Municipality/Organization: **Town of Boxborough**

EPA NPDES Permit Number: **MA941183/MaDEP**

MaDEP Transmittal Number: **W-03602**

Annual Report Number & Reporting Period: **No. 4: May 06 – May 07**

NPDES PII Small MS4 General Permit Annual Report

Part I. General Information

Contact Person: Elizabeth Hughes Title: Town Planner

Telephone #: 978/263-1116 x 112 Email: elizabeth.hughes@town.boxborough.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:

Printed Name: Selina Shaw

Title: Town Administrator

Date: October 5, 2007

Part II. Self-Assessment

The Town of Boxborough has completed the required self assessment and has determined that our municipality is in compliance with all permit conditions.

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 4	Planned Activities – Permit Year 5(**Reliance on non-municipal partners indicated)
1.1	Educate the community by informing them that any dumping into town storm drains is illegal.	CC, BoH	Prepare brochure for distribution in 2007/2008. Post information on CC & BoH web page.	Brochure being drafted as part of illicit storm drain connection bylaw implementation.	Distribution to residents and business owners in 2007/2008 Put information on the town website.
1.2	Distribute information regarding the following items: ▪ function and proper maintenance of private wells and septic systems with any well and septic permit. ▪ the use of detergents, fertilizers, and other potentially harmful practices. ▪ the use of environmentally friendly products.	CC, BoH	Prepare brochure for distribution in 2007. Post information on CC & BoH web page.	Finalize brochure for distribution to residents and business owners in 2007. Put information on town website. Distributed EPA's "The Solution to Stormwater Pollution" brochure at annual Town Meeting on May 14, 2007	Continue to distribute information at various Town sponsored events, Town Meeting and on the Town's web page.

1.3	Distribute information explaining the hazards of dumping hazardous materials and the importance of participating in Hazardous Waste collections.	BoS, BoH, DPW	Prepare brochure and distribute at the town transfer station.	Brochure distributed at least two weeks prior to the collection date – publicized date in the local newspaper, on town website and via BoS email list. Hazardous Waste Collection day held May 19, 2007	Distribute information similar to last year. Hazardous Waste Collection day to be held in April or May 2008
1.4	Develop Stormwater Management Plan	PB	Prepare Stormwater Management Plan.	Draft copy of Plan reviewed by all Town Boards/Committees/Staff.	Make necessary revisions to the Stormwater Management Plan
1.5	Develop pet waste program for municipal & conservation land	BoS, CC, DPW, TP	Develop informational pamphlet Provide proper waste disposal items at municipal and conservation land	Funds still need to be appropriated	Purchase and install waste disposal items Finalize informational pamphlet

2. Public Involvement and Participation

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 4 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 5
2.1	Water Resources Committee	BoS, CC, PB, BoH	Put water quality monitoring under the WRC's charge.	Water Resources Committee formed and Committee has been monitoring water quality reports and assessing pollution issues	Committee will continue to monitor reports and follow-up on any pollution issues
2.2	Implement a stewardship program for conservation lands.	BoS, CC	Volunteer stewardship program adopted	Land Stewardship Committee has evaluated most heavily used trails and began correcting drainage issues through construction activities.	LansCom will continue to evaluate drainage issues on existing trails and will be recommending improvements to the CC for implementation in fall 2007

2.3	Evaluate the Use Schedule of the Zoning Bylaw to further regulate uses that may impact groundwater quality.	PB	Prepare Article for changing Use Schedule so that Automobile fuel/ service stations and repair garages are allowed by special permit instead of by right.	Article was postponed until the Board of Health Illicit Discharge Bylaw had adopted at the 2007 Annual Town Meeting.	Place bylaw amendment on the warrant for 2008 Annual Town Meeting
2.4	Public hearings on Draft Stormwater Management Plan	PB, BoS	Hold public hearings in 2006/2007		Hold public hearing, incorporate changes and have Plan accepted by PB & BoS

