existing Bylaws and Regulations	Land Use Coordinator	Determine if existing bylaws and regs fulfill EPA requirements	Part of bylaw review	
Revised					
5d	Develop/modify Bylaws for Post Construction Site Runnoff	Land Use Coordinator	Propose recommendations for modifying/developing bylaw		Complete analysis.
Revised					
5e	Present Bylaw for Town Meeting Action	Land Use Coordinator	Make presentations for Town Meeting Action	N/a at this point in time	
Revised					
Revised					

5a. Additions

6. Pollution Prevention and Good Housekeeping in Municipal Operations

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 1 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 2
6a	Street Sweeping Program	Highway Department	Sweep all streets once per year	Completed	Continue. Completed Annually
Revised					
6b	Catch Basin Cleaning Program	Highway Department	Clean catch basins once very two years	Cleaned annual	Continue annual as budget allows. Completed annually. 290 basins cleaned this last year.
Revised					
6c	Perform site visits to examine existing practices	Land Use Coordinator	Target all applicable municipal facilities	Complete.	Monitor for any changes
Revised					
6d	Train municipal employees at each town facility	Land Use Coordinator	Target all applicable municipal facilities	Complete	
Revised					
6e	Perform follow-ups to ensure required practices are met	Land Use Coordinator	Target all municipal facilities	Ongoing.	
Revised					
Revised					

6a. Additions

7. BMPs for Meeting Total Maximum Daily Load (TMDL) Waste Load Allocations (WLA) *<<if applicable>>*

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 1 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 2
Revised					
Revised					
Revised					
Revised					
Revised					
Revised					

7a. Additions

7b. WLA Assessment

Part IV. Summary of Information Collected and Analyzed

As of this writing our weakest area appears to be in defining if our regulations for construction sites meet EPA requirements. We have developed the draft bylaw amendments and regulation drafts are in the works to be completed over the summer into the fall. Development of the bylaw amendments are major milestones for our permit and will allow us to move further on other items needing attention within the permit.

Part V. Program Outputs & Accomplishments (OPTIONAL)

Programmatic

Stormwater management position created/staffed	(y/n)	N
Annual program budget/expenditures	($)	0 (contained within the Land Use budget
Duties performed within the existing Land Use Coordinator responsibilites/salary		

Education, Involvement, and Training

Estimated number of residents reached by education program(s)	(# or %)	80-100%
Stormwater management committee established	(y/n)	y
Stream teams established or supported	(# or y/n)	n
Shoreline clean-up participation or quantity of shoreline miles cleaned	(y/n or mi.)	0
Household Hazardous Waste Collection Days		
▪ days sponsored (2 regional Hazardous waste day, 12 Waste Oil Collection days)	(#)	2 (HD) 12(WO)

▪ community participation	(%)	Waste Oil not limited –good participation with 1454gallons collected 53 HWD participants up from the 25 limited by previous budget
▪ material collected	(tons or gal)	457 lb HWD 1454 gal WOC
School curricula implemented	(y/n)	Y

Legal/Regulatory

	In Place Prior to Phase II	Under Review	Drafted	Adopted
Regulatory Mechanism Status (indicate with "**X**")		x		
▪ Illicit Discharge Detection & Elimination		x	Drafted	
▪ Erosion & Sediment Control		x		
▪ Post-Development Stormwater Management				
Accompanying Regulation Status (indicate with "**X**")				
▪ Illicit Discharge Detection & Elimination		x	Drafted	
▪ Erosion & Sediment Control		x		
▪ Post-Development Stormwater Management		x		

Mapping and Illicit Discharges

Outfall mapping complete	(%)	25%
Estimated or actual number of outfalls	(#)	20
System-Wide mapping complete	(%)	25%
Mapping method(s)		
▪ Paper/Mylar	(%)	5
▪ CADD	(%)	
▪ GIS	(%)	
Outfalls inspected/screened	(# or %)	5
Illicit discharges identified	(#)	
Illicit connections removed	(#) (est. gpd)	
% of population on sewer	(%)	0
% of population on septic systems	(%)	100%

