

2007 + 2008

9/9/08



Town Of Leicester
OFFICE OF THE TOWN ADMINISTRATOR
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September 2, 2008

Ms. Diane Boisclair
Office of Environmental Stewardship (SEW)
U.S. Environmental Protection Agency, Region 1
One Congress St.
Boston, MA 02114-2023

Dear Ms. Boisclair:

Enclosed please find the combined NPDES PII Small MS4 General Permit Annual Report nos. 4 and 5 for the period from March 2006 to March 2008 for the Town of Leicester, MA. This combined report should fully meet the Town of Leicester's reporting requirements under its permit as well as the requirements listed under the Consent Agreement and Final Order (CAFO) sent to me by Ms. Susan Studlien and received by this office on August 11, 2008. I am presently in discussions with Attorney Michael Wagner, Senior Enforcement Counsel with the EPA, regarding the penalty listed in the letter from Ms. Studlien.

Also enclosed are a compliance calendar, copies of Leicester's Wetlands Protection and Stormwater Management by-laws, recently passed at the Annual Town Meeting in May, 2008, as well as letters from Ms. Ruth Kaminski, former Selectman with extensive experience in wetlands and environmental protection, Mr. Thomas Wood, Leicester Highway Superintendent, and my letter to Mr. Michael Wagner of August 12, 2008. The purpose of these enclosures is not only to document the significant efforts that Leicester has made meet the requirements of its Stormwater permit, but to show the truly extraordinary circumstances that were responsible for the delay in the filing of our Stormwater management reports. Indeed, the Town of Leicester finds it remarkable that the EPA would not take these circumstances into consideration in the enforcement of the CAFO. Several projects were delayed during this sad and difficult time so the Town was certainly not being negligent of its responsibilities. I must also point out that prior to the receipt of the CAFO Leicester had received no correspondence from the EPA warning of impending fines or enforcement actions. Leicester has sought to maintain an excellent relationship with the EPA and remains hopeful that this effort will be reciprocated and that the penalty in the CAFO will be reconsidered.

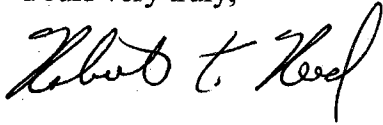
Diane Boisclair

September 2, 2008

page 2

We thank you for your attention to this matter and look forward to working with you.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Robert T. Reed".

Robert T. Reed
Town Administrator

Cc Thelma Murphy
Dave Gray
Ann Herrick

MUNICIPALITY/ORGANIZATION: TOWN OF LEICESTER

EPA NPDES PERMIT NUMBER: MAR041202

MaDEP Transmittal number: W-041074

Annual Report Number & Reporting Period: No. 4-5 .. March 2006 to March 2008

NPDES PII Small MS4 GENERAL PERMIT ANNUAL RE

Part I General Information

Contact Person: Robert T. Reed

Title: Town Administrator

Telephone: 508 892 7000

Email: reedb@leicesterma.org

Certification:

I certify under penalty of the law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that quality personnel properly gather, analyze, 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, 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: _____

Robert T. Reed

Printed name: Robert T. Reed, Town Administrator

Date: _____

August 20, 2008

Part II Self Assessment:

The town of Leicester's long time Highway Superintendent was gravely ill during this reporting period. He died at 54 years old in December 2007. During his illness the Storm Water Management Program progressed but not under the leadership of the DPW but the various town boards cradled the responsibility of creating a Storm Water bylaw Committee, obtaining a grant, and successfully sitting down all together for one common goal. The Bylaw Committee, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health and a Lake Liaison all met for months to thoroughly discuss storm water management in Leicester. A comprehensive bylaw that resulted from this group who in agreement felt that this would be the beginning of finally protecting both our recreational and drinking waters within the town. But all this work would hinge on the successful passage of the bylaw at town meeting. In May 2008 the bylaw passed at town meeting. Going forward after this era of team work, education and acceptance of the importance of storm water management within Leicester. Included in this new era is a new DPW Superintendent who is committed to the forward movement of this plan. The only way that the SWMP within Leicester will work is if everyone is at the table in this the "new" beginning, and on to the completion of the creation of the data base of our storm water systems as well as a true preventative maintenance of the system. The following pages are evident of our truth in working toward this goal. Bringing into our support efforts are the City of Worcester and the Town of Spencer as they have water supply reservoirs within our boundaries; our own 4 legislatively created water and sewer districts representing various boroughs within our boundaries; 3 legislatively created watershed districts for 3 large recreational water bodies within our boundaries; the active river watershed groups representing the 3 watersheds geographically evident within our boundaries; and equally as important, the abutting communities who receive our waters through drainage.

A storm water management committee is formed and will assure our success through public recognition of the need for sound and ongoing storm water management. This includes participation by countless citizen groups, our schools, and our business community. We have work ahead of us and we sincerely hope that those who do not sit in our community take us seriously.

Part III Summary of Minimum Control Measures: PUBLIC EDUCATION AND OUTREACH

BMP ID#	BMP Description	Responsible Dept/Person Name	Measurable Goal(s)	Progress on Goal(s) Permit Year 4	
1	Create a Stormwater Program	Dept. of Public Works Planning Board Conservation Commission Board of Health Board of Selectmen	Leicester will present its Comprehensive Stormwater Management Program to the public at a public meeting	Completed in one Year	The Town of Leicester created a sub group which under the leadership of the Bylaw Committee applied for a grant, wrote a town stormwater bylaw, had public hearings, met with all applicable and mentioned town boards and commissions gaining support of the bylaw and successfully implemented the bylaw at town meeting.
2	Create a Stormwater Program	Dept. of Public Works and Webmaster	Leicester will identify appropriate sources of funding assistant, and apply for assistance in implementing portions of Leicester's Comprehensive Stormwater Management Program, including public education and outreach.	Leicester will continue to educate the public through its web site, cable access channel and educational brochures.	The Town of Leicester web site has offered stormwater management educational materials (example attached) but during this year will be creating a page on the web site dedicated exclusively to storm water management. Said web site will provide materials that are applicable to children, adults, and seniors in a comprehensive educational plan.
2a	Create a Stormwater Program	Dept. of Public Works and Local Community Access Corporation (LCAC) Board of Directors	Leicester will work with the LCAC to provide educational videos on Stormwater management techniques to viewers	Leicester did this in year 4 by providing video programming made by EPA and others to the viewers We are working with Channel 12 which is the Educational Channel and the staff at Leicester High School to produce a video - "One Drop of Water" which will provide education to all about the one drop of water in Leicester and where it can travel and why we should care.	This program will continue and will be expanded with a goal of providing station "scroll" reminders on stormwater management techniques; requests for reports of stormwater violations viewers may see as well as guest speakers on already running television shows discussing need for stormwater management sound techniques and the value of such.

Part III Summary of Minimum Control Measures: PUBLIC EDUCATION AND OUTREACH

3	Address specific groups	Department of Public Works	Distribute EPA and other relevant educational brochures to targeted audiences. Distribution points include Town Hall, Library and Transfer Station.	The Town of Leicester will continue to make educational information available to the public. See calendar for dates for this goal.	A comprehensive distribution plan will be implemented as follows below. The town of Leicester is implementing a variety of programs and procedures to protect the water. One example, the Leicester DPW cleans out catch basins regularly to keep debris out of the water ways. Also, a storm water committee will be formed and information provided by the EPA and local information gathered will be used to educate the local community. Through the Board of Selectmen we will advertise that Community Volunteers Are Needed: • To educate the public about storm water and pollution prevention tips • To participate in programs and activities with other water related town groups and the schools • To help monitor illicit discharge sites • To provide ideas and information about activities for preventing storm water pollution • To participate in the Storm Water Committee
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CREATION OF A STORM WATER MANAGEMENT COMMITTEE

- Convening: to talk to all of the parties during a joint meeting
- Opening: with all parties present, lay out each side's statement of the purpose, understanding, and the future of storm water management in Leicester
- Communication: allow the parties to express whatever issues might affect the movement forward.
- Negotiation: create an atmosphere in which all parties can be flexible and innovative.
- Closure: everyone is aware of all the relevant information and all work to create an outcome both sides can live with.

Suggested Membership:

1. Public water district person
2. Lake and Pond Associations of Leicester Liaison
3. School Department
4. Highway Superintendent or his designee
5. Conservation Commission

Initial goals:

- Work toward assistance in keeping Leicester as a town in compliance
- Create and maintain public awareness
 - LCAC
 - Town web site
 - Town businesses
 - Town offices – distribution of literature
 - Town compliance boards/commissions handouts
 - Town meeting/lake and pond groups/business association etc.
 - Public Water districts (and Moose Hill Commission)
 - Local non profits
- School science curriculum addition of storm water management
- Establish means for citizens to report illegal discharge
 - Hot line
 - Email

Part III Summary of Minimum Control Measures: PUBLIC EDUCATION AND OUTREACH

3a	Address specific groups	Dept. of Public Works and the City of Worcester DPW	There are 3 City of Worcester Water Supply Reservoirs within the town of Leicester boundaries. Create an ongoing relationship with the City of Worcester on Stormwater management within the watershed.	Though previous reports did not address this, the town has worked with the City and has always been concerned about their water supply reservoirs within our town boundaries. We will step up this effort more formally in 2008 and coordinate our plans for storm water with their watershed plans.	The Town of Leicester will sit at the table with the City of Worcester in order to assure cohesiveness to the stormwater management within the watershed. This will include education of Leicester's citizens of the need for stormwater management in this area. Cooperative sharing of information for ascertainment of one common goal. In order to address the impacts of stormwater on Leicester's drinking water supplies we need to locate our stormwater outfalls. Once this is done we will be able to assess the situation and determine if there are ways to improve drinking water supply protection. Through this working group we can hopefully ascertain this goal.
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Part III Summary of Minimum Control Measures: PUBLIC EDUCATION AND OUTREACH

3b	Address specific groups	Dept. of Public Works and town of Spencer DPW	The town of Spencer has an off line back up water supply reservoir within the town of Leicester boundaries. Create an ongoing relationship with the Town of Spencer on stormwater management within the watershed	Though previous reports did not address this, the town has worked with the Town and has always been concerned about their water supply reservoir within our town boundaries. We will step up this effort more formally in 2008 and coordinate our plans for storm water with their watershed plans.	The Town of Leicester will sit at the table with the town of Spencer in order to assure cohesiveness to the stormwater management within the watershed. This will include education of Leicester's citizens of the need for stormwater management in this area. Cooperative sharing of information for ascertainment of one common goal. In order to address the impacts of stormwater on Leicester's drinking water supplies we need to locate our stormwater outfalls. Once this is done we will be able to assess the situation and determine if there are ways to improve drinking water supply protection. Through this working group we can hopefully ascertain this goal.
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Part III Summary of Minimum Control Measures: PUBLIC EDUCATION AND OUTREACH