3. Illicit Discharge Detection and Elimination

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 4 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 5
3.1	Map the location of all catch basins, manholes, pipes, outfall pipes, and the names of all waters that receive discharges from those outfalls on GIS.	DPW	Number of drainage facilities mapped.	All catchbasins have been mapped on GIS. Continue to map drainage outlet pipes.	Finalize GPS of drainage structures in 2007/2008
3.2	Dry Weather Screening and mapping of Outfalls.	DPW, BoH	Perform inspections.	Scheduled for years 4 through 5.	
3.3	Develop a System for removal, clean-up, and mitigation of Illicit Discharges once detected.	PB, BoH	Number of illegal discharges that have been detected.	Illicit Discharge Bylaw accepted by 2007 Annual Town Meeting in May 2007	Board of Health to begin removal, clean-up and mitigation of detected illicit discharges
3.4	Stencil all storm drains with "NO DUMPING – Drains to the Environment" stencils.	DPW	Stencil basins	Develop stencil	Scheduled for summer/fall of 2007/2008

3.5	Illicit discharge bylaw	BoS, BoH, DPW	Warrant article on 2007 Annual Town meeting	Illicit Discharge Bylaw passed at Town Meeting in May 2007	Implement Illicit Discharge Bylaw

4. Construction Site Stormwater Runoff Control

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 4 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 5
4.1	Review existing regulations for adequate construction site erosion and post-construction stormwater management.	CC, PB, BoH	Amendments to existing regulations and develop standard conditions of approval.	Regulations have been put into place requiring the submission of erosion control plans and standard conditions of approval. ECP form adopted requiring inspections by Town's consulting engineer at specific times during construction	Continued enforcement of site construction erosion control measures. Review Site Plan regulations and propose changes to 2008 Annual Town Meeting.
4.2	Building Inspector to aggressively enforce regulations and bylaws pertaining to construction run-off.	BoS, BI, TP	Number of enforcement orders issued.	No enforcements issued	Continued enforcement of site construction erosion control measures.
4.3	Erosion Control Plan	PB, TP	Submission of Erosion Control Plan for subdivisions and commercial developments	Regulations have been put into place requiring the submission of erosion control plans and standard conditions of approval. A revised ECP form adopted requiring inspections and sign-off by Town's consulting engineer at specific times during construction.	Continue implementation of regulation and conditions and inspections.

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 4 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 5
5.1	Review existing regulations for adequate construction site erosion and post-construction stormwater management.	CC, PB, BoH	Amendments to existing regulations and develop standard conditions of approval.	Erosion Control Plan form adopted requiring inspections by Town's consulting engineer at specific times during construction	Continued enforcement of site construction erosion control measures. Review Site Plan regulations and propose changes to 2008 Annual Town Meeting.

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 4 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 5
6.1	Minimize the use of road salt.	DPW	Miles of public road where a reduced salt mix has been used.	DPW used a reduced salt mix ratio: (25%NaCL to 75% Sand) for FY07	Continue to use a reduced salt mixture for winter of 2007-2008.
6.2	Sweep all streets and town parking lots annually by June 1st.	DPW	Miles of streets swept.	Sweep all streets by June 1, 2007 (Due to continued inclement weather, sweeping had to be postponed)	Sweep all streets by June 1, 2008
6.3	Clean all town catch basins annually.	DPW	Number of catch basins cleaned	All catch basin cleaned by June 30, 2007 (Due to continued inclement weather, cleaning had to be postponed)	Clean all town catch basins by June 30, 2008
6.4	Test Water Quality in municipal buildings once every two years.	BoH	Number of tests performed.	Blanchard Memorial School/ Fire/Police water tested on a regular basis as a Community Water Supply.	Continue testing every 2 years
6.5	Municipal employee training.	BoS, DPW	Establish procedures to train municipal employees on using BMPs for all municipal operations	No action to date	Draft employee training manual

