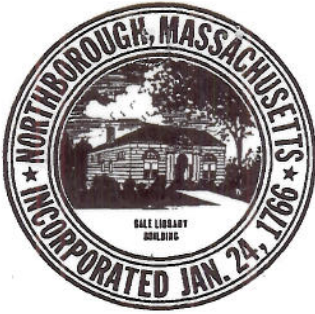




Town of Northborough

Office of the Town Engineer

63 Main Street

Northborough, Massachusetts 01532-1994

Office (508) 393-5015 Fax (508) 393-6996

MAY 5 2009

SEP 02 2008

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August 29, 2008

U.S. Environmental Protection Agency
Water Technical Unit
P.O. Box 8127
Boston, MA 02114

RE: NPDES Phase II – Annual Report

Dear Sir or Madame,

Enclosed please find the annual report for the Town of Northborough's NPDES Phase II Small MS4 General Permit for year five. Unfortunately, I was not able to submit the annual report by the required deadline due to some staffing issues. We have incorporated each of the requested review items in the summary for each section. After completing the attached self-assessment, we find that the original BMP's do not require any changes at this time. Please do not hesitate to call me at (508) 393-5015 with any questions.

Sincerely,

Fred Litchfield
Town Engineer

cc: MASS DEP, Fred Civian
Town Administrator, John Coderre
Public Works Director, Kara Buzanoski
Town Planner, Kathy Joubert
file

YEAR 5 - 2007

1. For Year Five, the Town of Northborough has completed the self-assessment of section 1, Public Education. All of the items listed on our original report have been completed. Please note that the Engineering Department, which is primarily responsible for the coordination of the Phase II program, has been reduced to one full time engineer due to the retirement of the Assistant Town Engineer and the funding of that position has been removed indefinitely. We are substantially in compliance with the permit conditions as outlined below:
 - 1a. POST NON-POINT SOURCE POLLUTION POSTERS – This has been accomplished. They are posted in the Town Hall.
 - 1b. AIR STORMWATER MESSAGE ON LOCAL CABLE CHANNEL – This has been accomplished. The messages are also included in the monthly town newsletter.
 - 1d. ADD STORMWATER INFORMATION TO TOWN'S WEBSITE – This has been accomplished
 - 1i. STORMWATER VIDEO – This has been accomplished and the video will be aired on the local cable channel.
2. The Town of Northborough has completed the self-assessment of section 2, Public Participation, and finds we are substantially in compliance with the permit conditions as outlined below:
 - 2d. IMPLEMENT HAZARDOUS MATERIALS COLLECTION DAY – The Town of Northborough has held an annual Household Hazardous Waste Day during the fall off each year since the early 90's. A second day was added in the spring of permit year one and has continued through the current permit year. The Town intends to continue to sponsor both collection days annually, as the budget allows.
 - 2e. IMPLEMENT AN ANNUAL VOLUNTEER STREAM CLEANUP DAY
The Town did have a stream cleanup day during September and intends to maintain that event annually, as the budget allows.
3. The Town of Northborough has completed the self-assessment of section 3, Illicit Discharge Detection and Elimination, and finds we are substantially in compliance with the permit conditions as outlined below:
 - 3a. MAP OUT FALLS AND RECEIVING WATERS – The Town has compiled all existing data on one digital map now located within the Town's GIS system. The Town has also purchased a GPS unit to field

locate outfalls. The staff person coordinating this has left the Town's employ. Another staff person has yet to be identified we are also exploring the possibility of working with some volunteers.

- 3d. DEVELOP/MODIFY GENERAL ILLICIT DISCHARGE BYLAW – This has been accomplished (see attached bylaw as adopted at the 2008 Annual Town Meeting).
- 4. The Town of Northborough has completed the self-assessment of section 4, Construction Site Runoff Control and finds the Town is in compliance with the permit conditions.
 - 4c. PRESENT NEW REGULATIONS FOR TOWN MEETING ACTION – The current bylaws of the Planning Board, Conservation Commission and the Earth Removal Board have been evaluated and will not require Town Meeting action to make the recommended changes.
- 5. The Town of Northborough has completed the self-assessment of section 5, Post Construction Runoff Control and finds the Town is in compliance with the permit conditions.
 - 5c. PRESENT NEW REGULATIONS FOR TOWN MEETING ACTION -- The current bylaws of the Planning Board, Conservation Commission and the Earth Removal Board have been evaluated and will not require Town Meeting action to make the recommended changes..
- 6. The Town of Northborough has completed the self-assessment of section 6, Municipal Good Housekeeping, and finds the Town is in substantial compliance with the permit conditions as outlined below:
 - 6a. IMPLEMENT STREET SWEEPING PROGRAM –The street sweeping program has been initiated and completed for this permit year.
 - 6b. IMPLEMENT CATCH BASIN CLEANING PROGRAM – The Town continues to clean catch basins.
 - 6c, d & e. PERFORM SITE VISITS TO EXAMINE EXISTING PRACTICES AT FACILITIES – All three Town garages have been inspected for this permit year and were determined to be in compliance. Each of the facilities are visited annually and all follow-ups are performed as required.