3c	Address specific groups	Dept. of Public Works and Leicester Sewer and Water District	The town of Leicester has independent sewer and water districts created legislatively serving various boroughs within the community. Create an ongoing relationship with the Leicester Sewer and Water District on stormwater management within the District boundaries cooperatively and cohesively.	Though this was not mentioned in previous reports the town has always worked closely with the Leicester Water and Sewer District. When roadway projects occur; the district has always been contacted and project protective measures were discussed. See calendar for meeting dates for this goal.	The Town of Leicester will sit at the table with the Leicester Sewer and Water District in order to assure cohesiveness to the stormwater management within the watershed. This will include education of Leicester's citizens of the need for stormwater management in this area. Cooperative sharing of information for ascertainment of one common goal. In order to address the impacts of stormwater on Leicester's drinking water supplies we need to locate our stormwater outfalls. Once this is done we will be able to assess the situation and determine if there are ways to improve drinking water supply protection. Through this working group we can hopefully ascertain this goal. We will also work with the Water Districts to assure hydrant flushing is done at optimal times to eliminate any unnecessary adversity from storm water hydrant flushing run off.
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Part III Summary of Minimum Control Measures: PUBLIC EDUCATION AND OUTREACH

3d	Address specific groups	Dept. of Public Works and Cherry Valley and Rochdale Water and Sewer District	The town of Leicester has independent sewer and water districts created legislatively serving various boroughs within the community. Create an ongoing relationship with the Cherry Valley and Rochdale Water and Sewer District on stormwater management within the District boundaries cooperatively and cohesively.	Though this was not mentioned in previous reports the town has always worked closely with the Cherry Valley and Rochdale Water and Sewer District. In fact our concerns for septic problems in the Cherry Valley section of our community put resolution to this problem of water quality in the Blackstone River on the forefront. We successfully negotiated funding as a team and sewers were installed in this section of the community to the joy of all of the participants. The quality of the Blackstone River below our community has been greatly improved as a result. See calendar for meeting dates for working toward this goal.	The Town of Leicester will sit at the table with the Cherry Valley and Rochdale Water and Sewer District in order to assure cohesiveness to the stormwater management within the watershed. This will include education of Leicester's citizens of the need for stormwater management in this area. Cooperative sharing of information for ascertainment of one common goal. In order to address the impacts of stormwater on Leicester's drinking water supplies we need to locate our stormwater outfalls. Once this is done we will be able to assess the situation and determine if there are ways to improve drinking water supply protection. Through this working group we can hopefully ascertain this goal. We will also work with the Water Districts to assure hydrant flushing is done at optimal times to eliminate any unnecessary adversity from storm water hydrant flushing run off.
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Part III Summary of Minimum Control Measures: PUBLIC EDUCATION AND OUTREACH

3e	Address specific groups	Dept. of Public Works and the Hillcrest Water and Sewer District	The town of Leicester has independent sewer and water districts created legislatively serving various boroughs within the community. Create an ongoing relationship with the Hillcrest Water and Sewer District on stormwater management within the District boundaries cooperatively and cohesively.	Though this was not mentioned in previous reports the town has always worked closely with the Hillcrest Water and Sewer District. The town recently purchased a 300 acre parcel in this area in order to protect from development in the future, a surface water supply during this reporting period. See calendar for meeting dates for working toward this goal.	The Town of Leicester will sit at the table with the Hillcrest Water and Sewer District in order to assure cohesiveness to the stormwater management within the watershed. This will include education of Leicester's citizens of the need for stormwater management in this area. Cooperative sharing of information for ascertainment of one common goal. In order to address the impacts of stormwater on Leicester's drinking water supplies we need to locate our stormwater outfalls. Once this is done we will be able to assess the situation and determine if there are ways to improve drinking water supply protection. Through this working group we can hopefully ascertain this goal. We will also work with the Water Districts to assure hydrant flushing is done at optimal times to eliminate any unnecessary adversity from storm water hydrant flushing run off.
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Part III Summary of Minimum Control Measures: PUBLIC EDUCATION AND OUTREACH

3f	Address specific groups	Dept. of Public Works and the Burncoat Pond Watershed District and the town lake and pond liaison	The town of Leicester has independent Watershed Districts legislatively created for 3 recreational surface water bodies. These districts actively pursue the protection of the recreational value of their water body.	Though this was not mentioned in previous reports our 3 watershed districts governing large recreational bodies of water in our community have worked closely with our town departments to assure continued water quality. Members of the lake groups were part of the planning leading up to the creation of our storm water bylaw and the revision of the wetland bylaw during this reporting period. See calendar for meeting dates for working toward this goal.	The Town of Leicester will sit at the table with the Burncoat Pond Watershed District board of Directors in order to create a cohesive, comprehensive plan for education of the citizens within the district to the need for good stormwater management. This will be done by brochures, speakers at meetings, etc. and whatever else collectively is determined to be needed to properly educate the public. A town lake and pond liaison volunteer position will be created and this person will assist in this effort.
3g	Address specific groups	Dept. of Public Works and the Cedar Meadow Lake Watershed District and the town lake and pond liaison	The town of Leicester has independent Watershed Districts legislatively created for 3 recreational surface water bodies. These districts actively pursue the protection of the recreational value of their water body.	Though this was not mentioned in previous reports our 3 watershed districts governing large recreational bodies of water in our community have worked closely with our town departments to assure continued water quality. Members of the lake groups were part of the planning leading up to the creation of our storm water bylaw and the revision of the wetland bylaw during this reporting period. See calendar for meeting dates for working toward this goal.	The Town of Leicester will sit at the table with the Cedar Meadow Lake Watershed District board of Directors in order to create a cohesive, comprehensive plan for education of the citizens within the district to the need for good stormwater management. This will be done by brochures, speakers at meetings, etc. and whatever else collectively is determined to be needed to properly educate the public. A town lake and pond liaison volunteer position will be created and this person will assist in this effort.

CREATION OF A VOLUNTEER LAKE AND POND LIAISON:

Purpose: With 28 bodies of water in Leicester there is a need to have a liaison between the 3 Lake Water Shed Districts and the numerous lake and pond associations as it relates to storm water management. Ruth Kaminski already has a relationship with most of the players in this scenario as she was the President of the Mass Congress of Lake and Pond Associations for 15 years and has a thorough understanding of storm water management. She also has worked with the river watershed associations and is president of the French River Upper Blackstone Environmental Council (FRUBEC). She has agreed to be the volunteer for this position to get the town's storm water management plan off and running as it relates to this group.

Ruth will work with the Highway Superintendent and Town Administrator to "get the word out" on storm water management practices to these groups.

Part III Summary of Minimum Control Measures: PUBLIC EDUCATION AND OUTREACH

3h	Address specific groups	Dept. of Public Works and the Stiles Lake Watershed District and the town lake and pond liaison	The town of Leicester has independent Watershed Districts legislatively created for 3 recreational surface water bodies. These districts actively pursue the protection of the recreational value of their water body.	Though this was not mentioned in previous reports our 3 watershed districts governing large recreational bodies of water in our community have worked closely with our town departments to assure continued water quality. Members of the lake groups were part of the planning leading up to the creation of our storm water bylaw and the revision of the wetland bylaw during this reporting period. See calendar for meeting dates for working toward this goal.	The Town of Leicester will sit at the table with the Stiles Lake Watershed District board of Directors in order to create a cohesive, comprehensive plan for education of the citizens within the district to the need for good stormwater management. This will be done by brochures, speakers at meetings, etc. and whatever else collectively is determined to be needed to properly educate the public. A town lake and pond liaison volunteer position will be created and this person will assist in this effort.
3i	Address specific groups	Dept. of Public Works and the lake and pond associations officers and directors, the town lake and pond liaison and the Massachusetts Congress of Lake and Pond Associations, Inc.	Leicester has 28 bodies of water and the majority of those that do not have legislatively established watershed districts have associations comprised of lake shore dwellers interested in their particular body of water.	Though this was not mentioned in previous reports the town has worked closely with the organized lake associations in our community. Much more effort will be placed on communication with this group during this reporting period.	The Town of Leicester will sit at the table with the various lake and pond associations in order to come up with a plan for education of the citizens within the watershed areas to the lakes and ponds of the need for good sound stormwater management. This will be done by brochures, pamphlets, mailings, and speakers at meetings etc. and whatever else collectively is determined to be needed to properly educate the public. The town lake and pond liaison volunteer will assist in this effort along with working with the Massachusetts Congress of Lake and Pond Associations (COLAP) as a valuable educational resource.

Part III Summary of Minimum Control Measures: PUBLIC EDUCATION AND OUTREACH

3i cont	Address specific groups	Department of Public Works and lake and pond shore dwellers	Leicester has some bodies of water that do not have formal associations or districts formed.	Though this was not mentioned in previous reports Leicester has made worked through regulatory town departments to educate our lake shore dwellers. This will be a strong effort in this reporting period.	The Town of Leicester will make an attempt to reach lake and pond shore dwellers who are not part of an organized group as to the need for good storm water management.
3j	Address specific groups	Dept of Public Works ; town lake and pond liaison, French River Upper Blackstone Environmental Council (FRUBEC); Blackstone River Watershed Association (BRWA); Chicopee Watershed Association (CWA)	Leicester has 28 bodies of water and 35 square miles of streams within the Blackstone, French and Chicopee Watersheds.	Though not reported in previous reports, Leicester has been very active in river watershed group participation. One group is housed within our town boundary and our work as a town using a strong voice gained us access in the Blackstone National Heritage Corridor.	The Town of Leicester will sit at the table with FRUBEC, BRWA, and CWA reaching out for assistance in promoting stormwater management best practices within the watersheds.
3k	Address specific groups	Dept of Public Works,, Common Ground Land Trust, Audubon Society, Greater Worcester Land Trust, Town Planner, Conservation Commission	Leicester has identified land that is protected within it's boundaries. Some is owned by the Town and governed by the Conservation Commission which is 114 acres purchased through a Self-Help Grant many years ago; some is owned by the Greater Worcester Land Trust and some is owned by Massachusetts Audubon Society	Though not reported in previous reports, Leicester has worked diligently to maintain our conservation land. During this reporting period a sub group was formed to review the use of the 114 acre parcel; a non profit was formed to provide a means for developers and others to donate portions of land for open space into perpetuity and Mass Audubon is purchasing abutting parcels to increase our open space potential.	Work with the Conservation Commission and Planning Board to seek methods of continuing to preserve open space which assists in storm water management overall through working with outside groups such as the Common Ground Land Trust, Greater Worcester Land Trust and Audubon Society . The Planning Board can work with petitioning developers along with the Conservation Commission in ascertaining these goals.

Part III Summary of Minimum Control Measures: PUBLIC EDUCATION AND OUTREACH

3k cont	Address specific groups	Department of Public Works; Board of Selectmen; Town Meeting body	Leicester has purchased 300 acres which is operated as a golf course and abuts an independently owned public water supply surface water body.	Though this was not reported in previous reports, the town stepped up to the plate and purchased 300 areas recognizing the need to protect our surface water supply for the future.	The Town of Leicester will work with the Water District to assure protection of this land mass for the future protection of the water supply. When the Board of Selectmen approve of any lease for the town owned property proper storm water management will be part of the understanding of the lessee and lessor at the time of lease renewal or enactment.
3l	Address specific groups	Dept of Public Works, Leicester School Department Science Department	Leicester will work with the School Science Department to add stormwater management education to the curriculum	Though not reported in the pervious reports Leicester's school department has participated in the State Wide envirothon for many years and during this reporting period they used the 300 acre town land purchase for purposes of protection of our water supply as a project for the state wide competition.	The town will sit with the school department and with the help of school councils and others obtain the materials needed through available sources such as EPA, to provide as part of the school science curriculum the need for stormwater management
3m	Address specific groups	Dept of Public Works	Leicester DPW will work with the Leicester Business Assoc (LBA).	Though not reported in previous reports, distribution of literature regarding storm water run off from parking lots was distributed to area businesses. The town is meeting with this group again on September 17th.	The DPW and LBA will work toward educating area businesses to the need for Storm water management sound practices.