6.6	Monitor 21E sites and their clean up.	BoH	Number of sites monitored.	Continue to monitor all open 21E Sites.	Continue to monitor all open 21E sites
6.7	Track failed septic systems on GIS	BoH,TP	Number of failed systems mapped.	No failed systems mapped to date.	Continue failed septic system failure mapping on GIS.
6.8	Continue groundwater monitoring program along with Site Plan Approval and continue to monitor groundwater quality reports prepared by the Littleton Water Department. Track results on GIS.	BoH, PB, TP	Require groundwater monitoring for all commercial operations requiring Site Plan Approval from the Planning Board.	Commercial Site Plans groundwater monitoring was conducted by Littleton Water Department. No commercial site plans issued in Permit Year 4	Continue commercial groundwater monitoring. Put Groundwater Monitoring information on GIS.

(BoS: Board of Selectmen; PB: Planning Board; TP: Town Planner; BI: Building Inspector; BoH: Board of Health; CC: Conservation Commission; DPW: Public Works Director).

7. Certification of Eligibility – Endangered Species Act & National Historic Preservation Act

Based upon the NHESP Priority Habitat Map, the Town does not discharge into any Priority Habitats of Endangered Species and meets the eligibility criteria. Massachusetts Historical Commission letter attached.

8. Discharges into Water Quality Impaired Waters

The Town does not discharge into any water quality impaired waters.

9. Discharges into Waters with Approved Total Maximum Daily Load Allocations

The Town does not discharge into any waters with approved TMDL allocations.

10. Stressed Basins

The Town has reviewed the *Stressed Basins in Massachusetts* report. The Town of Boxborough is not located within any basins identified as a "high" or "medium" stressed.

See attached copy of Town's Illicit Discharge Bylaw approved in Permit Year 4.

The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

June 27, 2007

Elizabeth Hughes
Town Planner
Town of Boxborough
29 Middle Road
Boxborough, MA 01719

RE: NPDES MS4 Permit, Town of Boxborough. MHC #RC.42403

Dear Ms. Hughes:

Thank you for submitting information for the proposed project referenced above. Staff of the Massachusetts Historical Commission have reviewed the materials you submitted and our files.

The project consists of NPDES permitting of existing storm water outfalls within the Town of Boxborough. Since there is no new construction or demolition, the project "has no potential to cause effects" (see 36 CFR 800.3(a)(1)) to historic properties.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR 800). If you have any questions or require further information please contact Jonathan K. Patton at this office.

Sincerely,

Edward L. Bell
Senior Archaeologist
Massachusetts Historical Commission

xc: Jeannie Brochi, EPA

220 Morrissey Boulevard, Boston, Massachusetts 02125
(617) 727-8470 • Fax: (617) 727-5128
www.sec.state.ma.us/mhc

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I, Elizabeth Markiewicz, Clerk of the Town of Boxborough, hereby do certify that the following is a true copy of the motion, as amended, and the action taken on Article 17 of the Annual Town Meeting held on May 17, 2007 at the Blanchard Memorial School in Boxborough, Massachusetts.

ARTICLE 17 STORMWATER BYLAW
(Majority vote required)

Mr. Willis moved to adopt a general bylaw, *Discharges into Storm Drains*, to govern discharges into storm drains, as written in the Annual Town Meeting warrant under Article 17.

DISCHARGES INTO STORM DRAINS

SECTION 1. PURPOSE

Increased and contaminated stormwater runoff is a major cause of impairment of: water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

Regulation of illicit connections and discharges to storm drains 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 bylaw are:

1. to prevent pollutants from entering storm water;
2. to prohibit illicit connections and unauthorized discharges to storm drains;
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 bylaw through inspection, monitoring, and enforcement.

SECTION 2. DEFINITIONS

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

AUTHORIZED ENFORCEMENT AGENCY: The Boxborough Board of Health, its employees or agents, or any town appointed board official or municipal employee or contractor designated by the Board to enforce this bylaw.