Construction

Number of construction starts (>1-acre)	(#)	28
Estimated percentage of construction starts adequately regulated for erosion and sediment control	(%)	Monitored
Site inspections completed	(# or %)	28
Tickets/Stop work orders issued	(# or %)	0
Fines collected	(# and $)	N/a
Complaints/concerns received from public	(#)	1

Post-Development Stormwater Management

Estimated percentage of development/redevelopment projects adequately regulated for post-construction stormwater control	(%)	Monitored

Site inspections completed	(# or %)	
Estimated volume of stormwater recharged	(gpy)	100%

Operations and Maintenance

Average frequency of catch basin cleaning (non-commercial/non-arterial streets)	(times/yr)	1
Average frequency of catch basin cleaning (commercial/arterial or other critical streets)	(times/yr)	1
Total number of structures cleaned	(#)	290
Storm drain cleaned	(LF or mi.)	N/a
Qty. of screenings/debris removed from storm sewer infrastructure	(lbs. or tons)	Unknown
Disposal or use of sweepings (landfill, POTW, compost, recycle for sand, beneficial use, etc.)		Compost
Cost of screenings disposal	($)	-

Average frequency of street sweeping (non-commercial/non-arterial streets)	(times/yr)	1/year
Average frequency of street sweeping (commercial/arterial or other critical streets)	(times/yr)	1/year
Qty. of sand/debris collected by sweeping	(lbs. or tons)	-
Disposal of sweepings (landfill, POTW, compost, beneficial use, etc.)	(location)	Composted
Cost of sweepings disposal	($)	-
Vacuum street sweepers purchased/leased	(#)	Own
Vacuum street sweepers specified in contracts	(y/n)	-

Reduction in application on public land of: ("N/A" = never used; "100%" = elimination)		
▪ Fertilizers	(lbs. or %)	N/a
▪ Herbicides	(lbs. or %)	N/a
▪ Pesticides	(lbs. or %)	N/a

Anti-/De-Icing products and ratios	% NaCl % $CaCl_2$ % $MgCl_2$ % CMA % Kac % KCl % Sand	
Pre-wetting techniques utilized	(y/n)	
Manual control spreaders used	(y/n)	
Automatic or Zero-velocity spreaders used	(y/n)	
Estimated net reduction in typical year salt application	(lbs. or %)	
Salt pile(s) covered in storage shed(s)	(y/n)	Y
Storage shed(s) in design or under construction	(y/n)	N/a

Earth Day Celebration - April 29

Demonstrations, Freebies, Activities, Booths....

"A little effort makes a BIG difference" Earth Day Celebration, presented by Townsend's Recycling Committee and Recreation Commission

Saturday, April 29, 2006, 10 a.m. - 2 p.m.; Rain date Sunday April 30 12-4

ACTIVITIES:
• Adopt-a-Street Clean Up - Meet at the common at 8 am, clean up Dudley Road until 10. Trash removed will be displayed then on the common.
• "A Drop in the Bucket" Scavenger Hunt - Townsend Schoolchildren will receive a list of recyclables not normally thought of — such as metal, cartridges, new bulbs, used recycled paper. For each ten items, the scavenger adds a teaspoon of water to the bucket. How will it add up?
• Arts & Crafts table for making your own treasure using recyclable items.
Allied Waste paper drive will accept all the paper and cardboard anyone brings. Especially an opportunity for businesses and multifamily housing residents who don't have curbside recycling.

FREE SWAPS: Bring what you want to pass along, take what you can use — whether you brought any or not!
• Latex paint
• Plants - Bring potted, labeled ones, any kind, from 9 am on. Take away after 10 am. extra pots are available behind Town Hall.
• Books - Any left at the end of the day go to a program administered at the Transfer Station which sends materials to worldwide programs in poverty areas teaching people to read English. (Even outdated textbooks and technical manuals are useful; they can also use working videos and even audio tapes if the words are clear.)

NATURAL CANVAS TOTE BAGS for sale — printed with a color drawing by a Townsend child.

