

**Proposed Stormwater Management Bylaw  
(Chapter 21)  
for  
Town Meeting, May 2006**

**SECTION 1. PURPOSE**

The purpose of this Bylaw is to: implement the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems issued by the U.S. Environmental Protection Agency; protect the public health, safety, and welfare of Milton residents; protect the natural resources, water bodies, groundwater resources, environment, and municipal facilities of the Town; satisfy the appropriate water quality requirements of the Federal Clean Water Act; eliminate and prohibit illicit connections and discharges to the Municipal Storm Drain System of the Town; eliminate or reduce the adverse effects of soil erosion and sedimentation as a result of land disturbing activities; and manage stormwater runoff to minimize adverse impacts to the Town, its citizens, and the environment.

Chapter 21 is adopted under authority granted by the Home Rule Amendments of the Massachusetts Constitution, the Massachusetts Home Rule statutes, and the regulations of the Federal Clean Water Act found at 40 CFR 122.34. The provisions of Chapter 21 apply to all property owners in the Town.

The Department of Public Works (DPW) shall administer, implement, and enforce Chapter 21. Any powers granted to or duties imposed upon the DPW to promulgate rules and regulations shall not have the effect of suspending or invalidating this Bylaw. The DPW may promulgate rules and regulations to effectuate the purpose of this Bylaw. The Board of Selectmen shall approve such rules and regulations after a public notice in a newspaper of general circulation and a public hearing. Failure to promulgate such rules and regulations or a determination of their invalidity by final order or judgement of a court of competent jurisdiction shall not have the effect of suspending or invalidating Chapter 21.

**SECTION 2. DEFINITIONS**

Unless otherwise defined in this section, the terms in this Chapter correspond to definitions found in the Clean Water Act (33 U.S.C. section 1251 et seq.) and the General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems issued by the U.S. Environmental Protection Agency.

The following definitions apply to this Chapter:

- (a) Applicant - The property owner.
- (b) Clean Water Act - The Federal Water Pollution Control Act (33 U.S.C. section 1251 et seq.) as it is amended from time to time.

- (c) Clearing - Any activity that removes the surface cover from land and exposes soil to the potential influence of stormwater.
- (d) 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 constructed, permitted, or approved before the effective date of this Bylaw.
- (e) Illicit Discharge - Direct or indirect discharge to the storm drain that is not composed entirely of stormwater, except as exempted in Section 4.
- (f) 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.
- (g) Project – Land disturbance conducted on either a single property or multiple properties as part of a single proposal (e.g., residential subdivision).
- (h) Stormwater – Runoff from rain, snowmelt, or stream of water, including a river, brook or underground stream.

### **SECTION 3. APPLICABILITY**

This Chapter applies to all property owners that discharge or propose to discharge stormwater off their property into the Municipal Storm Drain System of the Town of Milton. To the extent a project is required to obtain approval from the Milton Conservation Commission pursuant to the Wetland Protection Act (MGL Chapter 131, Section 40) the provisions of this Chapter do not apply.

The following discharges are exempt from this Chapter:

- (a) DPW ice and snow control operations;
- (b) Flow resulting from fire fighting activities;
- (c) Natural flow from riparian habitats and wetlands;
- (d) Dye testing, provided verbal notification is given to the DPW prior to the time of the test;
- (e) Non-stormwater discharge permitted under an NPDES permit administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and,
- (f) Projects that commenced prior to the effective date of this Bylaw provided they are completed within one year from such effective date.

The following discharges are exempt from Chapter 21 provided they do not significantly increase pollutant loads to the Municipal Storm Drain System:

- (g) Waterline flushing;
- (h) Flow from potable water sources;
- (i) Uncontaminated groundwater or uncontaminated pumped groundwater;
- (j) Water from exterior foundation drains, footing drains, crawl space pumps, or air conditioning condensation;
- (k) Water from sump pumps and other pumps that remove floodwaters from basements;
- (l) Water discharge from irrigation or watering of lawns, trees, landscaping, and gardens;
- (m) Water from property management activities including washing walkways, patios, house siding, windows, vehicles garaged at that property, or similar property management activities;
- (n) Discharge from de-chlorinated 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.

#### **SECTION 4. STORMWATER MANAGEMENT REQUIREMENTS**

All projects shall prevent the discharge of polluted stormwater to the Municipal Storm Drain System of the Town. Projects involving either clearing of more than 7,500 square feet of land or stockpiling more than 100 cubic yards of excavate or fill shall:

- (a) Notify DPW in writing of the date and nature (including a sketch) of the proposed project at least 30 days prior to commencement of site clearing or stockpiling activities;
- (b) Implement measures to prevent the offsite discharge of sediment;
- (c) Control wastes to prevent discharge of stormwater contacting the wastes;
- (d) Implement other stormwater management measures at the direction of the DPW;
- (e) Implement a program of inspection and maintenance to ensure proper operation of stormwater management measures; and,
- (f) Provide additional stormwater-related information at the request of DPW.

