



# Stormwater Management Bylaw/Ordinance Template

CENTRAL MASSACHUSETTS REGIONAL STORMWATER COALITION

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**Disclaimer:** This document was prepared for municipalities to use as a template for a Stormwater Bylaw/Ordinance for compliance with the National Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer Systems General Permit, commonly known as the "NPDES MS4 permit." This document is also intended to be used as a reference document for municipalities that want to use standard language to update an existing Stormwater Bylaw/Ordinance. Throughout the document there will be sections labeled "NTU:" (Notes to User) in italics and in between asterisk, \*\*\*, borders. These sections describe the edits and/or decisions that need to be made in the following section. These NTU sections will be deleted when putting together the final document. There are also highlighted words/statements throughout the document that are municipality-specific and must be updated accordingly. Regulatory documents should be reviewed by the Town/City legal counsel before adoption. Language Highlighted in green indicates required language for compliance with the MS4 Permit.

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**NTU:** Insert below the Stormwater Bylaw/Ordinance Article or Chapter, followed by the name of the Bylaw/Ordinance.

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**ARTICLE or CHAPTER**

**STORMWATER MANAGEMENT BYLAW/ORDINANCE**

**Section 1.0 General Provisions**

Section 1.1 Title, Purpose, and Intent

- A. This **Article/Chapter** shall be known as the (**Insert Name of Bylaw/Ordinance**) of the **Town/City of \_\_\_\_\_**) (the "**Bylaw/Ordinance**") and may be so cited.
- B. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of: impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; erosion of stream channels; alteration or destruction of aquatic and wildlife habitat; flooding; and overloading or clogging of municipal catch basins and storm drainage systems.
- C. Regulation of illicit discharges and land disturbance activities contributing contaminated stormwater runoff to the municipality's storm drain system is necessary for the protection of the municipality's

water bodies and groundwater, and to safeguard the public health, safety, welfare, and the environment. This **Bylaw/Ordinance** is required to meet all applicable federal and state requirements of the **Town's/City's** National Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer Systems General Permit, commonly known as the "NPDES MS4 permit."

D. The purposes, objectives, and intent of this **Bylaw/Ordinance** are as follows:

1. To prevent pollutants from entering the municipality's storm drainage system and waters of the Commonwealth of Massachusetts;
2. To establish an Authorized Enforcement Agency to promulgate, adopt, implement, enforce and amend stormwater regulations;
3. To prohibit non-stormwater and unauthorized discharges, connections and obstructions to the municipal storm drainage system;
4. To require the removal of all such illicit discharges, connections and/or obstructions;
5. To comply with state and federal statutes and regulations relating to stormwater discharges;
6. To establish procedures to regulate construction and post-construction stormwater runoff management from new development and redevelopment; and
7. To establish legal authority to ensure compliance with the provisions of this **Bylaw/Ordinance** through inspection, monitoring, and enforcement.

Section 1.2 Definitions

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**NTU:** *The section below provides definitions for terminology from the MS4 Permit and on a municipality-specific basis. This section needs to be reviewed and updated as needed for your municipality.*

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A. The terms used in this **Bylaw/Ordinance** shall have the following meanings:

1. **ALTERATION OF DRAINAGE CHARACTERISTICS:** Any land disturbing activity, as defined herein, on an area of land that changes the water quality, or the force, quantity, direction, timing or location of runoff flowing from the area. 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.

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**NTU (Key Decision):** *Each municipality should have a clearly defined Authorized Enforcement Agency (AEA) to administer, implement and enforce the Bylaw or Ordinance. The AEA should have authority to*

*promulgate, adopt, implement, enforce and amend Stormwater Regulations. Consideration should be given to either naming a person with an official Town/City role as AEA or establishing a “Stormwater Committee” to serve as the AEA comprised of at least one person (position) with an official Town/City role. Note that a formal Committee designation may be subject to MA Open Meeting Law. This is a consideration in cases where the AEA is currently a board or commission who may be made up of a changing group volunteers with varying experience levels and understanding of the MS4 Permit requirements. Insert the AEA, Bylaw/Ordinance name, and Regulations name below.*