Town of Northborough

Andrew T. Dowd

TOWN CLERK

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Northborough, Massachusetts 01532-1994

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ANNUAL TOWN MEETING APRIL 29, 2008

Motion - ARTICLE 30

Kara Buzanoski, DPW Director moved that the Town vote to amend the Code of the Town of Northborough, by adding a new Chapter 4-12, entitled, "Illicit Discharges to the Municipal Storm Drain System", as printed in the handout (copies of which were available in the Town Clerk's Office continuously prior to the posting of the warrant until the time of Town Meeting) entitled "Article 30 – Illicit Discharges to the Municipal Storm Drain System Bylaw – 2008 Annual Town Meeting".

- This Article provides for adoption of a bylaw prohibiting illicit discharges to the Town's Storm Drain System as recommended by the U. S. Environmental Protection Agency as part of the Federal Stormwater Program.

MOTION CARRIES IN THE AFFIRMATIVE BY A UNANIMOUS VOTE

A TRUE COPY

ATTEST:



Andrew T. Dowd, Northborough Town Clerk

ARTICLE 30
Illicit Discharges to the Municipal Storm Drain System Bylaw – 2008 Annual Town Meeting

Chapter 4-12

ILLICIT DISCHARGES TO THE MUNICIPAL STORM DRAIN SYSTEM

Sections:

4-12-00F	Footnote to Chapter 4-12
4-12-010	Purpose
4-12-020	Definitions
4-12-030	Applicability
4-12-040	Authority
4-12-050	Responsibility for Administration
4-12-060	Regulations
4-12-070	Prohibited Activities
4-12-080	Exempt Activities
4-12-090	Emergency Suspension of Storm Drainage System Access
4-12-100	Notification of Spills
4-12-110	Enforcement
4-12-120	Severability
4-12-130	Transitional Provisions

4-12-00F Footnote to Chapter 4-12

GENERAL: REFERENCES

Wetlands – See Ch. 6-04

4-12-010 Purpose

- A. Increased volumes of stormwater and contaminated stormwater runoff are major causes of impairment of water quality and reduced flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.
- B. The United States Environmental Protection Agency has identified land disturbance and polluted stormwater runoff as major sources of water pollution. Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Northborough's water bodies and groundwater resources, and to safeguard the public health, safety, welfare and the natural resources of the Town.
- C. The objectives of this Bylaw are:
 - 1. to prevent pollutants from entering the Town of Northborough's municipal storm drain system;

ARTICLE 30

Illicit Discharges to the Municipal Storm Drain System Bylaw – 2008 Annual Town Meeting

2. to prohibit illicit connections and unauthorized discharges to the municipal storm drain system;
3. to require the removal of all such illicit connections;
4. to comply with state and federal statutes and regulations relating to stormwater discharges; and
5. To establish the legal authority to ensure compliance with the provisions of this Bylaw through inspection, monitoring, and enforcement.

4-12-020 Definitions

- A. The following definitions shall apply in the interpretation and implementation of this Chapter:

AUTHORIZED ENFORCEMENT AGENCY – The Highway Department, its employees or agents designated to enforce this Bylaw.

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

CMR – The Code of Massachusetts Regulations.

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

GROUNDWATER – Water beneath the surface of the ground, including confined or unconfined aquifers.

ILLICIT CONNECTION – A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this Bylaw.

ILLICIT DISCHARGE – Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in §4-12-80. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to §4-12-80 of this Bylaw.

MGL – The Massachusetts General Laws.

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Illicit Discharges to the Municipal Storm Drain System Bylaw – 2008 Annual Town Meeting

MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) – The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Northborough.

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

NON-STORMWATER DISCHARGE – Discharge to the municipal storm drain system not composed entirely of stormwater.

PERSON – An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT – Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is considered toxic to humans or the environment and may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include, but not be limited to:

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) non-hazardous liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;

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- (9) rock, sand, salt, soils;
- (10) construction wastes and residues; and
- (11) noxious or offensive matter of any kind.

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

STORMWATER – Runoff from precipitation or snow melt.

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

TOXIC OR HAZARDOUS MATERIAL or WASTE – Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under MGL C. 21C and MGL C. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WASTEWATER – Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

WATERCOURSE – A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH – All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WETLANDS – Coastal and freshwater wetlands, including wet meadows, marshes, swamps, and bogs, as defined and determined pursuant to MGL C. 131, § 40 and 310 CMR 10.00 et seq.

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Illicit Discharges to the Municipal Storm Drain System Bylaw – 2008 Annual Town Meeting

4-12-030 APPLICABILITY

This Bylaw shall apply to flows and discharges entering the municipal storm drain system.