In addition to the requirements of subparagraph (a) through (f), projects clearing more than one acre of land or stockpiling more than 1000 cubic yards of excavate or fill shall also prepare and submit to DPW for approval an Erosion and Sedimentation Control Plan including the following elements:

- (g) Name, address and telephone number of the owner and person responsible for implementation of the plan and for proper inspection and maintenance of erosion and sedimentation controls;
- (h) One or more plans depicting property lines, existing and proposed topography in one-foot increments, boundaries of wetlands and natural or artificial water storage or conveyance structures, and location of all existing and proposed buildings and impervious surfaces;
- (i) A narrative description of proposed erosion control measures and sedimentation control measures;
- (j) Location and design details of erosion and sediment control measures proposed to prevent off-site sediment transport during construction;
- (k) A locus map showing the site in relationship to the surrounding area's watercourses, water bodies and other significant geographic features, and roads and other significant structures;
- (l) A plan showing the extent of clearing, construction equipment access and storage areas, and material laydown and soil stockpile areas;
- (m) A construction schedule including estimated dates for initiation and completion for such tasks as clearing and grading, construction of utilities and infrastructure, construction of buildings, and final grading and landscaping; and,
- (n) A written program of documented inspections of stormwater management systems and a corrective action program for identified deficiencies.

In addition to the requirements of subparagraphs (a) and (n), projects clearing more than one acre of land shall prepare and submit to DPW for approval a Stormwater Management Plan prepared by a Registered Professional Engineer or a Registered Land Surveyor, including the following elements:

- (o) Drainage area map showing drainage area and stormwater flow paths;
- (p) Location of all existing and proposed stormwater utilities including structures, pipes, swales and detention basins;
- (q) Topographic survey showing existing and proposed contours in one-foot intervals;
- (r) Soil permeability data for areas where infiltration stormwater management systems will be installed;
- (s) Description of all watercourses, impoundments, and wetlands on or adjacent to the site or into which stormwater flows;
- (t) Delineation of 100-year floodplains, if applicable;
- (u) Groundwater levels at the time of probable high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration;

- (v) Location of any existing and proposed easements to be used for stormwater management;
- (w) Calculations necessary to prove that the project will not increase peak stormwater flows off site;
- (x) A narrative description of proposed measures for permanent management and treatment of stormwater;
- (y) Structural details for all components of the proposed drainage systems and stormwater management facilities; and,
- (z) A written program of documented inspections and maintenance of the stormwater management systems and a corrective action program for identified deficiencies.

All projects subject to this Bylaw shall comply with the Stormwater Management Policy of the Massachusetts Department of Environmental Protection. The DPW may require any additional information or data which is reasonably necessary to review compliance with this Chapter.

#### **SECTION 5. APPLICATION & REVIEW PROCEDURES**

The applicant shall file with the DPW, two (2) copies of plans required under Section 4 on forms specified by the DPW. Within 30 calendar days after receiving such plans, the DPW shall, in writing:

- (a) Approve the plans as submitted and issue a permit;
- (b) Approve the plans subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Chapter, and issue a permit subject to these conditions;
- (c) Disapprove the plans, specifying the reason(s) and procedure for submitting a revised application and/or submission; or,
- (d) Request additional information or data.

Failure of the DPW to act on an original or revised plan within 30 calendar days of receipt shall authorize the applicant to proceed in accordance with the plan as filed unless such time is extended by agreement between the applicant and the DPW.

#### **SECTION 6. PRE-ACQUISITION VIOLATION**

Any property owner who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this Bylaw or in violation of any plans approved pursuant to this Bylaw shall forthwith comply with any such order or restore such land to its condition prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such property owner if such compliance occurs or restoration commences within one year or within a timeframe established by the DPW, whichever is less, following the date of acquisition of the real estate by such property owner, provided that such restoration is completed within a reasonable time as set by the DPW.

## **SECTION 7. ENFORCEMENT**

The DPW or an authorized agent of the DPW shall enforce this Bylaw , regulation, decision, permit or order issued under this Bylaw and may pursue all civil and criminal remedies for such violations. Any property owner who violates any provision of this Bylaw, or of any regulation, decision, permit or order issued pursuant to this Bylaw shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense. If the property owner violates more than one provision of this Bylaw or any condition of an approval issued hereunder, each provision, or condition, so violated shall constitute a separate offense.

If in the estimation of the DPW, corrective work is required to protect the environment, and the property owner fails to perform said corrective work within a reasonable period of time as set by the DPW, the DPW may order the same to be performed by a party to be determined by the DPW. The property owner shall be required to reimburse the Town for all costs incurred. These costs will be in addition to the fines described above.

This Bylaw may be enforced pursuant to Massachusetts General Laws. Ch. 40, Sec. 21D by a Town police officer or other officer having police powers. Fines issued and costs assessed by the DPW shall constitute a municipal lien upon the property and shall accrue interest as provided by applicable law. Upon request of the DPW, the Board of Selectmen and Town Counsel shall take legal action as may be necessary to enforce this Bylaw and permits issued pursuant to it. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the DPW, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties and may make or cause to be made such examinations, surveys or sampling as the DPW deems reasonably necessary. The decisions or orders of the DPW shall be final. Further relief shall be to a court of competent jurisdiction.

## **SECTION 8. SEVERABILITY**

The provisions of Chapter 21 are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any property owner, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of said Bylaw to the extent permitted by law.