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2. AUTHORIZED ENFORCEMENT AGENCY: The **(Insert AEA Here)** and/or his/her designees have the authority to enforce **(Insert Bylaw/Ordinance Name Here)** and **(Insert Regulations Name Here.)**

**3. CITY: City of (Insert Name here), Massachusetts.**

4. CLEAN WATER ACT: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
5. CLEARING: Any activity that removes the vegetative surface cover. Clearing activities generally include grubbing activity as defined below.
6. COMMON PLAN OF DEVELOPMENT OR SALE: A contiguous area where multiple separate and distinct construction activities are occurring under one plan.
7. DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.
8. DIRECTOR: The Director of the **Department of Public Works/Public Works Department.**
9. 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.
10. 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.
11. GRADING: Changing the level or shape of the ground surface.
12. GROUNDWATER: Water beneath the surface of the ground.
13. GRUBBING: The act of clearing land surface by digging up roots and stumps.
14. ILLICIT CONNECTIONS: An illicit connection is defined as either of the following:
  - (a) Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the municipal storm drain system, including but not limited to, any

conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the municipal storm drain system, and any connections to the municipal storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or

(b) Any drain or conveyance connected from a commercial or industrial land use to the municipal storm drain system which has not been documented in plans, maps, or equivalent records and approved by the **Town/City**.

15. ILLICIT DISCHARGE: Any direct or indirect non-stormwater discharge to the municipal storm drain system, except as exempted in *Section 2.2* of this **Bylaw/Ordinance**.

16. 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 roof tops. Impervious surface also includes soils, gravel driveways, and similar surfaces with a runoff coefficient (Rational Method) greater than 0.85.

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

18. MASSACHUSETTS STORMWATER POLICY – The Policy and guidance Handbook 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, ss. 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. The Handbook provides detailed guidance on the Policy.

19. 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/City**.

20. MUNICIPALITY: Refers to **Town/City of \_\_\_\_\_**.
21. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMITS: General, group, and individual stormwater discharge permits issued by the United States Environmental Protection Agency which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act.
22. NON-STORMWATER DISCHARGE: Any discharge to the municipal storm drain system that is not composed entirely of stormwater.
23. OWNER: A person with a legal or equitable interest in property.
24. PERSON: Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, legal entity, agency, public or quasi-public body, authority, department, or political subdivision of the **Town/City**, the Commonwealth, or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.
25. PLAN: Any announcement or piece of documentation or physical demarcation indicating construction activities may occur on a specific plot.
26. POLLUTANT: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind.
27. POLLUTION: The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses.
28. RECHARGE: The replenishment of underground water reserves.
29. REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

- 30. RESPONSIBLE PARTY(IES) or PERSON(S): owner(s), persons with financial responsibility, and persons with operational responsibility.
- 31. RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.
- 32. SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.
- 33. SEDIMENTATION: The process or act of deposition of sediment.
- 34. SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.
- 35. SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.
- 36. SOIL: Earth materials including duff, humic materials, sand, rock, gravel or similar materials.
- 37. STORMWATER: Any surface flow, runoff, and drainage consisting entirely of water from rainstorm events.

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**NTU (Key Decision):** *It is recommended that a Bylaw task force be implemented, if not already in place, to work through the potential consequences of changes to language and updates to procedures to meet the new requirements, and potentially to coordinate inter-departmental review of projects for development and redevelopment. The task force can be a less formal internal group and/or can also function as the authorized enforcement agency (AEA), with a recommendation that at least one person (position) has an official Town/City role. If the task force will be an internal task force, it is not necessary to include a definition within the Bylaw/Ordinance. If the task force is an established Committee or Board charged with being the AEA, they may be subject to MA Open Meeting Law.*

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**38. STORMWATER COMMITTEE: A Committee of the Town/City consisting of the (Insert Committee Members Here.)**

- 39. STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.
- 40. 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.

**41. TOWN: Town of (Insert Town), Massachusetts.**

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**NTU:** Vernal pool is generally defined below. Example language for a more stringent definition includes: “shall include, in addition to scientific definitions found in the Conservation Commission Regulations (if applicable, and the Wetlands Protection Act any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other Vernal Pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the Resource Areas for Vernal Pools shall be the mean annual high-water line defining the depression and an additional one-hundred feet, the jurisdictional buffer shall consist of an additional one hundred feet from the resource area.” Update definition as appropriate below.