Part III Summary of Minimum Control Measures: PUBLIC EDUCATION AND OUTREACH

3n	Address specific groups	City of Worcester, Town of Spencer, Town of Oxford	Leicester DPW will review abutting towns SWMP permits to assure overlapping compliance and cooperation	This was not reported in previous reports but has been identified as an important component to our overall plan.	The DPW will maintain copies of the abutting MS4 filings and review annually for overlapping compliance
3o	Address specific groups	Moose Hill Water Commission	The Town of Leicester as part of a Federal Flood Control Project has a future surface water supply reservoir which is governed by an Elected Moose Hill Water Commission.	Though not reported in previous reports this future water supply reservoir has been important to the town.	The Town will include the Moose Hill Water Commission at the table when creating, maintaining, enforcing and publicizing the Storm Water Management Plan for the town.

Part III Summary of Minimum Control Measures: PUBLIC EDUCATION AND OUTREACH

4	Target groups likely to impact storm water	Dept of Public Works	Brochures targeting specific audiences and activities will be available. These target groups include homeowners and lawn maintenance activities, disposal of household waste and pet maintenance.	Leicester will continue to make available all information concerning storm water quality	Through the efforts of item 3 above many more homeowners will be reached through direct mailings, lectures, etc. through this concentrated public educational effort. The town will reach out to the 2 veterinary clinics in town to provide pet waste maintenance handouts. Signage on pet waste management will be placed in parks and recreational areas of town. Liaison with the lake and pond groups will much further emphasize the need for proper lawn maintenance techniques. The town will reach out to the various landscape companies within the town for assistance in this effort.
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Part III Summary of Minimum Control Measures: PUBLIC EDUCATION AND OUTREACH

4a	Target groups likely to impact storm water	Dept of Public Works-Leicester Emergency Management Director	With 28 bodies of water and 35 square miles of streams Leicester has a need to identify and monitor dams within the watersheds	Though not reported in previous reports, the town is responsible for 2 dams and has been working through the Emergency Mgmt department on plans for cataloging dams and alerting citizens to the need for sound maintenance techniques.	The town DPW and Emergency Management Director will begin a dialog concerning the numerous dams within the community. If one dam were breached this would cause more storm water damage than most any other occurrence. The need for understanding of dam safety will become part of the storm water program. The DPW will work with volunteers and the Emergency Management Director to establish an educational program on Leicester's dams and dam safety.
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Part III Summary of Minimum Control Measures: PUBLIC EDUCATION AND OUTREACH

5	Identify alternative informational sources	Board of Selectmen and MIS Department	Leicester will post links to stormwater BMP's and other water quality educational resources including EPA and DEP on its website http://www.leicesterma.org	Leicester will continue to have these sites posted.	With the creation of a page on the web site dedicated to storm water management this will even further enhance this effort.
6	Identify alternative informational sources	Dept of Public Works and MIS Department	Leicester will also post links on its website to the Blackstone River Watershed Association, Blackstone River Watershed Council, Nashua River Watershed Association, French River Watershed Basin Team, Chicopee River Watershed Council	Leicester will continue to post these sites.	Leicester will expand on these sites by adding much more material as well as linking to other pertinent sites within our geographic area with the creation of the page on the web site dedicated to storm water management. More local groups are added to our efforts and those away from our geographic area are used for informational gathering only.
7	Utilize local website	Dept of Public Works	Public meeting notice and the meeting reviewing Leicester's Comprehensive Stormwater Management Program will be posted on Leicester local cable access channel	Public meeting will be held per storm water bylaws	The Town of Leicester created a sub group which under the leadership of the Bylaw Committee applied for a grant, wrote a town stormwater bylaw, had public hearings, met with all applicable and mentioned town boards and commissions gaining support of the bylaw and successfully implemented the bylaw at town meeting.
8	Develop, conduct and document educational programs	Dept of Public Works	The town of Leicester will appoint a liaison to the Blackstone River Watershed Association and the Nashua River Watershed Association to disseminate information to the town on programs and activities.	Leicester will continue to have a liaison to the Blackstone River Watershed Association	The Town of Leicester has considerably expanded this effort in that not only will there continue to be a BRWA liaison, there will now be connection to many other such groups (see #3).

Part III Summary of Minimum Control Measures: PUBLIC INVOLVEMENT AND PARTICIPATION

9	Promote household waste recycling	Dept of Public Works, Board of Health and Recycling Committee	The town of Leicester will work with the Town's contracted waste haulers, Recycling Committee and the Board of Health to continue to sponsor Hazardous Waste Collection Days.	The town will continue its hazardous waste collection and recycling programs	The Town of Leicester has a very active recycling program which has operated for over 16 years. The collection of paint and paint products is on a semi-permanent site at the old town landfill. Paint and paint products are collected June through September with trained volunteers. Full Hazardous Waste collection is every other year by a company chosen from the State Bid list. The Board of Health will permit haulers to assure their compliance with the Solid Waste Management Act.
10	Storm Drain Stenciling	Dept of Public Works/ Recycling Center	Leicester will work with the local scout groups to develop a stenciling program. Stenciling will target Leicester's sub watersheds	To contact all scout groups available to develop storm drain stenciling program	The town of Leicester was not successful on a continuing basis with volunteer scout troops. As a result a program is being developed to use juvenile offenders working community service hours out of the Recycling Center to ascertain this goal in this year.
11	Community Clean ups	Dept of Public Works	Town of Leicester will encourage local stream team cleanups with local residents and are scout groups. Town will provide solicitation of sponsors and notice of events on local access channel and town web site	Leicester will continue to place clean up events on their local cable channel and web site	This effort will be expanded to include the high school and other youth who are in need of community service hours for graduation credits, juvenile court etc. It has been found that organized efforts such as this better supplement citizen volunteer clean up events that are sporadic and less enthusiastic over time.

Part III Summary of Minimum Control Measures: PUBLIC INVOLVEMENT AND PARTICIPATION

12	Community Clean ups	Dept of Public Works	The town will provide trucks and other material to support cleanup efforts and disposal of materials	Leicester DPW will continue to participate in all clean up activities in town	This effort will be identified by the use of special colored bags. Publicity over the full bags being placed at curb side full of clean up activities will be generated to promote education of the public in the need for everyone's help in clean up activities and sound stormwater management.
12a	Community Clean ups	Dept of Public Works and Recycling Committee	The town of Leicester has a leaf and grass clipping compost program.	Though not reported in previous reports the town has had a compost program for many years. This successful program has produced compost that is used by the DPW on road projects.	As a result of the compost program at the recycling center the town residents that do not have a lot size conducive to composting on site; have a municipal site available for deposit of leaves and grass clippings and a site to go back to for compost for their gardens for free.
12b	Community Clean ups	Dept of Public Works and Recycling Committee	The town of Leicester has a composter purchase program. This purchase program will expand to include rain barrels.	Though not reported in previous reports the town has sold compost bins for many years successfully.	The Town of Leicester has sold compost bins at the Recycling Center for over 13 years and will continue to do so. In 2009 the Recycling Center will make rain barrels available for sale to residents.

Part III Summary of Minimum Control Measures: DETENTION AND ELIMINATION

13	Inventory and mapping of storm drain system	Dept of Public Works	Leicester will identify appropriate sources of funding assistance and apply for assistance in implementing portions of Leicester's Comprehensive Stormwater Management Program, including public education and outreach	The town will continue to pursue storm water bylaws and mapping of storm drain system.	The Town of Leicester created a sub group which under the leadership of the Bylaw Committee applied for a grant, wrote a town stormwater bylaw, had public hearings, met with all applicable and mentioned town boards and commissions gaining support of the bylaw and successfully implemented the bylaw at town meeting.
13a	Inventory and mapping of storm drain system	Dept of Public Works	Leicester has begun to map and inventory storm drain systems with particular emphasis on stressed basins first. This effort will be expanded to include entry into a computer data base of the storm water drain system of 1400 storm drains.	Though not reported in previous reports the town DPW has begun to catalog areas that are stressed and has incorporated measures to slow down velocity of water in areas of need.	Through efforts of community service school volunteers this project will get up and running this year in hopes of completing the task within 2 years. Run contest for art work for cover of final report. DPW will come up with methodology for identification before end of 2008 calendar year.
13b	Inventory and mapping of storm drain system	Dept of Public Works	Leicester will apply for grant funds to help offset costs of signage, data base management supplies, brochures and other printed literature production as well as logo creation and public relations campaign needs	Though not reported in previous reports the town has found volunteer efforts to assist in this endeavor until funds can be ascertained as not to stop the progression of the process.	Sources of funds may be diverted through not for profit area groups in order to ascertain this goal.. As one example the Common Ground Land Trust has applied for funding for signage in the watershed. Others will be following in this effort.
14	Mapping and identification of outfalls and receiving waters	Dept of Public Works; Board of Assessors	Leicester will develop and implement a plan to map all outfalls and receiving bodies of water, contingent on Town meeting approval for funding	With the formation of the Storm Water Committee, Leicester will continue to complete the mapping and identification of outfalls and receiving waters	This effort will be expanded with use of GIS mapping; Lake, Pond, Watershed available data and volunteers to once and for all have a data base to use for education of the public and future town officials for continuity in storm water management. The town will approach the Central MA Regional Planning Agency for assistance in this effort.

Part III Summary of Minimum Control Measures: DETENTION AND ELIMINATION

15	Identification/description of problem areas	Dept of Public Works	Leicester will develop and implement an illicit discharge detention and elimination (IDDE) plan, contingent on town meeting approval of funding	Once funding is approved, Leicester will move forward with IDDE Plan	An article will be placed on the 2008 fall Special town meeting warrant for funding for the IDDE Plan. Now that the Stormwater bylaw is in place, this is the next concentration in the stormwater plan enhancement.
16	Enforcement procedures addressing illicit discharges	Planning Board, Town Counsel, Board of Health	Leicester will review whether local authority is appropriate and able to respond to potential illicit discharges. New bylaws, if necessary will be proposed to town meeting.	Leicester will enforce any illicit discharges with approval of new bylaw	The Town of Leicester created a sub group which under the leadership of the Bylaw Committee applied for a grant, wrote a town stormwater bylaw, had public hearings, met with all applicable and mentioned town boards and commissions gaining support of the bylaw and successfully implemented the bylaw at town meeting.
17	Public Information program regarding hazardous waste and dumping	Dept. of Public Works/Board of Health and Recycling Committee	Leicester will provide educational brochures to residents promoting proper disposal of household hazardous wastes.	The town of Leicester will continue to hold hazardous waste collections and their recycling programs.	The Town of Leicester has a very active recycling program which has operated for over 16 years. The collection of paint and paint products is on a semi-permanent site at the old town landfill. Paint and paint products are collected June through September. Full Hazardous Waste collection is every other year by a company chosen from the State Bid list. The Board of Health will permit haulers to assure their compliance with the Solid Waste Management Act.