PRESENTATIONS:
• Allied Waste (formerly BFI), who pick up Townsend's trash and recycling - Demonstration of how a combination truck works.
• "Happy Worms, Healthy Lawns" by Michele Cannon

EXHIBITS:
• Art work made with recyclables by Townsend schoolchildren
Poetry on Earth Day by Townsend schoolchildren in grades 6-8. A prize (to be announced) will be awarded to the best.
• What you can recycle: 1) curbside and 2) at the Recycling Center
Environmentally friendly products

BOOTHS:
• Compost - Michele Cannon of Mother Earth Landscaping
• 4H - with animals
• 2 Boy Scout Troops
• Friends of Willard Brook
• Townsend Conservation Land Trust
• Nashua River Watershed Association
• Bender Pools & Spas
• Shaklee Cleaning Products
• North Central Regional Solid Waste Cooperative (the people who provide our hazardous waste recycling)
• Townsend Public Library
• Townsend Recycling Committee
• Townsend Ecumenical Outreach
• Townsend 275th Anniversary Committee

BOOTHS ARE STILL AVAILABLE:
• All are one-table size
• Non-profits are free, all others cost $10.00. (Yard sales may combine families.)

• Provide your own table; clean up your site after.

For more information call Recycling Committee Chair Irene Congdon at 978.597.9191; also for more information or to rent booth space call Recreation Director Karen Clement at 978.597.5914.

Date: 29-Apr-2006
Time: 10 am - 2 pm (Rain Date 4/30, 12-4pm)
Location: Townsend Common
Contact: Rec: Karen Clement; Recyc: Irene Congdon
Phone: Karen 597-5914; Irene 597-9191
Email: clem6six@verizon.net; irene_congdon1@yahoo.com

TOWNSEND PHASE II STORMWATER BYLAW

Draft 7: March 2006

Prepared by the Townsend Stormwater Committee

This bylaw addresses construction site stormwater control and post-construction maintenance, inspections and enforcement. A separate Illicit discharge detection and elimination bylaw is also being proposed to meet the terms of Townsend's general permit.

I. Purpose and Objectives

A. The purpose of this bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of construction site and post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare, protect water and aquatic resources, promote groundwater recharge to protect surface and groundwater drinking supplies. In addition, this bylaw is intended to ensure and promote compliance with US Environmental Protection Agency (EPA) stormwater management regulations pertaining to municipal separate storm sewer systems (MS4s) and the National Pollutant Discharge Elimination System (NPDES), as amended. This bylaw seeks to meet that purpose through the following objectives:

1. Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;

2. Require that new development, redevelopment and all land conversion activities maintain after-development runoff characteristics equal to or less than the pre-development runoff characteristics in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats;

3. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

4. Establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to increases in volume, velocity, frequency, duration, and peak flow rate of storm water runoff;

5. Establish minimum design criteria for measures to minimize nonpoint source pollution from stormwater runoff which would otherwise degrade water quality;

6. Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;

7. Encourage the use of nonstructural stormwater management, stormwater better site design practices or "low-impact development practices", such as reducing impervious cover and the preservation of greenspace and other natural areas, to the maximum extent practicable;

8. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;

9. Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this bylaw;

10. Establish administrative procedures for the submission, review, approval or disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up;

11. Establish certain administrative procedures and fees for the submission, review, approval, or disapproval of stormwater plans, and the inspection of approved projects.

12. Establish administrative procedures for the enforcement of this bylaw, along with penalties and other remedies available to the Town of Townsend.

B. Nothing in this bylaw is intended to replace the requirements of any applicable codes of the Town of Townsend..

II. Definitions

ABUTTER: The owner(s) of land abutting the land disturbance site.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (M.G.L. c. 131 § 40) and its implementing regulations (310 CMR 10.00) and any agricultural activity, which is consistent with an approved soil conservation plan prepared or approved by the USDA Natural Resource Conservation Service.

ALTER: Any activity that will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alter may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any "person" as defined below requesting a stormwater management permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY: The Townsend Stormwater Agent shall have the authority to enforce this Bylaw.

BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural and vegetative measures to reduce pollution levels, do not require extensive engineering and construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN: Site design approaches and techniques that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover, and using natural features for stormwater management.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or construction site materials that may adversely impact water quality, including but not limited to concrete truck washout, chemicals, litter and sanitary waste.