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- 42. **VERNAL POOLS (Update from Bylaw/Ordinance definition, if applicable):** Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.
- 43. **WATERCOURSE:** A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.
- 44. **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, groundwaters, and vernal pools.
- 45. **WETLAND RESOURCE AREA:** Areas specified in the Massachusetts Wetlands Protection Act M.G.L. c. 131, s.40 and in the **Town’s/City’s Wetlands Bylaw/Ordinance (if applicable).**
- 46. **WETLANDS:** Coastal and freshwater wetlands, including wet meadows, marshes, swamps, and bogs, as defined and determined pursuant to G.L. c. 131, § 40 and 310 CMR 10.00 et seq.

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**NTU:** Municipalities should review the sample enforcement language and penalty dollar amounts in both this bylaw template and the regulations template with legal counsel and adjust in accordance with Town/City policy, precedent, and preference. It is recommended that fines are issued per violation per day (consistent with Federal Clean Water Act).

Legal Counsel should advise as to which enforcement paragraphs must be placed in the bylaw vs. regulations.

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### Section 1.3 Authority and Responsibility for Enforcement

- A. This **Bylaw/Ordinance** is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act (MGL Chapter 43B), the **Town/City** Charter, MGL Chapter 40, Section 21, pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34, and any other enabling authority available to the **Town/City** .
- B. **(Insert Authorized Enforcement Agency Here)** or an authorized agent thereof (hereafter known as the Authorized Enforcement Agency), shall administer, implement, and enforce the provisions of this **Bylaw/Ordinance**, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- C. The Authorized Enforcement Agency shall have the authority to seek remedies, as described within the stormwater regulations, to enforce this **Bylaw/Ordinance** , its regulations and/or the terms and conditions of its permit.
- D. Any person found to be violating any of the provisions of this **Bylaw/Ordinance** and regulations promulgated by the Authorized Enforcement Agency pursuant to the authority granted by this **Bylaw/Ordinance** and by any and all applicable federal, state or local laws, regulations or rules shall be subject to enforcement action, as described within the stormwater regulations. Each day in which any such violation continues shall be deemed a separate offense.
- E. Any person found to be violating any of the provisions of this **Bylaw/Ordinance** and regulations promulgated by the Authorized Enforcement Agency pursuant to the authority granted by this **Bylaw/Ordinance** and by any and all applicable federal, state or local laws, regulations or rules shall become liable to the **Town/City** for any expense, loss or damage occasioned the **Town/City** by reason of such violation.
- F. Any person receiving notice of an enforcement action may appeal the determination of the Authorized Enforcement Agency. Procedures and Requirements shall be defined and included as part of any rules and regulations promulgated as permitted under **Section 1.6: Regulations of this Bylaw/Ordinance**.
- G. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Authorized Enforcement Agency may elect to utilize the non-criminal disposition procedure set forth in M.G.L. c. 40, §21D and **(Insert Town/City General Bylaw/Ordinance for procedure here, if applicable)**, to be enforced by the **Chief of Police**. 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.

## Section 1.4 Applicability

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**NTU (Key Decision):** Each municipality must require that land disturbing activities be regulated through a permit process administered by the municipality. For compliance with the MS4 Permit, land disturbance of 1 acre or more must be regulated, though many communities choose to set more stringent triggers or thresholds for when such a permit is required. This section specifies the land disturbance threshold that must be regulated. The member communities have largely chosen to set more stringent thresholds, many in combination covering several possible scenarios, and likely based around specific observed development patterns, topographic and geographic conditions, water resources and impairments, and other insights relevant to the community. Some municipalities have established a tiered permit program such that requirements for minor land disturbance projects are less burdensome than those for larger land disturbance project. The highlighted numbered list provides examples from member communities.