Part III Summary of Minimum Control Measures: DETENTION AND ELIMINATION

18	Initiation of Recycling Programs	Planning Board, Board of Health, Recycling Committee	Leicester will apply for funding assistance from DEP's recycling grant program for assistance in public education and the purchase of recycling materials	Leicester will continue to improve recycling and to keep the public updated	Leicester Recycling has it's own web page on the town web site which includes a quarterly newsletter about recycling and the need for storm water management. This newsletter is also distributed to the participants in the drop off recycling center which is currently up to 200 to 225 cars per hour when the center is open the 1st, 3rd and 5th Saturdays of each month. This program has operated for over 16 years.
19	Watershed Assessments and studies	Dept of Public Works, Conservation Commission, Board of Health	Leicester will identify opportunities for funding assistance from DEP's 604(b) and 319 grant programs and the DEM's lakes and ponds grant program to support watershed activities. Tasks can include design and installation of stormwater BMP's and public outreach including storm drain stenciling. Emphasis will be on assessments and remediation of stormwater related problems impacting water quality in Smith's Pond, Southwick Pond, Bouchard Pond, Cedar Meadow Pond, Dutton Pond, Greenville Pond West, Rochdale Pond, and Greenville Pond. These water bodies have been identified as impaired and are on DEP's 303dlist	No funding has been approved	Work with the Lake and Pond associations and Districts will greatly assist in this effort (see #3). Cedar Meadow Pond already has an active water quality monitoring program through the efforts of the Cedar Meadow Lake Watershed District. All data collected by various parties will be reviewed. As for assessment of the other ponds mentioned, without clear funding sources this task is difficult at best. However, there is equipment available through grant sources and the town will begin to review options for possibly ascertaining assessment of these bodies of water in conjunction with the public schools as a combined community service/science project

Part III Summary of Minimum Control Measures: DETENTION AND ELIMINATION

20	Watershed Assessments and studies	Dept of Public Works, Leicester water supply districts	The town of Leicester will encourage cooperation with Leicester's Public Drinking Water Supply Districts to apply for funding assistance from DEP's Source Water Protection Program for grant assistance to develop wellhead protection plans and stormwater management plans within Leicester's Zones II in Leicester	Leicester is continuing to seek funding for this goal. One water district obtained \$600,000 for planning during this reporting period.	The town of Leicester has independent sewer and water districts created legislatively serving various boroughs within the community. We will be creating an ongoing relationship with all of the Sewer and Water District on stormwater management within the District boundaries cooperatively and cohesively. The town will bring together in one place all Zone II plans and review.
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Part III Summary of Minimum Control Measures: POST CONSTRUCTION SITE STORM WATER RUN OFF

21	Bylaw storm water management regulations for construction sites 1 acre or larger	Planning Board, Conservation Commission, Town Counsel, Board of Health, Zoning Board of Appeals	Leicester will review model bylaws developed by DEP in consultation with Attorney General's office	Leicester is in the process of developing storm water bylaws with the grant the town received through the Smart Growth Technical Assistance Grant.	The Town of Leicester created a sub group which under the leadership of the Bylaw Committee applied for a grant, wrote a town stormwater bylaw, had public hearings, met with all applicable and mentioned town boards and commissions gaining support of the bylaw and successfully implemented the bylaw at town meeting. Regulations also were adopted. This was a combined effort of all town boards involved in development within the community. Part of this effort was a thorough review by the group of all existing regulations in order to incorporate them into the stormwater bylaw and/or overlap of efforts successfully. Also, during this period the Conservation Commission passed a home rule Wetland Bylaw and regulations.
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Part III Summary of Minimum Control Measures: POST CONSTRUCTION SITE STORM WATER RUN OFF

22	Bylaw require post construction runoff controls	Planning Board, Conservation Commission, Town Counsel, Board of Health, Zoning Board of Appeals	Leicester will review model bylaws developed by DEP in consultation with Attorney General's office	Leicester will adopt a bylaw for post construction run off	The Town of Leicester created a sub group which under the leadership of the Bylaw Committee applied for a grant, wrote a town stormwater bylaw, had public hearings, met with all applicable and mentioned town boards and commissions gaining support of the bylaw and successfully implemented the bylaw at town meeting. Regulations also were adopted. This was a combined effort of all town boards involved in development within the community. Planning Board is the permitting authority under the bylaw. Site plan review of stormwater run off is now intense and a cooperative enforcement effort among all site review boards in Leicester
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Part III Summary of Minimum Control Measures: POLLUTION PREVENTION MUNICIPAL OPERATIONS

23	Develop a municipal operations and maintenance plan	Dept of Public Works	Using regulations and recommendations from DEP and EPA Leicester will develop and update an operations and maintenance plan to include proper disposal of street sweepings, catch basin cleanout, snow disposal, roadway deicing procedures, vehicle washing, and outside storage of materials	Leicester DPW will continue with its maintenance plan	This document will be produced this year in a manner that is professional and well written for future town department leaders and employees. Our vehicle washing program at DPW is in place. Our catch basin clean out material is mixed with wood chips and put in our compost pile; our snow disposal is at a ball field. With 28 bodies of water Leicester has historically used very little calcium chloride. Our ration is only 8 to 1. We have no outside storage of materials that would be a threat to the watershed.
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Part III Summary of Minimum Control Measures: POLLUTION PREVENTION MUNICIPAL OPERATIONS

24	Develop a municipal operations and maintenance plan	Dept of Public Works	Leicester will implement a formal inspection program including maintenance logs and scheduling for catch basin cleaning, repairs and new installations	Leicester DPW will continue with its maintenance plan	This document will be produced this year in a manner that is professional and well written for future town department leaders and employees. Repairs and new installations will be added to the catch basin dBase. The DPW employee who manages storm drain and catch basin cleaning gives a monthly report to the DPW Superintendent. The clerical staff enters data into the dBase.
25	Develop and implement training programs for municipal employees	Dept of Public Works	Leicester sends the DPW foreman and Superintendent annually to training seminars sponsored by Mass Highway, Bay State Roads and other relevant agencies or vendors	Leicester DPW will continue to send employees to training programs for municipal employees	Leicester DPW will continue to send employees to training programs for municipal employees. This will be expanded upon by distributing handouts to DPW employees and others in government to create a better understanding and "culture" of the need for better storm water management. Additionally, our fire department continues to operate a HazMat team that has spill and detention training on-going. DPW employee training programs will be designed to teach staff about potential sources of stormwater contamination and ways to minimize the water quality impact of municipal activities, such as park and open space maintenance, fleet and building maintenance, construction and land disturbances, and storm drain system maintenance. Staff will be trained to recognize, track, and report illicit discharges.

Part III Summary of Minimum Control Measures: POLLUTION PREVENTION MUNICIPAL OPERATIONS

26	Review storm drainage infrastructure needs	Dept of Public Works	Leicester will incorporate storm drain infrastructure review in Leicester's Chapter 90 project utilizations	Leicester DPW will continue this practice	Leicester DPW has reviewed drainage needs in all roads before paving or reconstruction and will continue to do so. DPW will develop a working relationship with the conservation commission in this effort during this year.
27	Create a stormwater management hot line	Dept of Public Works/Police Department	Leicester will make an attempt at safely creating a stormwater management hot line for citizens to report illegal activity within the watersheds	Though not reported before this has already been done. The storm water hot line will be advertised within the month of September 2008.	DPW will work with the Police Dept to attempt to create a Stormwater management hot line. The appropriate place for this hot line to be housed as well as who will man the line are yet to be determined.
28	Capital planning/budgeting	Dept of Public works; Board of Selectmen; Capital Planning Committee	Capital planning to be done for forecasted purchases for stormwater system upkeep in future years	N/A Year 4	DPW and Selectmen will work with capital planning committee to establish a plan which will forecast the need for any purchases for stormwater system upkeep in future years. Annual budget line item will be established for SWMP annually with emphasis on identification of stressed basins. If projects are over \$10,000 capital planning will take place.
29	Failing Septic Systems	Board of Health	The Leicester Board of Health will continue to monitor for failing septic systems and strict enforcement of Title V	N/A Year 4	With the installation of sewers in problem areas of the town this problem has been greatly improved. With so many formalized lake and pond groups the problem of failing systems has also been better addressed by these groups. The town will remain diligent in enforcement of Title VI and assistance through grant programs for septic system replacement. Septic system proper operational brochures are provided by the Board of Health

Part III Summary of Minimum Control Measures: POLLUTION PREVENTION MUNICIPAL OPERATIONS

30	Mercury collection	Recycling Committee	The town recycling center has a successful mercury collection program.	Though this has not been reported in the past, the recycling center has collected mercury products for over 10 years. All municipal buildings have participated in this program since it's inception.	This program will continue and is very well advertised and participated in by the residents of Leicester. This program has been operational for some time and should have been reported in previous submittals.
31	Used Oil is Recycled	Town Highway Garage	The Town of Leicester has a used oil collection at the highway garage	Though not reported before the town of Leicester has had an active oil collection program for over 18 years. This program was one of the 1st in the state.	Though this operation has gone on for many years it was not mentioned in previous reports and should have been.
32	Evaluate Municipal Facilities throughout town for potential stormwater impacts	Dept of Public Works; School Facilities Manager; Town Administrator	Review as built plans and sketches; establish meeting with group to determine plan of action to best ascertain this goal within next year	Though not reported in previous reports this has occurred informally for over 10 years. The DPW foreman inspects municipal buildings for hazmat storage and parking lot drainage issues.	The Town Administrator will conduct a meeting of key personnel to determine course of action to further reach this goal. See calendar for dates of meeting assigned.