CLEARING: Any activity that removes the vegetative surface cover. Clearing activities generally include grubbing activity as defined below.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISTURBANCE OF LAND: Any action, including clearing and grubbing, that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

ENVIRONMENTAL SITE MONITOR: A Professional Engineer or other trained professional selected by the Stormwater Authority and retained by the holder of a Stormwater management permit to periodically inspect the work and report to the Stormwater Authority.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a certified professional in erosion and sedimentation control (CPESC), which includes best management practices or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS: Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

GRADING: Changing the level or shape of the ground surface.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

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. Impervious surfaces also include compacted soils, hard-packed gravel driveways, and similar surfaces.

LAND-DISTURBING ACTIVITY or LAND DISTURBANCE: Any activity, including clearing, grubbing, grading and stockpiling that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LOW IMPACT DEVELOPMENT: An approach to environmentally friendly land use planning. It includes a suite of landscaping and design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques capture water on site, filter it through vegetation, and let it soak into the ground where it can recharge the local water table rather than being lost as surface runoff. An important LID principle includes the idea that stormwater is not merely a waste product to be disposed of, but rather that rainwater is a resource.

LOT or PARCEL: A single area of land in one ownership throughout defined by metes and bounds or boundary lines as shown in a recorded deed or on a recorded plan.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act MGL c. 131 s. 40 and the Massachusetts Clean Waters Act MGL c. 21, §§ 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): 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 of Townsend.

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

OPERATION AND MAINTENANCE PLAN: A plan describing the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a discernible, confined point source or discrete conveyance into waters of the Commonwealth.

OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

OWNER: A person with a legal or equitable interest in property.

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.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRE-DEVELOPMENT: The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Stormwater Agent. Where phased development or phased plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

PRIVATE STORMWATER SYSTEMS: 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 private entities including homeowner associations.

POST-DEVELOPMENT: The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

RESPONSIBLE PARTIES: owner(s), persons with financial responsibility, and persons with operational responsibility.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Earth materials including duff, humus materials, sand, rock and gravel.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

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

STORMWATER AUTHORITY: The Townsend Stormwater Agent or his/her authorized agent(s). The Stormwater Authority is responsible for coordinating the review, approval and permit process as defined in this Chapter. Other Boards and/or departments may participate in the review process as defined in this Bylaw or the Stormwater Regulations adopted by the Stormwater Agent or the Planning Board of the Town of Townsend.

STORMWATER MANAGEMENT PERMIT (SMP): A permit issued by the Stormwater Authority, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious affects of uncontrolled and untreated stormwater runoff.

STORMWATER MANAGEMENT PLAN: A document containing narrative, drawings and details prepared by a qualified professional engineer (PE), a professional public land surveyor (PLS), or a certified professional in erosion and sedimentation control (CPESC),which includes structural and non-structural best management practices to manage and treat stormwater runoff generated from regulated development activity. A stormwater management plan also includes an Operation and Maintenance Plan describing the maintenance requirements for structural best management practices.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP): A plan required by the National Pollutant Discharge Elimination System (NPDES) Phase II, showing the sequence of disturbance and erosion control measures at construction sites, aimed at preventing sediment and stormwater runoff from entering receiving waters of the Commonwealth.

STRIP: Any activity, which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

TSS: Total Suspended Solids. Material, including but not limited to trash, debris, soils, sediment and sand suspended in stormwater runoff.

VERNAL POOLS: Confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by the Mass. Division of Fisheries and Wildlife.

WATERCOURSE: A natural or man-made channel, either above-ground or below-ground, through which water flows, including a river, brook, or stream.

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act M.G.L. c. 131, s.40 and in Chapter 138 of the Townsend Wetland Bylaw.

III. Authority

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule Statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34, and as authorized by the residents of the Town of Townsend at the **Fall** Town Meeting, dated _____, 2006.

IV. Applicability

This Bylaw shall apply to all land-disturbing activities within the jurisdiction of the Town of Townsend, whether new development or redevelopment. Except as permitted by the Stormwater Agent in a stormwater management permit or as otherwise provided in this Bylaw, no person shall perform any activity that results in land disturbance of one acre (43,560 square feet) or greater without first obtaining a stormwater permit according to the provisions of this Bylaw.

