

**TOWN OF EAST BRIDGEWATER
RULES AND REGULATIONS ADOPTED BY
THE BOARD OF HEALTH
UNDER M.G.L. C. 111, S.26-33**

DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM

Sec. 1 PURPOSE

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

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

The objectives of these regulations are to:

1. Prevent pollutants from entering the Town of East Bridgewater's municipal separate storm sewer system (MS4);
2. Prohibit illicit connections and unauthorized discharges to the MS4;
3. Require the removal of all such illicit connections;
4. Comply with state and federal statutes and regulations relating to stormwater discharges;
5. Establish legal authority of the Board of Health to prevent pollutants from entering the Town's MS4 and to ensure compliance with the provisions of these regulations through inspection, monitoring, and enforcement.

Sec. 2 DEFINITIONS

For the purposes of these regulations, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY: The Town of East Bridgewater Board of Health (the Board), its employees or agents designated to enforce these regulations.

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

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

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

ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of

whether said connection was previously allowed, permitted, or approved before the effective date of these regulations.

ILLCIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to Section 8, of these regulations.

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

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designated 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 East Bridgewater; which is not a combined sewer; and which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2

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

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system 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: As defined in 40 CFR 122.2 and any element or property of sewage, agricultural, industrial or commercial waste, 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;
- (8) animal wastes;
- (9) rock, sand, salt, soils unless applied for the purpose of public safety during winter

- conditions;
- (10) construction wastes and residues; and
- (11) and noxious or offensive matter of any kind.

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

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

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

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

TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under M.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 UNITED STATES: As defined under the Clean Water Act.

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.

Sec. 3 APPLICABILITY

These regulations shall apply to flows entering the municipally owned storm drainage system.

Sec. 4 AUTHORITY

These regulations are adopted pursuant to the authority granted to local boards of health under Massachusetts General Laws, Chapter 111, Section 31 and Section 127, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

Sec. 5 RESPONSIBILITY FOR ADMINISTRATION

The Board shall administer, implement and enforce these regulations. 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.

Sec. 6 PROHIBITED ACTIVITIES

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

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, by-law, regulations or custom at the time of connection.

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

Sec. 7 EXEMPTIONS

Categories of non-stormwater discharges that are allowed under this permit unless the Town of East Bridgewater, EPA, or the DEP identifies any category or individual discharge of non-stormwater discharge as a significant contributor of pollutants to the MS4 are as listed in the *General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts – Authorization to Discharge Under the National Pollutant Discharge Elimination System*, latest version.

Sec. 8 EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

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

Sec. 9 NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the East Bridgewater Fire Department. 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.

Sec. 10 ENFORCEMENT

The Board or an authorized agent of the Board shall enforce these regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

Orders. the Board or an authorized agent of the Board may issue a written order to enforce the provisions of these regulations, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

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

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of East Bridgewater 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 M.G.L. Ch. 59, Section 57 after the thirty-first day at which the costs first become due.

Non-criminal disposition process as provided in M.G.L. Chapter III, Section 31 and Chapter 40, Section 21D. If non-criminal disposition is elected, then any person who violates any provision of these or any associated regulations, decision, permit or order issued pursuant to these regulations shall be punished by a fine in accordance with the Non Criminal Disposition Enforcement By-law under the Town of East Bridgewater General By-Laws Part III, Subsection XIX. If the property owner violates more than one provision of these regulations or any condition of an approval issued hereunder, each provision, or condition, so violated shall constitute a separate offense.

Civil Relief. If a person violates the provisions of these regulations, permit, notice, or order issued thereunder, these regulations may be enforced through any other means available at law as deemed appropriate by the Board of Health and 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.

Entry to Perform Duties under these Regulations. 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 these regulations and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary.

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

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

Sec. 11 SEVERABILITY

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

Sec. 12 TRANSITIONAL PROVISIONS

Property owners shall have 30 days from the effective date of these regulations to comply with its provisions provided good cause is shown for the failure to comply with the regulations during that period.