Part III Summary of Minimum Control Measures: BMP FOR MEETING TOTAL MAX DAILY LOAD

There are no TMDL in the town of Leicester

Part IV SUMMARY OF INFORMATION COLLECTED AND ANALYZED

Leicester has just begun to collect and analyze

Part V PROGRAM OUTPUTS AND ACCOMPLISHMENTS

PROGRAMMATIC:

Stormwater management position created/staffed	clerical for dbase management has begun	yes
	storm water committee appointed	yes
	lake and pond liaison position continues	yes
annual program budget/expenditures		\$5,000
	not all things done require a budget and volunteer hours count	over 100 hours

EDUCATION, INVOLVEMENT, AND TRAINING

Estimated number of residents reached by educational programming		
	lake and pond shore dwellers	950
	water district resident	1000
	cable access television viewers	2000
	town web site access	1500
	recycling center	1000
	we recognize that some of these statistics could be overlapping	
Storm water Management Committee Established		yes
Stream Teams Supported		yes
	but this effort is expanded to include lake and pond shore dwellers, recyclers and clean up teams	
Shore line clean up participation or quality of shoreline miles cleaned		yes and over 8 miles
	awareness through 3 recreational lake watershed districts	
	awareness through 3 recreational lake associations	
Household Hazardous Waste Collection days		yes
	The recycling center has been opened for almost 17 years. They run a full hazmat day every 2 years because of their semi permanent siting for paint and paint products every year from June through September	
	In 2005 and 2007 46% of the population participated in recycling and during those years a full hazmat day was held in September through use of a contract from the state bid list	
School Curriculum implemented	this is to be one in the current year	2008

Part V PROGRAM OUTPUTS AND ACCOMPLISHMENTS

	UNDER REVIEW	DRAFTED	ADOPTED
Regulatory Mechanism status			
Illicit discharge detection and elimination	x		
Erosion and sediment control			x
post development stormwater management		x	
Accompanying regulation status			
Illicit discharge detection and elimination			x
Erosion and sediment control			x
post development stormwater management			x
MAPPING AND ILLICIT DISCHARGE			
Outfall mapping complete			10%
Estimated or actual number outfalls		Many water bodies have privately owned roadways not under municipal rule data will be gathered from these private groups to better calculate for this reporting purpose to be completed in 2008	
System wide mapping			
Mapping method			
paper/Mylar			40%
CADD			0
GIS			10%
Outfalls inspected/screened			10%
Illicit discharges identified			0
Illicit connections removed			0
% of population on sewers			30%
% of population on septic systems			70%
Construction			
number of construction starts more than 1 acre			
Estimated percentage of construction starts adequately regulated for erosion and sediment control			
Site inspections completed			
Ticket/Stop work orders issued			
Fines collected			
Complaints/concerns received from public			

Part V PROGRAM OUTPUTS AND ACCOMPLISHMENTS

Post Development Stormwater Management

estimated percentage of development/redevelopment projects adequately regulated for post construction
 stormwater control
 site inspections completed
 estimated volume of storm
 water recharged

Operations and Maintenance

average frequency of catch basin cleaning (non commercial/non arterial streets)
 average frequency of catch basin cleaning (commercial/arterial or other critical streets)
 total number of structures cleaned
 storm drain cleaned
 quantity of screenings/debris removed from storm sewer infrastructure
 Disposal or use of sweepings
 cost of screenings disposal

twice a year
 twice a year
 1400
 10
 1000
 compost
 0

average frequency of street sweeping (non commercial/non arterial streets)
 average frequency of street sweeping (commercial/arterial or other critical streets)
 quantity of screenings/debris removed from storm sewer infrastructure
 Disposal or use of sweepings
 cost of screenings disposal
 vacuum street sweepers purchased/leased
 Vacuum street sweeps specified in contracts

once
 once
 2500 lbs
 compost
 0
 0
 0

Reduction in application on public land of :

fertilizers
 herbicides
 pesticides

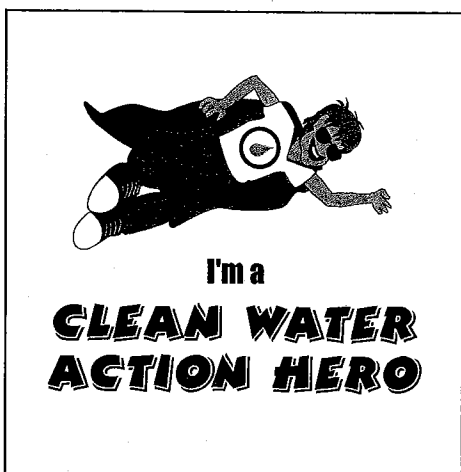
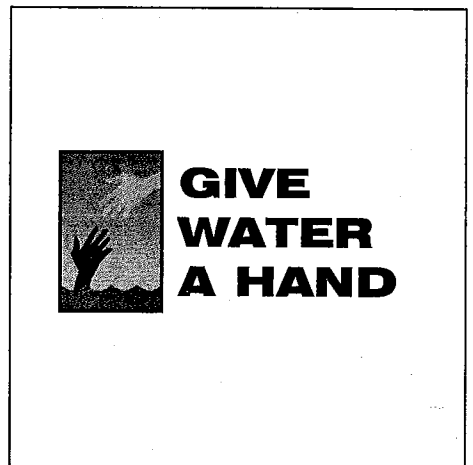
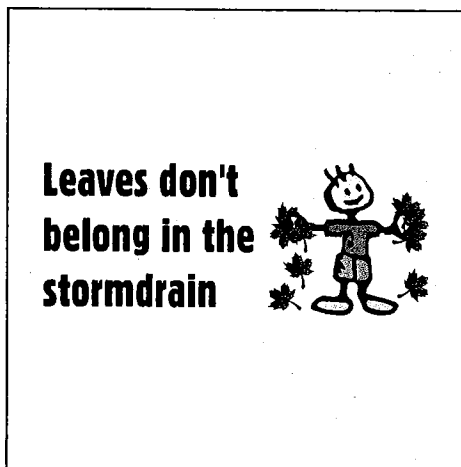
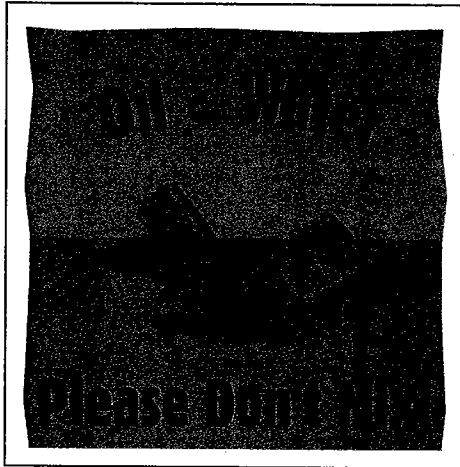
30%
 n/a
 n/a

Anti deicing products and ratios

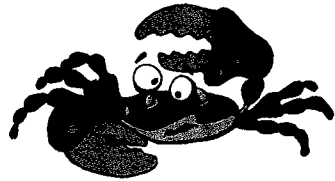
30/70
 calcloride/sand

Prewetting techniques utilized
 manual control spreaders used
 automatic or zero velocity spreaders used
 estimated net reduction in typical year salt application
 salt pile covered in storage shed
 storage shed in design or under construction

no
 yes
 yes
 0
 yes
 n/a



Junk from the Gutter



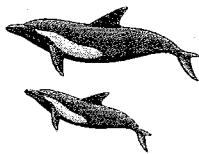
Makes us Sputter

Clean Water



I Can Help!

Please Don't Pour



**That's Our
Front Door**

Muck! Yuck!



Sad Duck

DIRT IN THE DRAIN



Wave of the Future!



- August 7, 2008 Plan Scripted
- August 19, 2008 Plan finalized
- August 25th week meeting with 2 **Selectmen. Town Adm. & Highway Supt.** To put plan in operation
- Lake and Pond liaison established
- Highway Supt. Meets with Police Chief to discuss SWM Hot Line
- Highway Supt starts cataloging storm drains for stenciling
- Highway Supt revivs abutting towns SWMPs

AUGUST '08

S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

- Highway Supt works with **liaison to plan budget and non profit funding program**
- Highway Supt works with **liaison to plan publications to be used & expand on cable access coverage**
- Recycling Committee continues paint/paint product collection

SEPTEMBER '08

S	M	T	W	Th	F	S
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

- Highway Supt works with **liaison** and webmaster to establish SWMP page off of town web site
- Highway Supt and **liaison meet with Business Assoc**
- Recycling Committee ends paint and paint product collection for the year

- Selectmen establish Storm Water Committee** officially
- Lake and Pond liaison meets with Cedar Meadow Lake Watershed District to create a stratig plan
- Highway Supt. Town Adm. Meet with Sewer and Water Districts to discuss cohesive strategic plan (Spencer & Worc. too)
- Highway Supt works with **liaison** and community voluneers to get storm drain stenciling up and running
- Highway Supt continues catch basin cleaning - repair dBase w/ clerical staff

- Lake and Pond liaison meets with Stiles and Burncoat Watershed Districts to create a strategic plan
- Highway Supt continues catch basin cleaning - repair dBase with clerical staff
- Highway Supt works with community voluneers to continue storm drain stenciling
- Lake and Pond liaison meets with FRUBEC, BRWA and CWA to create a strategic plan
- Recycling Committee expands SWMP data on recycling-environmental web site
- Highway Supt explains SWMP to DPW workers; and begins catch basin cleaning/repair dBase with clerical staff

OCTOBER '08

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26	27	28	29	30	31	

- Storm Water Committee** meets and sets goals
- Highway Supt and **liaison meet with Town Planner to discuss methodology to obtain permits under Storm Water bylaw process with developmental boards and commissions to allow for dBase management**
- Recycling Committee advertises mercury collection program

NOVEMBER '08

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23	24	25	26	27	28	29
30						

- Storm Water Committee** meets and talks about creating more stream teams & PR Plan
- Highway Supt works with **liaison & Bd of Health to include identified failing septic systems in SWMP dBase**
- Liaison works with Central MA Reg. Planning Agency on mapping project**

- Highway Supt works with community voluneers to continue storm drain stenciling
- Highway Supt continues catch basin cleaning - repair dBase with clerical staff
- Highway Supt works with **liaison** to better establish SWMP dBase system and mapping of stressed basins
- Lake and Pond liaison establishes a proposed plan for Lake and Pond shore dwellers not in any organized group with emphasis on impaired areas of concern
- Recycling Committee establishes rain barrel program for spring

DECEMBER '08

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28	29	30	31			

- Highway Supt and Lake and Pond liaison work on data accumulated from lake and pond groups for updating of the dBase
- Highway Supt meets with Emergency Director to discuss inclusion of dams in the SWMP.
- Storm Water Committee** meets
- Highway Supt works on budget for SWMP and Capital budget submittal

- Highway Supt evaluates Hot line with Police Chief
- Municipal worker payroll attachments re: SWMP

JANUARY '09

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- Highway Supt works with **liaison and conservation Commission on NOI for drainage projects for FY10**
- Highway Supt reviews infrastructure of up and coming Chapter 90 projects

- Storm Water Committee** meets
- Highway Supt works on plan for pet waste signs in parks and recreational areas
- Highway Supt works on Annual Town Meeting article for IDDE Plan funding
- Lake and Pond liaison meets with Lake and Pond Association members to create a strategic plan

Leicester 2008-2009 Storm Water Management Plan Calendar.

- Storm Water Committee meets
- Highway Supt and liaison create DPW operational plan including proper disposal of street sweepings, snow removal, catchbasin cleanouts, de-icing, vehicle washing etc.