A. **Regulated Activities.** Regulated activities shall include, but not be limited to:

1. Land disturbance of greater than one acre (43,560 square feet), associated with construction or reconstruction of structures,

2. Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs one acre (43,560 square feet) or more of land,

3. Paving or other change in surface material over an area of one acre (43,560 square feet) or more causing a significant reduction of permeability or increase in runoff,

4. Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of more than one acre (43,560 square feet),

5. Any other activity altering the surface of an area exceeding one acre (43,560 square feet) that will, or may, result in increased stormwater runoff flowing from the property into a public way, the municipal storm drain system or to a watercourse or wetland.

B. **Exempt Activities.** The following activities are exempt from the requirements of this Bylaw:

1. Normal maintenance and improvement of Town owned public ways and appurtenances. New road and building construction, however, is subject to a stormwater permit.

2. Normal maintenance and improvement of land in agricultural or forestry use as defined by the Massachusetts Wetlands Protection Act and its Regulations.

3. Repair of septic systems when required by the Board of Health for the protection of public health.

4. Normal maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling provided such maintenance does not include the addition of more than 300 cubic yards of soil material, construction of any walls, alteration of existing grades by more than one foot in elevation, or alteration of drainage patterns.

5. The construction of fencing that will not alter existing terrain or drainage patterns.

6. Construction of utilities other than drainage (gas, water, sewer, electric, telephone, etc.) that will not alter terrain or drainage patterns.

V. Administration

A. The Stormwater Agent shall administer this Bylaw.

B. The Stormwater Agent shall review all applications for a stormwater management permit, conduct inspections, issue a final permit and conduct any necessary enforcement actions. Following receipt of a completed application, the Stormwater Agent shall seek review and comments from the Planning Board, Conservation Commission and the DPW. The Stormwater Agent shall not make a decision on the stormwater management permit until it has received comments from the Conservation Commission and Planning Board or until the Conservation Commission and Planning Board have allowed twenty-one (21) calendar days to elapse after receipt of the application materials without submission of comments thereon.

C. The Stormwater Agent will refer to the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Management guidance document in administering this Bylaw.

D. The Applicant will publish a notice in a newspaper of general circulation in Townsend that the Stormwater Agent is accepting comments on the stormwater management permit. The stormwater management permit application shall be available for inspection by the public during normal business hours at the Town Hall for seven (7) calendar days from the notice. A public hearing is not required. The public may submit their comments within the time that the stormwater management permit is available for inspection. Comments may be submitted to the Stormwater Agent during normal business hours.

E. Filing an application for a stormwater management permit grants the Stormwater Agent or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

F. The Stormwater Agent may:

i.Approve the Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this Bylaw;

ii.Approve the Application and issue a permit with conditions, modifications, requirements for operation and maintenance requirements of permanent structural BMPs, designation of responsible party, or restrictions that the Stormwater Agent determines are required to ensure that the project will protect water resources and will meet the objectives and requirements of this Bylaw; or

iii.Disapprove the application and deny a permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this Bylaw. If the Stormwater Agent finds that the applicant has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the Stormwater Agent may disapprove the application, denying a permit.

G. No permit shall be issued by the Stormwater Agent for projects that are actively under review or pending decisions from the Conservation Commission or the Planning Board until those decisions have been concluded.

H. The Stormwater Agent shall take final action on an Application within 30 business days if review from Conservation Commission or Planning Board is not required. Upon certification by the Town Clerk that the allowed time has passed without the Stormwater Agent's action, the stormwater management permit shall be issued by the Stormwater Agent.

I. The Stormwater Agent shall take final action on an Application within 10 business days of final decision(s) from Conservation Commission and/or Planning Board if the project was under review by the Conservation Commission and/or the Planning Board.

J. Appeals of Action by the Stormwater Agent. A decision of the Stormwater Agent shall be final. Further relief of a decision by the Stormwater Agent made under this Bylaw shall be reviewable by a court of competent jurisdiction. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

VI. Regulations

The Stormwater Agent may adopt and periodically amend Stormwater Regulations relating to receipt and content of Stormwater Management applications; review time periods, permit terms, conditions, additional definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Bylaw by majority vote of a joint meeting of the Planning Board and Conservation Commission, after conducting a public hearing to receive comments on the proposed regulations and/or any proposed revisions.

Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) calendar days before the hearing date. After public notice and hearing, the Stormwater Agent may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Stormwater Agent to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

VII. Permits and Procedures

Permit procedures and requirements (including plan submittal requirements) shall be defined as part of any Regulations promulgated under section VI. of this Bylaw.

VIII. Operation and Maintenance Plans

An Operation and Maintenance Plan (O&M plan) is required at the time of application for all projects reviewed under this Bylaw. The O&M plan shall be designed to ensure compliance with the permit, this Bylaw and that the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, are met in all seasons and throughout the life of the stormwater system(s). The O&M plan shall remain on file with the Stormwater Agent.

Submittal requirements, specifications and other details of the O&M plans shall be specified in the Regulations promulgated under section VI. of this Bylaw.

IX. Fees and Surety

The Stormwater Agent shall establish fees to cover expenses connected with application review, monitoring permit compliance. The fees shall be sufficient to cover Town secretarial staff and professional staff. The Stormwater Agent is also authorized to retain and charge the applicant fees to cover the services of a Registered Professional Engineer or other professional consultant to advise the Stormwater Agent on any or all aspects of the project. The applicant for a Stormwater management permit may be required to establish and maintain an escrow account to cover the costs of said consultants. Applicants must pay review fees to the Stormwater Agent before the review process may begin.

The Stormwater Agent may require the permittee to post, before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security for a period of five (5) years, to cover any Town expenses that may be occasioned by the failure of the stormwater management system and to ensure its successful installation in compliance with the permit. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Stormwater Agent to insure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Agent may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Stormwater Agent has received the final report as required in the Regulations and issued a certificate of completion.

X. Waivers

A. The Stormwater Agent may waive strict compliance with any requirement of this Bylaw or the rules and regulations promulgated hereunder, where such action:

1. is allowed by federal, state and local statutes and/or regulations,

2. is in the public interest, and

3. is not inconsistent with the purpose and intent of this by-law.

B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-law does not further the purposes or objectives of this Bylaw.

C. All waiver requests shall be discussed and a decision will be made by the Stormwater Agent within 30 days of receiving the waiver request.

D. If in the Stormwater Agent's opinion, additional time or information is required for review of a waiver request, the Stormwater Agent may continue a consideration of the waiver request to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

XI. Enforcement

A. The Stormwater Agent or its authorized agent shall enforce this Bylaw, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Orders. The Stormwater Agent or its authorized agent may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder, which may include:

1. a requirement to cease and desist from the land-disturbing activity until there is compliance with the Bylaw or provisions of the land-disturbance permit;

2. maintenance, installation or performance of additional or permanent erosion and sediment control measures;

3. monitoring, analyses, and reporting;

4. remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity;

5. compliance with the Operation and Maintenance Plan;

6. If the enforcing person determines that abatement or remediation of erosion and sedimentation 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 of Townsend may, at its option, undertake such work, and the property owner shall reimburse the Town's expenses.

7. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator (if different than the property owner) and the property owner shall be notified of the costs incurred by the Town of Townsend), including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Agent 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 Stormwater Agent 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, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.

8. Criminal Penalty. Any person who violates any provision of this Bylaw, regulation, order or permit issued there under, shall be punished by a fine of not more than $ 300.00. Each day or part thereunder that such violation occurs or continues shall constitute a separate offense.

9. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Townsend may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D, in which case the Stormwater Agent or authorized agent shall be the enforcing person. The penalty for each violation shall be $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

10. Tax Liens. The Town of Townsend shall require the repayment of services provided to the responsible party, which the responsible party was obligated to perform as put forth in the Operation and Maintenance Plan. Such services may include but are not limited to the following: removing sediment from stormwater devices, repairing stormwater devices or revegetating stormwater devices. The Town will send the responsible party a bill for services provided. If the bill is not paid the Town may impose a tax lien on the responsible party or parties' property.

XII. Inspections

No plan will be approved without adequate provisions for inspection of the property before development activity commences. The applicant shall arrange a schedule of the following inspections with the Stormwater Agent:

A. Initial inspection, prior to approval of any plan.

B. Erosion Control Inspections: after site clearing, rough grading and final grading to ensure erosion control practices are in accordance with the plan.

C. Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures.

D. Final Inspection: when all work, including construction of stormwater and erosion control facilities and all landscaping has been completed.

The Stormwater Agent shall inspect all work and either approve it or notify the applicant in writing in what respects there has been failure to comply with the requirements of the approved plan. The Stormwater Agent may require the applicant to submit copies of their Stormwater Pollution Prevention Plan (SWPPP) at any time. The applicant shall promptly correct any portion of the work, which does not comply, or the applicant will be subject to the surety provisions of section IX of this Bylaw or the enforcement provisions of section XI. The Town may conduct random inspections to ensure effective control of erosion and sedimentation during all phases of construction.

XIII. Severability

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence or clause of this bylaw 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 bylaw.

XIV. Effective Date

This Bylaw shall take effect upon approval of the Attorney General and once the requirements of Massachusetts General Law Chapter 40, Section 32 are complied with.

Town of Townsend

ILLICIT CONNECTIONS AND DISCHARGES TO THE MUNICIPAL STORM DRAIN SYSTEM

Draft 6: Prepared by the Townsend Stormwater Committee, March 2006
Note: Section numbering is subject to change.

SECTION 22-101. PURPOSE and AUTHORITY

1. Purpose

The purpose of this bylaw is to regulate illicit connections and discharges to the municipal storm drain system and waters of the Commonwealth, which is necessary for the protection of Townsend's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this bylaw are:
A. To prevent pollutants from entering Townsend's municipal separate storm sewer system (MS4) and waters of the Commonwealth;
B. To prohibit illicit connections and unauthorized discharges to the MS4;
C. To require the removal of all such illicit connections;
D. To comply with state and federal statutes and regulations relating to stormwater discharges;
E. To establish the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement;
F. To prevent contamination of drinking water supplies.

2. Authority

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34. The Stormwater Agent shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Stormwater Agent may be delegated in writing to other qualified employees or agents of the Town of Townsend.

SECTION 22-102. DEFINITIONS

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

Authorized Enforcement Agency: The Stormwater Agent is authorized to enforce this bylaw.

Best Management Practice (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff.

"Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

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: All water beneath the surface of the ground.

Illegal Discharge: Any direct or indirect non-stormwater discharge into the municipal storm drain system, except as specifically exempted in Section 22-105, Subsection 4. The term does not include a discharge in compliance with an NPDES Storm Water or Surface Water Discharge Permit or resulting from activities exempted pursuant to Section 22-105, subsection 4, of this bylaw.

Illicit Connection: Any surface or subsurface drain or conveyance, which allows an illegal discharge into the municipal storm drain system. Illicit connections include conveyances which allow a non-stormwater discharge to the municipal storm drain system including but not limited to: 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 bylaw.

Impervious Surface: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roofs. Impervious surface also includes soils, gravel driveways, and similar surfaces.

Municipal separate storm sewer system (MS4) 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 man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Townsend.

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-Stormwater Discharge: Any discharge to the municipal storm drain system not composed entirely of stormwater.

Person: Any individual, partnership, association, firm, company, trust, corporation, and, any 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 include, but shall not be limited to:

(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, articles, accumulations and floatables;
(5) pesticides, herbicides, and fertilizers;
(6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
(7) dissolved and particulate metals;
(8) animal wastes;
(9) rock, sand, salt, soils;
(10) construction wastes and residues, including but not limited to sediments, slurries, and concrete rinsates;
(11) and noxious or offensive matter of any kind.

Process wastewater means any 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 (rain) runoff, snow melt runoff, and surface water runoff and drainage.

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 Massachusetts General Laws Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

Uncontaminated: Water containing no pollutants.

Watercourses: 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, coastal waters, and groundwater.

Wastewater: 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 22-103. APPLICABILITY

This bylaw shall apply to flows entering the municipally owned storm drainage system and waters of the Commonwealth.

SECTION 22-104. REGULATIONS

The Stormwater Agent may promulgate rules, regulations and a permitting process to effectuate the purposes of this bylaw. Failure by the Stormwater Agent to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

SECTION 22-105. PROHIBITED ACTIVITIES

1. Illegal Discharges

No person shall dump, discharge, cause or allow to be dumped or discharged any pollutant or non-stormwater discharge into the municipal storm drain system, watercourse, or into the waters of the Commonwealth.