4-12-040 AUTHORITY

This Bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

4-12-050 RESPONSIBILITY FOR ADMINISTRATION

The Highway Department shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Highway Department may be delegated in writing by the Public Works Director to employees or agents of the Highway Department.

4-12-060 REGULATIONS

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

4-12-070 PROHIBITED ACTIVITIES

- A. **Illicit Discharges** – No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drain system, into a watercourse, or into the waters of the Commonwealth.
- B. **Illicit Connections** – No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. **Obstruction of Municipal Storm Drain System** – No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Highway Department

4-12-080 EXEMPT ACTIVITIES

- A. Discharge or flow resulting from fire fighting activities.

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- B. The following non-stormwater discharges or flows are exempt from this Bylaw, provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
- (1) Waterline flushing;
 - (2) Flow from potable water sources;
 - (3) Springs;
 - (4) Natural flow from riparian habitats and wetlands;
 - (5) Diverted stream flow;
 - (6) Rising groundwater;
 - (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
 - (8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
 - (9) Discharge from landscape irrigation or lawn watering;
 - (10) Water from individual residential car washing;
 - (11) Discharge of dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining or test data is submitted to the Town prior to draining substantiating that the water meets the one ppm standard and the pool is drained in such a way as not to cause a nuisance or public safety issue and complies with all applicable Town Bylaws;
 - (12) Discharge from street sweeping;
 - (13) Dye testing, provided written notification is given to the Highway Department prior to the time of the test;
 - (14) Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full

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compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

(15) Discharge for which advance written approval is received from the Highway Department as necessary to protect public health, safety, welfare or the environment.

C. Discharge or flow that results from exigent conditions and occurs during a Public Health Emergency declared by any agency of the federal or state government, or by the Town Administrator, Board of Selectmen or Board of Health.

4-12-090 EMERGENCY SUSPENSION OF STORM DRAIN SYSTEM ACCESS

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

4-12-100 NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in, or which may result in, discharge of pollutants to the municipal storm drain system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Northborough Fire and Police Departments and the Highway Department. In the event of a release of non-hazardous material, the reporting person shall notify the Highway Department no later than the next business day. The reporting person shall provide written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

4-12-110 ENFORCEMENT

The Highway Department or an authorized agent of the Highway Department shall enforce this Bylaw and any regulations, orders, violation notices, and enforcement orders

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adopted or issued thereunder, and may pursue all civil and criminal remedies for such violations.

A. **Civil Relief** – If a person violates the provisions of this Bylaw or any regulations, permit, notice, or order issued thereunder, the Highway Department may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

B. Orders

(1) The Highway Department or an authorized agent of the Highway Department may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder, which may include:

(a) elimination of illicit connections or discharges to the municipal storm drain system;

(b) performance of monitoring, analyses, and reporting;

(c) that unlawful discharges, practices, or operations shall cease and desist;
and

(d) remediation of contamination.

(2) If the Highway Department determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Northborough may, at its option, undertake such work, and all costs incurred by the Town of Northborough shall be charged to the violator, to be recouped through all available means, including the placement of liens on the property.

(3) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Northborough, including administrative costs. The violator or property owner may file a written protest

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- (4) objecting to the amount or basis of costs with the Highway Department within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Highway Department affirming or reducing the costs, the costs shall become a special assessment against the property and shall constitute a lien on the property for the amount of said assessment. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL C. 59 §57 after the thirty-first day at which the costs first become due.
- C. **Criminal Penalty** – Any person who violates any provision of this Bylaw or any regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$ 50.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. **Non-Criminal Disposition** – As an alternative to criminal prosecution or civil action, the Town of Northborough may elect to utilize the non-criminal disposition procedure set forth in MGL C. 40 §21D, in which case the Highway Department or other authorized agent of the Highway Department shall be the enforcing person. The penalty for the 1st violation shall be a written warning. The penalty for the 2nd violation shall be \$50. The penalty for the 3rd and subsequent violations shall be \$100. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- E. **Entry to Perform Duties Under this Bylaw** – To the extent permitted by state law, or if authorized by the owner or other party in control of the property, members of the Highway Department and its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Bylaw and regulations adopted thereunder and may make or cause to be made such examinations, surveys or sampling as the Highway Department deems reasonably necessary.
- F. **Appeals** – The decisions or orders of the Highway Department shall be final. Further relief shall be requested by petition to a court of competent jurisdiction.
- G. **Remedies Not Exclusive** – The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

4-12-120 SEVERABILITY

The provisions of this Bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person,

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Illicit Discharges to the Municipal Storm Drain System Bylaw – 2008 Annual Town Meeting

establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

4-12-130 TRANSITIONAL PROVISIONS

Residential property owners shall have 180 days from the effective date of the Bylaw to comply with its provisions, provided good cause is shown for the failure to comply with the Bylaw during that period.