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A. This **Bylaw/Ordinance** shall apply to every user of the municipal storm drainage system, including dischargers to the municipal storm drainage system and to the waters of the Commonwealth of Massachusetts, and shall also apply to any land-disturbing activity within the **Town/City of \_\_\_\_\_** where land disturbance is undertaken on a single property or is part of a larger common plan of development or sale that results in disturbance of one acre or more of land. **AND/OR:**

1. Total cumulative disturbance of land that meets or exceeds 20,000 square feet of area
2. Total cumulative added impervious surface that meets or exceed 5,000 square feet
3. Disturbance of volume greater than 1,500 CY
4. Increase in floor area, vehicle traffic, and/or occupancy
5. Project occurs in a critical area or hot spot
6. Land disturbance in sloped areas (15% slope)
7. Increase imperviousness to >50% of parcel

B. The following land disturbance activities are exempt from the requirements of this

**Bylaw/Ordinance:**

1. Normal maintenance and improvement of municipal-owned public ways and related infrastructure.
2. Normal maintenance and improvement of land in agricultural use.
3. Repair or replacement 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 100

- cubic yards of soil material, construction of any walls, alteration of existing grades by more than one foot in elevation, or alteration of drainage characteristics.
5. The construction of fencing that will not alter existing terrain or drainage patterns.
  6. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) that will not alter terrain or drainage patterns.
  7. Activities conducted in accordance with an approved Massachusetts Department of Conservation and Recreation Forest Stewardship Plan.
  8. Regular and approved maintenance of Stormwater Management structures.
  9. Emergency work to protect life, limb, or property.

#### Section 1.5 Ultimate Responsibility of Discharger

- A. The standards set forth herein and promulgated pursuant to this **Bylaw/Ordinance** are minimum standards. This **Bylaw/Ordinance** does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the Commonwealth caused by said person. This **Bylaw/Ordinance** shall not create liability on the part of the municipality, or any agent or employee thereof for any damages that result from any discharger's reliance on this **Bylaw/Ordinance** or any administrative decision lawfully made thereunder.

#### Section 1.6 Authority to Enter, Inspect, Sample, Establish Sampling Devices, and Test

- A. To the extent permitted by law, or if authorized by the owner or other party in control of the property, the Authorized Enforcement Agency, or other agents, officers, and employees of the **Department of Public Works/Public Works Department** may enter upon privately owned property for the purpose of performing their duties under this **Bylaw/Ordinance** and may make or cause to be made such examinations, surveys or sampling as the Authorized Enforcement Agency deems reasonably necessary. During any inspection as provided herein, the Authorized Enforcement Agency may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.
- B. The Authorized Enforcement Agency may require by written notice that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to stormwater pollution, Illicit Discharges, and/or non-stormwater discharges to the Municipal Storm Drain System or waters of the Commonwealth, undertake at said person's expense such monitoring and analyses

and furnish such reports to the **Town/City** as deemed necessary to determine compliance with this Authorized Enforcement Agency.

- C. The Authorized Enforcement Agency may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.
- D. Filing an application for a **Land Disturbance/Stormwater Management Permit** grants the Authorized Enforcement Agency and his/her designees, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit.

#### Section 1.7 Regulations

- A. **The Authorized Enforcement Agent and/or his/her designees, may adopt and periodically amend rules and regulations to effectuate the purposes of this Bylaw/Ordinance.** Said regulations may include but shall not be limited to provisions regarding administration, application requirements, fees, permitting procedures and requirements, design standards, surety requirements, inspection and site supervision requirements, waivers and exemptions, and enforcement procedures.
- B. Failure by the Authorized Enforcement Agent and/or his/her designees to promulgate such rules and regulations shall not have the effect of suspending or invalidating this **Bylaw/Ordinance**.

#### Section 1.8 Severability

- A. The provisions of this **Bylaw/Ordinance** are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this **Bylaw/Ordinance** 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/Ordinance**.

#### Section 1.9 Transitional Provisions

- A. Owners shall have 60 days from the effective date of this **Bylaw/Ordinance** to comply with its provisions, provided good cause is shown for the failure to comply with the **Bylaw/Ordinance** during that period.

### Section 2.0 Illicit Discharge Detection and Elimination

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**NTU:** *The section below provides prohibited activities for discharges into the municipal storm drain system. An additional section may be added for prohibited pollutants, such as pet waste or pavement sealers, and procedures that must be followed to prevent entry of these pollutants into the drain system.*

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### Section 2.1 Prohibited Activities

- A. **Illicit Discharges.** No person shall dump, discharge, cause or allow to be discharged into the municipal storm drain system, watercourses, or waters of the Commonwealth any pollutant or non-stormwater discharge. 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 or illicit discharges into stormwater, to the municipal storm drainage system, or waters of the Commonwealth, the person shall immediately notify the AEA and take all necessary steps to ensure discovery, containment, and cleanup of the release.
- B. **Illicit Connections.** No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. **Obstruction of Municipal Storm Drain System.** No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Authorized Enforcement Agency.