FEBRUARY '09						
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29						

MARCH '09						
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21	22	23	24	25	26	27
28	29	30	31			

- Storm Water Committee meets
- Highway Supt Town Adm. Meet with SCHOOL facilities manager, Bldg Insp TO evaluate TOWN facilities for potential stormwaer impacts

- Storm Water Committee meets
- Recycling Committee advertises mercury collection program
- Highway Supt and liaison create handouts for annual town meeting in May
- Liaison assures handouts available at all Sewer/Water District and Lake watershed district annual meetings April, May and June

APRIL '09						
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25	26	27	28	29	30	

- Liaison attends FRUBEC, CWA and BVWA annual meetings

MAY '09						
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

- Storm Water Committee meets
- Highway Supt evaluates Hot line with Police Chief
- Recycling Committee advertises paint collection for 2009
- Municipal worker payroll attachments re: SWMP

- Storm Water Committee meets
- Recycling Committee begins paint collection for 2009

JUNE '09						
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20	21	22	23	24	25	26
27	28	29	30			

JULY '09						
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18	19	20	21	22	23	24
25	26	27	28	29	30	31

- Recycling Committee continues paint/paint product collection
- Recycling Committee advertises HazMat collection for September 2009
- Municipal worker payroll attachments re: SWMP

WETLANDS PROTECTION BYLAW/ORDINANCE

I. Purpose

The purpose of this bylaw is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Leicester by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect on resource area values, including but not limited to the following: public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention, water quality, prevention and control of pollution, fisheries, wildlife habitat, rare species habitat including rare plant and animal species, agriculture, aquaculture, and recreation values, deemed important to the community (collectively, the "resource area values protected by this bylaw").

This bylaw is intended to utilize the Home Rule authority of this municipality so as to protect the resource areas under the Wetlands Protection Act (G.L. Ch.131 §40; the Act) to a greater degree, to protect additional resource areas beyond the Act recognized by the Town as significant, to protect all resource areas for their additional values beyond those recognized in the Act, and to impose in local regulations and permits additional standards and procedures stricter than those of the Act and regulations thereunder (310 CMR 10.00), subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant bylaws of the Town of Leicester.

II. Jurisdiction

Except as permitted by the Conservation Commission no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater wetlands, marshes, wet meadows, bogs, swamps, vernal pools, springs, banks, reservoirs, lakes, ponds of any size, beaches, dunes, estuaries, and lands under water bodies; intermittent streams, brooks and creeks; lands adjoining these resource areas out to a distance of 100 feet, known as the buffer zone; perennial rivers, streams, brooks and creeks; lands adjoining these resource areas out to a distance of 200 feet, known as the riverfront area; lands subject to flooding or inundation by groundwater or surface water; and lands subject to flooding (collectively the "resource areas protected by this bylaw"). Said resource areas shall be protected whether or not they border surface waters.

The jurisdiction of this bylaw shall not extend to uses and structures of agriculture that enjoy the rights and privileges of laws and regulations of the Commonwealth governing agriculture, including work performed for normal maintenance or improvement of land in agricultural or aquacultural uses as defined by the Wetlands Protection Act regulations, found at 310 CMR 10.04.

III. Exemptions and Exceptions

The applications and permits required by this bylaw shall not be required for work performed for normal maintenance or improvement of land in agricultural and aquacultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04.

The applications and permits required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Conservation Commission prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.

The applications and permits required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the

Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Other than stated in this bylaw, the exceptions provided in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) shall not apply under this bylaw.

IV. Applications and Fees

Written application shall be filed with the Conservation Commission to perform activities affecting resource areas protected by this bylaw. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

The Commission in an appropriate case may accept as the application and plans under this bylaw any application and plans filed under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00), but the Commission is not obliged to do so.

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a Request for Determination of Applicability (RDA) or Abbreviated Notice of Resource Area Delineation (ANRAD) filed under the Act shall include information and plans as are deemed necessary by the Commission.

At the time of an application, the applicant shall pay a filing fee specified in regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act and regulations. Pursuant to G.L. Ch. 44 §53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts in order to aid in the review of proposed projects. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

- a) \$25 for a single minor project-i.e. house addition, tennis court, swimming pool deck, or other accessory residential activity
- b) \$250 for a new single family dwelling with only one wetlands crossing (driveway), plus \$250 for each additional subsequent crossing
- c) \$500 plus \$2 per linear foot of road sideline within the resource area for a subdivision roadway or street and/or utilities easement
- d) \$500 plus \$2 per cubic feet of drainage, detention/retention basin within a resource area
- e) \$500 plus \$100/unit for a multiple dwelling structure which is within the resource area
- f) \$500 plus \$1 per square foot of disturbance in an undeveloped resource area in a commercial or industrial project
- g) Double the above fee for an application filed after issuance of an Enforcement Order and as secured by Section 10, Security, of this Bylaw, because the review process is not only for the application but monitoring also the terms and conditions required for final dissolution of said Enforcement Order
- h) No charge for a Determination of Applicability
- i) \$1,000 per project for remediation of a contaminated site or enhancement of a degraded resource area (excluding any violations)
- j) \$2,500 per project for remediation of a contaminated site wherein applicant has been adjudicated of violating prevailing Environmental Laws concerning Hazardous Materials i.e. all hazardous, toxic, and/or environmentally or statutorily controlled materials and as secured against risk by Section 10, Security, of this Bylaw,

These filing fees are nonrefundable. The filing fee is in addition to that required by the Wetlands Protection Act, MGL c. 13 1, Section 40, and Regulations, 3 10 CMR 10.00. Town, county, State, and Federal projects are exempt from the filing fee. The fee for an application for a modification of a permit will be the excess of the fee for the modified project as calculated above over the filing fee paid for the original permit, but in no instance will it be less than \$25.

Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses.

The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing.

The applicant may appeal the selection of an outside consultant to the selectboard, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and must be received within ten (10) business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

V. Notice and Hearings

Any person filing a permit, Notice of Intent, or other application or RDA or ANRAD or other request with the Conservation Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. The notice to abutters also shall include a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

The Commission shall conduct a public hearing on any permit application, NOI, RDA, or ANRAD with written notice given at the expense of the applicant, at least five business days prior to the hearing, in a newspaper of general circulation in the municipality. The Commission shall commence the public hearing within 21 days from receipt of a completed permit application, NOI, RDA, or ANRAD unless an extension is authorized in writing by the applicant. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission in its discretion, based on comments and recommendations of the boards and officials listed in §VI.

VII. Coordination with Other Boards

Any person filing a permit application, RDA, or ANRAD with the Conservation Commission shall provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the selectboard, planning board, board of appeals, board of health, agricultural commission, town engineer, and building inspector. A copy shall be provided in the same manner to the Commission of the adjoining municipality, if the application or RDA pertains to property within 300 feet of that municipality. An affidavit of the person providing notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The Commission shall not take final action until the above boards and officials have had 14 days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

VII. Permits and Conditions

If the Conservation Commission, after a public hearing, determines that the activities which are subject to the permit application, or the land and water uses which will result therefrom, are likely to have a significant individual or cumulative effect on the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. The Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any such effect. The Commission also shall take into account any loss, degradation, isolation, and replacement or replication of such protected resource areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt, and foreseeable future activities.

If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect said resource area values, and all activities shall be conducted in accordance with those conditions. Where no conditions are adequate to protect said resource area values, the Commission is empowered to deny a permit for failure to meet the requirements of this bylaw. It may also deny a permit: for failure to submit necessary information and plans requested by the Commission; for failure to comply with the procedures, design specifications, performance standards, and other requirements in regulations of the Commission; or for failure to avoid, minimize or mitigate unacceptable significant or cumulative effects upon the resource area values protected by this bylaw. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing. The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its regulations, provided that: the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said regulations; that avoidance, minimization and mitigation have been employed to the maximum extent feasible; and that the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

In reviewing activities within the buffer zone, the Commission shall presume the buffer zone is important to the protection of other resource areas because activities undertaken in close proximity have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission may establish, in its regulations, design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of such lands, including without limitation strips of continuous, undisturbed vegetative cover, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the bylaw.

In reviewing activities within the riverfront area, the Commission shall presume the riverfront area is important to all the resource area values unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this bylaw, has proved by a preponderance of the evidence that (1) there is no practicable alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this bylaw. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, because of the high likelihood of failure of replication. The Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, whenever it deems appropriate, regardless the type of resource area or the amount or type of alteration proposed. The decision shall be based upon the Commission's estimation of the importance of the habitat area considering (but not limited to) such factors as proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, or actual or possible presence of rare plant or animal species in the area. The work shall be performed by an individual who at least meets the qualifications set out in the wildlife habitat section of the Wetlands Protection Act regulations (310 CMR 10.60).

The Commission shall presume that all areas meeting the definition of "vernal pools" under §IX of this bylaw, including the adjacent area, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any formal evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act regulations.

A permit, Order of Conditions, Determination of Applicability (DOA), or Order of Resource Area Delineation (ORAD) shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional one-year period, provided that a request for a renewal is received in writing by the Commission prior to expiration. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land.

For good cause the Commission may revoke any permit, Order of Conditions, DOA, or ORAD or any other order, determination or other decision issued under this bylaw after notice to the holder, the public, abutters, and town boards, pursuant to §V and §VI, and after a public hearing.

Amendments to permits, Order of Conditions, DOAs, or ORADs shall be handled in the manner set out in the Wetlands Protection Act regulations and policies thereunder.

The Commission in an appropriate case may combine the decision issued under this bylaw with the permit, DOA, ORAD, or Certificate of Compliance (COC) issued under the Wetlands Protection Act and regulations.

No work proposed in any application shall be undertaken until the permit, or ORAD issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the

holder of the permit certifies in writing to the Commission that the document has been recorded. If the applicant fails to perform such recording, the Commission may record the documents itself and require the Applicant to furnish the recording fee therefore, either at the time of recording or as a condition precedent to the issuance of a COC.

VIII. Regulations

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw, effective when voted and filed with the town clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. At a minimum these regulations shall reiterate the terms defined in this bylaw, define additional terms not inconsistent with the bylaw, and impose filing and consultant fees.

IX. Definitions

The following definitions shall apply in the interpretation and implementation of this bylaw.

The term "agriculture" shall refer to the definition as provided by G.L. Ch. 128 §1A.

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
- C. Drainage, or other disturbance of water level or water table
- D. Dumping, discharging, or filling with any material which may degrade water quality
- E. Placing of fill, or removal of material, which would alter elevation
- F. Driving of piles, erection, expansion or repair of buildings, or structures of any kind
- G. Placing of obstructions or objects in water
- H. Destruction of plant life including cutting or trimming of trees and shrubs
- I. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters
- J. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater
- K. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

The term "pond" shall follow the definition of 310 CMR 10.04 except that the size threshold of 10,000 square feet shall not apply.

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless whether the site in which they occur has been previously identified by the Division.

The term "vernal pool" shall include, in addition to scientific definitions found in the regulations under 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 predatory 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 area for vernal pools shall be 100 feet outward from the mean annual high-water line defining the depression. Except as otherwise provided in this bylaw or in associated regulations of the Conservation Commission, the definitions of terms and the procedures in this bylaw shall be as set forth in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00).

X. Security

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Conservation Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or both of the methods described below:

A. By a proper bond, deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a COC for work performed pursuant to the permit.

B. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

XI. Enforcement

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

The Conservation Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, non-criminal citations under G.L. Ch. 40 §21D, and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

Upon request of the Commission, the selectboard and town counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the chief of police shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this bylaw, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Commission may issue citations with specific penalties pursuant to the non-criminal disposition procedure set forth in G.L. Ch. 40 §21D, which has been adopted by the Town in § 6.1 of the general bylaws.