2. 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.

3. 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 approval from the Stormwater Agent or its designated agent.

4. Exemptions

This section shall not apply to any of the following non-stormwater discharges or flows provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

A. Waterline flushing;
B. Flows from potable water sources;
C. Springs;
D. Natural flows from riparian habitats and wetlands;
E. Rising groundwater;
F. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
G. Discharge from landscape irrigation or lawn watering;
H. Water from individual residential car washing;
I. Discharge from dechlorinated swimming pool water (less than one part per million (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.
J. Uncontaminated groundwater discharge from a sump pump or crawl space pump.
K. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems, such as dewatering excavations for foundation or pipelines), crawl space pumps, or air conditioning condensation;
L. Discharges from street sweepers of minor amounts of water during operations;
M. Discharges or flows resulting from fire fighting activities;
N. Dye testing, provided verbal notification is given to the Stormwater Agent prior to the time of the test;
O. Non-stormwater discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Massachusetts 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
P. Discharges for which advanced written approval is received from the Stormwater Agent if necessary to protect public health, safety, welfare or the environment.

SECTION 22-106. SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

1. The Stormwater Agent 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 illegal discharge that presents or may present 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.

2. Any person discharging to a muncipal storm drain system in violation of this bylaw may have their municipal storm drain system access terminated if such termination would abate or reduce an illicit discharge. The Stormwater Agent will notify a violator of the proposed termination of municipal storm drain system access. The violator may petition the Stormwater Agent for reconsideration and hearing. A person commits an offense if the person reinstates municipal storm drain system access to premises terminated pursuant to this section, without prior approval from the Stormwater Agent.

SECTION 22-107. NOTIFICATION OF SPILLS

Notwithstanding any other requirements of local, state or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials at that facility operation which is resulting or may result in illegal discharge of pollutants that 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, Stormwater Agent and Board of Health. In the event of a release of non-hazardous material, said person shall notify the Stormwater Agent no later than the next business day. Written confirmation of all telephone, facsimile or in person notifications shall be provided to the Stormwater Agent 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 22-108. ENFORCEMENT

1. The Stormwater Agent or its authorized agent shall enforce this bylaw, and the regulations promulgated thereunder, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.

2. Civil Relief

If anyone violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the Stormwater Agent may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or compelling the person to abate or remediate the violation.

3. Compliance Orders

The Stormwater Agent may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the storm drainage system; (b) termination of access to the storm drainage system; c) performance of monitoring, analyses, and reporting; (d) cessation of unlawful discharges, practices, or operations; and (e) remediation of contamination in connection therewith. If the Stormwater Agent determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. 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 or property owner

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 Stormwater Agent 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 Stormwater Agent 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 Massachusetts General Laws Chapter 59, § 57 after the thirty-first day at which the costs first become due.

4. Criminal and Civil Penalties

Any person who violates any provision of this bylaw, valid regulation, or the terms or conditions in any permit or order prescribed or issued thereunder, shall be subject to a fine not to exceed $300.00 for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.

5. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Town of Townsend may elect to utilize the non-criminal disposition procedure set forth in Massachusetts General Laws Chapter 40, §21D. The Stormwater Agent, or the Agent's designee, shall be the enforcement officer. The penalty for the 1st violation shall be $100. The penalty for the 2nd violation shall be $200. The penalty for the 3rd and subsequent violations shall be $ 300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

6. Entry to Perform Duties Under this Bylaw

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department of Public Works, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Agent deems reasonably necessary

7. Appeals

The decisions or orders of the Stormwater Agent shall be final. Further relief shall be to a court of competent jurisdiction.

8. Remedies Not Exclusive

The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 22-109. SEVERABILITY

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence or clause of this bylaw 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 bylaw.

SECTION 22-110. TRANSITIONAL PROVISIONS

Residential property owners shall have ninety (90) days from the effective date of this bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.

SECTION 22-111. EFFECTIVE DATE

This Bylaw shall take effect upon approval of the Attorney General and once the requirements of Massachusetts General Law Chapter 40, Section 32 are complied with.