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**NTU (Key Decision):** *The section below provides standard authorized discharges to stormwater drains, but the municipality should review the list and remove any that are not acceptable or adjust language, as appropriate. Note that a change in the list requires of the Bylaw/Ordinance.*

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### Section 2.2 Exceptions

- A. The following non-stormwater discharges and flows to the municipal storm drain system and to waters of the Commonwealth are exempt from the prohibition on illicit discharges, provided that, in the opinion of the Authorized Enforcement Agency, the source is not a significant contributor of a pollutant to the Municipal Storm Drain System or to waters of the Commonwealth:
  - 1. Potable water line flushing;

2. Uncontaminated pumped groundwater and other discharges from potable water sources;
3. Landscape irrigation and lawn watering;
4. Diverted stream flows;
5. Rising groundwater;
6. Groundwater infiltration to the municipal storm drain system;
7. Uncontaminated foundation and footing drains;
8. Uncontaminated water from crawl space pumps;
9. Air conditioning condensation;
10. Uncontaminated non-industrial roof drains;
11. Natural springs;
12. Individual residential and occasional non-commercial car washing;
13. Flows from riparian habitats and wetlands;
14. Dechlorinated swimming pool discharges (provided that the chlorine content is < 1 ppm, water has been allowed to stand for one week prior to draining, and that the discharge is performed in such a way as not to cause a nuisance);
15. Street sweeping waters;
16. Flows resulting from firefighting activities;
17. Water from dyed water testing, with written authorization from the Authorized Enforcement Agency.
18. 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 a surface water discharge permitted by DEP, provided that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided further that written approval has been granted by the Authorized Enforcement Agency for any discharge to the municipal storm drain system;
19. Any other non-stormwater discharges that are not a source of pollutants to the Municipal Storm Drain System nor waters of the Commonwealth, as set forth in a written determination by the Authorized Enforcement Agency.

### **Section 3.0 Stormwater Management and Erosion Control**

#### **Section 3.1 Permits & Procedures**

- A. No person may undertake Land Disturbance Activity regulated by this **Bylaw/Ordinance** in *Section 1.4: Applicability* without a **Land Disturbance/Stormwater Management Permit** from the

Authorized Enforcement Agency pursuant to this **Bylaw/Ordinance** and regulations promulgated hereunder.

- B. Permit Procedures and Requirements shall be defined and included as part of any rules and regulations promulgated as permitted under *Section 1.6: Regulations* of this **Bylaw/Ordinance**.

#### Section 3.2 Fees

- A. The Authorized Enforcement Agency shall establish fees to cover expenses connected with application review and monitoring permit compliance. The fees shall be sufficient to cover the costs of **Town/City** secretarial staff and professional staff time for the review, processing, and monitoring an application and permit.
- B. The Authorized Enforcement Agency may require the Owner to pay reasonable costs to be incurred by the Authorized Enforcement Agency for the employment of outside consultants pursuant to regulations as authorized by G.L. c. 44, § 53G.

#### Section 3.3 Surety

- A. The Authorized Enforcement Agency may require the permittee to post before the start of any Land Disturbance Activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by **Town/City Counsel**, if necessary, and be in an amount deemed sufficient by the Authorized Enforcement Agency to ensure that the work will be completed in accordance with the permit. If the project is phased, the Authorized Enforcement Agency may, in its sole and absolute discretion, 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 Authorized Enforcement Agency has received a final report stating that all the work has been satisfactorily completed, as required in the Regulations.

#### Section 3.4 Waivers

- A. The Authorized Enforcement Agency may waive strict compliance with any requirement of the rules and regulations promulgated hereunder, where such action: is allowed by federal, state and local statutes and/or regulations, is in the public interest, and is not inconsistent with the purpose and intent of this **Bylaw/Ordinance**.