XII. Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

XIII. Appeals

A decision of the Conservation Commission shall be reviewable in the superior court in accordance with G.L. Ch. 249 §4.

XIV. Relation to the Wetlands Protection Act

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) thereunder. It is the intention of this bylaw that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those under the Wetlands Protection Act and regulations.

XV. Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

Article 34: approved May 5, 2008/ATM

ARTICLE 31: STORMWATER BYLAW

KEY POINTS

[Bylaw on following pages 1-4]

- Leicester is rich in water resources, which are also threatened by land development that creates stormwater impacts.
- Expensive flooding and pollution problems will be prevented at no cost to the Town.
- The bylaw will allow the Town to fulfill a key task of its state and federal mandated Stormwater Management Plan.
- The bylaw consolidates references to stormwater management in Town bylaws and regulations.

Bylaw benefits:

- It affords an opportunity to be proactive in protecting valuable waters. **It is cheaper to prevent damages than to restore polluted waters.** Preventing damages will save taxpayers money.
- Town bylaws and regulations are intended to protect and preserve the surface and groundwater resources of the Town from land uses that may harm the quality and quantity of its waters and other natural resources. The bylaw will provide a process with clear performance standards to carefully treat stormwater runoff where development occurs.
- Water suppliers, lake associations and town residents want to improve water protection. The state assessment of lakes in Town shows these are being damaged by stormwater, and the bylaw will greatly help to prevent more problems, as well as remedy existing problems.
- The bylaw provides detailed guidance, which is not in current Town bylaws and regulations.
- The bylaw will enable procedures and performance standards to be consistent for review of projects outside and within the wetland areas that are regulated by state stormwater policy.
- The bylaw will help the Town to meet state and federal water quality standards.
- The bylaw will foster "low impact development" (LID) practices, such as reducing impervious cover. LID techniques are highly effective, "low tech" stormwater and site planning methods, which tend to be less expensive to build and maintain than conventional stormwater methods.
- The bylaw is intended to encourage better land use and development in Leicester.
- The bylaw will be helpful to the Town in applying for state and federal grants.

Bylaw features:

- The purpose is to protect public health, safety and welfare by establishing requirements and procedures to manage runoff, increase groundwater recharge and prevent water pollution.
- The bylaw is proposed as a General Bylaw so that the Town can address stormwater impacts from many kinds of land disturbing activities.
- The bylaw will keep the amount and quality of stormwater from development equal to or better than pre-development conditions in order to reduce flooding, property damage, stream erosion, pollution, harm to aquatic life and overloading of Town drainage systems.
- The bylaw is **NOT** retroactive.
- The bylaw will apply to projects that disturb more than 10,000 square feet of land. Many of these will be larger subdivisions and projects already requiring site plan review by the Planning Board. Single family homes are exempt, as are construction of home additions, garages, patios, decks, swimming pools, sheds, retaining walls, gardens, and repair or replacement of septic systems.
- The bylaw will establish clear, consistent procedures for submission of stormwater management plans that meet approved stormwater treatment practices. It will establish maintenance provisions to ensure treatment practices will function as designed and pose no threat to public safety.
- The Planning Board will administer, implement and enforce the bylaw. The Board will adopt and amend rules and regulations relating to the procedures and administration of the bylaw after conducting a public hearing to receive comments on proposed regulations.
- The Bylaw Committee obtained advice and comments from Town Boards, Staff and community members.

Town of Leicester Stormwater Bylaw

May 5, 2008 Annual Town Meeting

Introduction

Land uses in Leicester affect our streams, lakes and drinking water supplies. Careful planning of new development will protect the quality and health of these important water resources. Therefore, the Town of Leicester proposes this Stormwater Bylaw to provide guidance that will prevent harmful impacts from land development activities. This Stormwater Bylaw is not retroactive and would not affect current or approved land development or redevelopment applications.

1.0 PURPOSE

The purpose of this Bylaw is to protect the public health, safety, and welfare by establishing requirements to better manage stormwater runoff from new development and redevelopment. This Bylaw seeks to meet that purpose through the following objectives:

1. Establish stormwater management standards and design criteria that will prevent or reduce sedimentation, flooding, stream erosion, pollution, property damage, harm to aquatic life, and overloading or clogging of municipal drainage systems.
2. Encourage the use of "low-impact development practices", such as reducing the amount of impervious area and preserving existing vegetation;
3. Ensure that stormwater management practices will be well-maintained and will continue to function as intended;
4. Establish procedures for issuance of stormwater management permits and for the Town's inspection of approved stormwater treatment practices.

2.0 DEFINITIONS

Definitions in Appendix A of this Bylaw shall apply in the interpretation and implementation of the Bylaw. Terms not defined in this Appendix shall be understood according to their customary and usual meaning.

3.0 ADMINISTRATION

- A) The Planning Board shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed on the Planning Board may be delegated in writing by the Planning Board to its employees or agents, as defined in the regulations adopted for this Bylaw.
- B) Regulations. The Planning Board may adopt and amend rules and regulations for administration of this Bylaw by majority vote of the Planning Board, after conducting a public hearing to receive comments. Such hearing dates shall be advertised in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date.
- C) Stormwater Management Manual. The Planning Board will use specifications and standards that are consistent with the Massachusetts Stormwater Management Policy. This Policy provides criteria for stormwater treatment practices, which are based on engineering, science, monitoring, and maintenance experience. Stormwater treatment practices that are designed, constructed and maintained in accord with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
- D) Actions by the Planning Board. The Planning Board may take any of the following actions after reviewing an application for a Stormwater Management Permit - Approval, Approval with Conditions, Disapproval, or Withdrawal without Prejudice.
- E) Appeals. A decision of the Planning Board shall be final. Further relief of a decision by the Planning Board made under this Bylaw shall be reviewable in the Superior Court in an action filed within sixty (60) days thereof, in accordance with M.G.L. Ch 249 § 4.

impact designs, as part of the Regulations authorized by this Bylaw. These criteria will allow applicants the option to use low-impact practices to improve the amount and quality of stormwater runoff.

4.0 APPLICABILITY

- A) This Bylaw shall apply to proposed new development including but not limited to residential subdivisions, site plan applications, commercial uses, municipal uses and multi-family dwellings.

This Bylaw shall also apply to other activities that will increase the amount of stormwater runoff or pollutants from a parcel of land or that will alter the drainage characteristics of a parcel of land, unless the activity is listed as an exemption under Section 4.D of this Bylaw.

All new development and redevelopment under the jurisdiction of this Bylaw shall be required to obtain a Stormwater Management Permit from the Planning Board.

- B) Redevelopment projects will fulfill the Bylaw requirements if the amount and quality of stormwater is improved from existing conditions. Where site conditions prevent reduction in impervious area, stormwater treatment shall improve runoff, as determined by the Planning Board.
- C) The redevelopment or conversion of land to an automotive salvage yard, fueling facility, storage yard or commercial parking lot, or storage area for road salt or hazardous substances, or other land use with greater potential for pollution, as defined by the Massachusetts Stormwater Policy or the Bylaw regulations, shall require a Stormwater Management Permit.
- D) Exemptions. No person shall alter land within the Town of Leicester without having obtained a Stormwater Management Permit for the property with the following exceptions:
1. Any activity that will affect an area less than 10,000 square feet, or less than 2,500 square feet if the activity is within the Water Resources Protection Overlay.
 2. Normal maintenance and improvement of land in agricultural use;
 3. Timber harvesting under an approved Forest Cutting Plan as defined by the Forest Cutting Practices Act regulation 304 CMR 11.00 and MGL Chapter 132 Sections 40 through 46, and the Town of Leicester Forest Cutting Bylaw.
 4. Construction of a single-family dwelling, where "approval is not required" (ANR), as defined in the Subdivision Control Act. Persons constructing a single-family dwelling are encouraged to use stormwater practices and site planning methods to be described in the Town of Leicester Best Development Practices Guidebook;
 5. Maintenance of landscaping, gardens or lawn areas associated with residential uses;
 6. Construction of a house addition, garage, deck, patio, retaining wall, shed, swimming pool, tennis or basketball court associated with residential uses;
 7. Repair or replacement of a roof of an existing building;
 8. Repair or replacement of an existing septic system;
 9. The construction of any fence that will not alter existing terrain or drainage patterns;
 10. Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns;
 11. Emergency repairs to any stormwater management practice that poses a threat to public health or safety, or as deemed necessary by the Planning Board;
 12. Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw.

5.0 STORMWATER MANAGEMENT PERMITS

The Permit Application shall be filed with the Planning Board, and copies shall be provided to other Town Boards, as defined in the regulations adopted for this Bylaw. The permit application shall include information that describes stormwater management practices, including sediment and erosion controls, which will be installed and maintained. Specifications for the application form and the stormwater management information shall be part of the rules and regulations adopted under Section 3 of this Bylaw.

Nothing in this Bylaw is intended to replace the requirements of the Town of Leicester Flood Plain District, Water Resources Protection Overlay District, Wetland Bylaw, or any other Bylaw that may be adopted by the Town of Leicester. Any activity subject to the provisions of the above-cited Bylaws must comply with the specifications of each. A driveway permit from the Highway Superintendent is also required for the construction of any dwelling, as provided in Section 6.2A of the Town of Leicester Zoning Bylaw.

The Stormwater Management Permits will not go into effect until the regulations are adopted by the Planning Board, as provided in Section 3.0 B of this Bylaw.

6.0 ENFORCEMENT

The Planning Board or its authorized agent shall enforce this Bylaw and may pursue all civil and criminal remedies for violations. Enforcement shall be further defined as part of the rules and regulations adopted under Section 3 of this Bylaw.

7.0 AUTHORITY

This Bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution, and pursuant to the regulations of the federal Clean Water Act, and as authorized by the residents of Leicester at Town Meeting, dated May 5, 2008.

8.0 SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this Bylaw shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

APPENDIX A DEFINITIONS

ALTER: Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns.

STORMWATER MANAGEMENT PRACTICES: Structures and techniques that prevent flooding, reduce pollution, and protect local rivers, streams, lakes and water supplies.

BETTER SITE DESIGN: Site design techniques that can reduce environmental impacts, such as protecting existing vegetation, reducing impervious areas, and using natural drainageways for stormwater management.

IMPERVIOUS AREA: A material or a structure that prevents water from entering the underlying soil, such as paved parking lots, paved roads, sidewalks, and buildings.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the state Department of Environmental Protection, which provides performance standards to prevent water pollution and control the amount of runoff from new development.

PERSON: Any individual, group of individuals, association, partnership, corporation, company, trust, estate, a political subdivision of the Commonwealth or the federal government, to the extent subject to the Bylaws of the Town of Leicester.

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

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

REDEVELOPMENT: Any construction, alteration, or improvement exceeding land disturbance of 10,000 square feet, where the existing land use is commercial, or institutional.

PLANNING BOARD: The Town of Leicester Planning Board OR its authorized agent(s). The Planning Board is responsible for coordinating the review, approval and permit process as defined in this Bylaw. Other Boards and/or departments will participate in the permit process as defined in the rules and regulations adopted by the Planning Board.

STORMWATER MANAGEMENT PERMIT (SMP): A permit issued by the Planning Board, which protects the streams, lakes and water supplies in the Town from the adverse affects of uncontrolled and untreated stormwater runoff.