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

BOARD: The Boxborough Board of Health

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

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

GROUNDWATER: Water beneath the surface of the ground.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into a storm drain, 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 bylaw.

ILLICIT DISCHARGE: Direct or indirect discharge to a storm drain that is not composed entirely of stormwater, except as exempted in Section 8.

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.

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: Discharge to a storm drain not composed entirely of stormwater.

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, fecal coliform and pathogens;
7) dissolved and particulate metals;

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8) animal wastes;
9) rock, sand, salt, soils;
10) construction wastes and residues; and
11) 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.

STORM DRAIN: Any publicly or privately owned 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 a storm drain

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.21C and Ch.21E, 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.

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 3. APPLICABILITY

This bylaw shall apply to flows entering any storm drains located in the Town of Boxborough.

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SECTION 4. 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.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

The Board shall administer, implement and enforce this bylaw. 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, or to any town appointed board official or municipal employee designated by the Board to enforce this bylaw.

SECTION 6. REGULATIONS

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

SECTION 7. PROHIBITED ACTIVITIES

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

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

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

SECTION 8. EXEMPTIONS

The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwater provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

1) Waterline flushing;

2) Flow from potable water sources;

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3) Springs;

4) Natural flow from riparian habitats and wetlands;

5) Diverted stream flow;

6) Rising groundwater;

7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;

8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;

9) Discharge from landscape irrigation or lawn watering;

10) Water from individual residential car washing;

11) 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;

12) Discharge from street sweeping;

13) Dye testing, provided verbal notification is given to the [the Board] prior to the time of the test;

14) 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;

15) Discharge for which advanced written approval is received from the Board as necessary to protect public health, safety, welfare or the environment;

16) Discharge from the routine application of salt and sand by the Town's Department of Public Works; and

17) Discharge from agricultural or lawn care fertilizer products which have been applied in accordance with manufacturer's specifications.

18) Discharge or flow resulting from fire fighting activities.

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SECTION 9. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Board may suspend storm drain 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 10. 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 a storm drain 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 Board, as well as the appropriate state and federal agencies as may be required by law. 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 11. ENFORCEMENT

The Board or an authorized agent of the Board shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations; provided, however, that the Board is not authorized to take any enforcement action under this section unless and until the Board shall have taken a sample of the discharge, and has determined through appropriate testing protocol that the discharge contains a Pollutant.

Civil Relief. If a person violates the provisions of this bylaw, 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.

Orders. The Board or an authorized agent of the Board 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 a storm drain; (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.

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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.

In the event that the violator or property owner fails to abate or remediate within the specified deadline, and
within thirty (30) days after the Town completes 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, or if a protest is filed, on the date at which the adjudicated costs have been determined by the Board or a court of competent jurisdiction.

Criminal Penalty. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder, shall be punished by a fine of not less than $100, and not more than $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, section 21D, in which case the Board of Health or any police officer of the Town shall be the Authorized Enforcing Agent. 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. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

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 Board, 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 Board deems reasonably necessary.

Appeals. Any person aggrieved by any decision or order by the Board under this bylaw shall have the right to request a hearing before the Board, which, after such hearing, shall issue a written decision explaining the reasons for its decision. Such written decision shall be final. Further relief shall be to a court of competent jurisdiction.

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 12. SEVERABILITY

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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 13. TRANSITIONAL PROVISIONS

Residential property owners shall have sixty (60) days from the effective date of the bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.

The Board of Health recommends unanimously (3 – 0).
This bylaw will give our town a tool to protect its citizens from unlawful discharge of contaminants and also protect our water resources.

The Finance Committee recommends unanimously.
We believe that this is the right process to utilize to protect the town. There is no financial impact to the town.

ACTION ON ARTICLE 17: On Mr. Willis's motion, the Town voted unanimously in favor of Article 17.

A true copy, attest:

Elizabeth A. Markiewicz

Elizabeth A. Markiewicz
Town Clerk of Boxborough