LOW IMPACT DESIGN: Low impact practices allow for the reduction of impervious areas that result in smaller volumes required for stormwater storage. These site design techniques can reduce the size and costs of stormwater collection systems and detention basins

Article 31: approved May 5, 2008/ATM

Ruth Kaminski
P.O. Box 479
Leicester MA 01524

August 2008

TO: Environmental Protection Agency
Regarding: EPA \$8,000 fine and the town of Leicester Storm Water Management Plan Annual Reporting

I am writing to you as the facilitator for the implementation of the town of Leicester's Storm Water Management Plan with the goal of convincing the EPA that we have and always have had good intention as well as compliance with the non point source pollution discharge regulations..

I am a person who since 1980 has been involved in one way or another with water.

In 1980 I began my passion for water protection when I came across a poor forest cutting practice that destroyed streams and caused siltation beyond anything I had ever seen before. The result was the creation of the first forest cutting bylaw in the Commonwealth of Massachusetts under Home Rule in Leicester which initiated the movement to revise the state Forest Cutting Practices Act for the first time in its history. Leicester citizens and leaders realized the importance of water quality and the effects of poor forest cutting practices on said quality.

The 1980's was a time when awareness of wetland protection, open space, and environmental protection in general flourished. During this time I was a member of the local Conservation Commission and served for 10 years. Our community in recognizing the importance of water quality, joined the water protection movement and created a wetland bylaw under Home Rule on the grounds that we in Leicester were much wetter than many communities and we needed further attention to our wetland protection.

In 1986 I joined the Department of Environmental Protection Division of Water Pollution Control Non Point Source Advisory Committee and maintained my participation with this group until 1996. From 1993 to 1996 I was part of the groups Executive Committee. This was a combined state and federal working group that planned and pushed forward the Storm Water Management Program initially that you are enforcing today.

During the 1980's I also was the Executive Director and finally President of the Massachusetts Congress of Lake and Pond Associations working with the over 3500 lakes and ponds in the Commonwealth educating lake shore dwellers on the need for sound water management and protection measures such as septic system and Title 5 problem solving, lawn fertilizer application attention, and general eutrophication control and understanding.

I assisted in the revision of the Wetland Protection Act on an advisory committee state level twice historically. I assisted in an advisory committee state level for the first revision of the Inland Waterway regulation known as Chapter 91.

I obtained a grant and worked with the town during the 1980's to put into place our first community ground water overlay protection zone in association with the Massachusetts Environmental Protection Agency at the time.

I worked with all town Boards and Commissions in initiating our first Open Space Plan which took into consideration our water supplies and numerous water bodies and streams in our community.

I insisted and worked toward our inclusion in the Blackstone National Heritage Corridor not because of the historic perspective as we are the headwaters for the Blackstone River but because we as citizens would run home from school in the old days just to see the color of the river from the woolen mills. We needed as a community to take back our heritage and make it right.

We as a community worked for over 15 years to gain funds through the Transportation Improvement Plan

filtering federal funds through our state to reconstruct our main route through our town and tied into that project much needed sewers to improve the Blackstone River water quality downstream.

We as a community worked very hard to find a way to sewer the area of our community called Rochdale and improve the French River water quality downstream. We did this in conjunction with our neighboring community Oxford in order to be able to creatively afford the project in general.

I worked with Carl Dirker; General Counsel for the Massachusetts Department of Environmental Protection in an historic legal case that pertained to a dam owner who claimed under the colonial Mill Act that he had the right to the waters of 4 ponds and actually breached a dam eliminating a recreational water body in our community. Attorney Dirker moved on to become EPA General Counsel in Washington DC. Because of the work and dedication of citizens such as myself for over 10 years in this effort, DEP won the case against this dam owner.

Recently I participated in the group that gained the grant funds, and implemented a strong storm water bylaw at town meeting. I also participated in the revision of the original wetland bylaw putting more teeth in our ability as a community to enforce wetland projects.

I have been the town recycling coordinator for almost 17 years and in that time our community has initiated clean up of hazardous waste and recycling of products as a model for other communities. We have been part of the curriculum of a local college Solid Waste Management Program teaching future leaders by our example.

My writing of all of this historically is to explain that Leicester has been passionate about water protection for over 28 years. We have not sent letter to EPA about our awareness for this period of time. We have not bragged about our progress in writing. Rather, our 28 bodies of water and our 35 square miles of streams have made us naturally aware of our need to protect these valuable resources.

We have come full circle now. We no longer run home from school just to see what the color of the stream coming from the textile mill is today. We make sure that our children know that the color should be clear, the quality better, and even a reconstruction of a driveway 2 miles away can injure that red or blue stream of the past.

I am happy to help our town with the filing of the annual report to assist in getting our message to EPA that we have not been idle. I only regret that I did not get involved with the paperwork earlier so as to circumvent your need for an \$8,000 fine. But I like others were not involved with the paperwork to EPA because we were too busy implementing what we needed to implement to keep our citizens aware, and our developmental threats in line with the protection of our water resources within our community boundaries.

I sincerely hope that the annual report you are receiving meets your standards. Further, please consider the negative impact of a fine on our working citizen volunteers. After all, the fine overlooks all our hard work and is due to our non submittal of our hard work in your paper format. I know through my lifelong participation that this is not truly the intent of the non point source pollution program or EPA.

Thank you for your taking the time to listen and sincerely hope that you consider the negative punishing of the EPA fining of our community and how unwarranted it truly is.

Ruth Kaminski

**TOWN OF LEICESTER
MASSACHUSETTS**

Superintendent of Streets
THOMAS P. WOOD
Tel.: (508) 892-7021
Fax: (508) 892-7058

*59 Peter Salem Road
Leicester, MA 01524*



HIGHWAY DEPARTMENT

To: Environmental Protection Agency

Regarding: \$8,000 fine for non compliance in filing Phase II Storm Water Management MS4 Annual Reports in a timely fashion.

Though I became the Highway Superintendent very recently I have been a life long resident of the town of Leicester and would like to talk to you, the EPA, about what I feel is a miscarriage of justice.

My supervisor for many years, James Coughlin, Highway Superintendent became very ill during the reporting period we are being fined for. In fact, he did not recover from his illness and he died in December at a much too young age.

I was thrust into the position of superintendent and quickly realized that my predecessor's strong point was not paper work.

I as a firefighter for many years and as District Fire Chief fully realized early in my life the importance of good paper trails particularly as it relates to government in general. Documentation is very important from an historic as well as compliance point of view.

Having said that, though I recognize the importance of paperwork and my predecessor did not, is this a reason to fine our community.

On the surface it would seem that we as a community are being fined for non compliance when in fact there is nothing further from the truth. We are being fined for not submitting our activities in a manner that the EPA wants. The real question is: have we recognized storm water management in Leicester?

Leicester is all wet. We have recognized the importance of the water in our community long before it was fashionable to do so. With the City of Worcester and town of Spencer water supplies within our town boundaries we were always thrust into a mode of protection, long before the storm water regulations were promulgated. Since our primary town water supply was a surface water supply rather than a well, we were conscious of the need to protect this resource.

The entire center of our town is within the Overlay Protection Zone for our surface water supplies evident within our community.

As an inspector for the fire department for years I have worked with the regulatory boards and commissions in our town and reviewed plans for compliance. Whether it was driveway permitting, road creation or reconstruction, our open space planning, master planning or developing our

community with the influx of our first BIG project, the arrival of Wal-Mart, water protection was always on the fore front of discussions.

I have worked with our water and sewer districts, our lake and pond recreational water districts, and our conservation and recreational interests for years to assure that our water quality was maintained along with countless others.

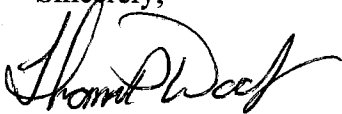
We worked very hard for many years to maintain the quality of our water but our mistake was not that we were ahead of the curve in storm water protective measures, that we were ahead of the curve on our water awareness as a community, our mistake was that we had a highway superintendent that did not put our efforts in writing in the manner that the EPA wanted to see it.

Our countless volunteers for many years are being penalized through no fault of their own as a result. The fining of \$8,000 by EPA I fear is sending the wrong message here. We did work hard, we have noticeable success in our water protection efforts, our hazardous materials team drills with water in mind in a preventative way, we are far ahead of most of our neighboring communities and certainly communities of our meager size, less than 11,000 population.

The message I fear is that EPA only cares about paper. Please do not send this message to our citizens who have worked so hard for so many years.

Thank you for you time and consideration and I look forward to working with EPA in putting into words much of which we have already accomplished so that EPA is fully aware of our TRUE progress in Leicester as it relates to storm water management.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas P. Wood", written in a cursive style.

Thomas P. Wood
Highway Superintendent



Town Of Leicester
OFFICE OF THE TOWN ADMINISTRATOR
Town Hall, 3 Washburn Square
Leicester, Massachusetts 01524-1333
Phone: (508) 892-7000 Fax: (508) 892-7070

August 12, 2008

Mr. Michael Wagner
Senior Enforcement Counsel
U.S Environmental Protection Agency, Region 1
One Congress Street
Boston, MA 02114-2023

Dear Mr. Wagner:

This letter is in regard to an Administrative Compliance Order (AO) and proposed Consent Agreement and Final Order (CAFO) which this office has received from Ms. Susan Studlien, Director, Office of Environmental Stewardship. She writes that all questions be referred to you and I tried telephoning you earlier today.

The documents from Ms. Studlien cite the Town of Leicester for late filings of annual reports due May 1, 2007 and May 1, 2008 and offer the CAFO and a penalty payment of \$8,000. as a means to quickly resolve this matter. They go on to threaten the town with additional action and a substantially higher penalty should the Town not accept this offer. Recent correspondence from the EPA consists of reminders on the filing of our annual report and go on to describe program metrics and reporting format. It says nothing of penalties or enforcement actions. The Town of Leicester is well aware of its responsibilities and of the "minimum control measures" required under its General Permit and has worked hard to fulfill them. We have met with consultants to discuss the application for funds under the State Revolving Fund (SRF) program and at our most recent annual town meeting passed a comprehensive Stormwater Management by-law, the product of many months of extensive work, in order to meet the requirements of our permit. Our Planning Board closely regulates stormwater runoff under the provisions of our site plan review regulations.

For the past several years these annual reports were assigned to Mr. James Coughlin, our Highway Superintendent, who willingly accepted this task along with all of his others as the Town had neither the finances nor the personnel to do otherwise. After many months of courageous battling Mr. Coughlin passed away last winter. The Town recently appointed his successor, Mr. Thomas Wood, who is likewise struggling to familiarize himself with the added tasks under the General Permit.

The Town of Leicester has earnestly sought to maintain an excellent working relationship with the EPA and to fulfill all of its obligations in a timely manner to the best of its abilities. In view of only this, without the mitigating facts stated above, we find the EPA's inability to reciprocate and its coercive management of permit compliance most discouraging.

I will try to contact you on Monday, August 18, 2008, to discuss this further. Thank you for your consideration.

Yours very truly,

Robert T. Reed
Town Administrator