

Municipality/Organization: Town of Weston

EPA NPDES Permit Number: MAR041068

MaDEP Transmittal Number: W-035252

Annual Report Number

& Reporting Period:

No. 6: March 08-March 09

NPDES PII Small MS4 General Permit Annual Report

Part I. General Information

Contact Person: Stephen R. Fogg, P.E.

Title: Town Engineer

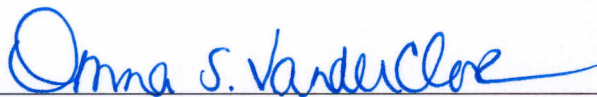
Telephone #: 781-893-1263 x15

Email: fogg.s@westonmass.org

Certification:

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



Printed Name: Donna VanderClock

Title: Town Manager

Date: April 30, 2009

Municipality/Organization: Town of Weston

EPA NPDES Permit Number: MAR041068

MaDEP Transmittal Number: W- 035252

Annual Report Number

& Reporting Period: No. 6: March 08-March 09

NPDES PII Small MS4 General Permit Annual Report

Part I. General Information

Contact Person: Stephen R. Fogg, P.E.

Title: Town Engineer

Telephone #: 781-893-1263 x15

Email: fogg.s@westonmass.org

Certification:

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

Printed Name: Donna VanderClock

Title: Town Manager

Date: April 30, 2009

Part II. Self-Assessment

The Town of Weston has completed the required self-assessment and has determined that our municipality is in compliance with all permit conditions, except for the following provisions:

BMP 1-5, video not created by SUASCO as planned. Year 5 materials for BMPs 1 and 2 are titled “Stormwater Matters Outreach and Participation Campaign, created by SUASCO.

BMP 1-6, Outreach to Private Ways, has not been completed as planned. An amendment to the Stormwater Regulations was passed at Town Meeting in May 2006, giving the Town authority over stormwater management on private ways.

Part II.B.2. BMP 2-2, Poster contest was not held.

Part II.B.2 BMP 2-3, Summit event not held as planned.

Part II.B.2 BMP 2-4, photo contest not held as planned

Part II.B.2 BMP 2-5, “super-summit” event not held as planned. After consideration by SUASCO, it was determined that the stormwater super-summit meeting had logistical and implementation difficulties; therefore a different approach was taken in lieu of this BMP. Year 5 materials for BMPs 1 and 2 are titled “Stormwater Matters Outreach and Participation Campaign, created by SUASCO.

Part II.B.4. BMP 4-1, Erosion and Sediment Control Bylaw, has been deferred until Town Meeting in the fall of 2009 or spring of 2010. The Stormwater Committee has been meeting since the fall of 2007 with the goal to establish the language of the bylaw and how it will be enforced.

Part II.B.5. BMP 5-1, Erosion and Sediment Control Bylaw, has been deferred until Town Meeting in the fall of 2009 or spring of 2010. The Stormwater Committee has been meeting since the fall of 2007 with the goal to establish the language of the bylaw and how it will be enforced.

Part III. Summary of Minimum Control Measures

1. Public Education and Outreach

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 6 (08-09) (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year (09-10)
1-1	Flyer to residents	SUASCO WCC and SRF	Distribute to 75% of residents	Completed in year 1	
Revised					
1-2	Lesson Plan for Fifth Graders	SUASCO WCC and SRF	Lesson plan taught	Lesson plan continuing in schools	Provide support as needed
Revised	Plan to be taught in 4 th grade				
1-3	Media Campaign	SUASCO WCC and SRF	Media packet given to press	none	
Revised					
1-4	Flyer to Businesses	SUASCO WCC and SRF	Distribute to 50% of businesses	None – completed in year 4	None
Revised			Distribute to 100% of businesses		
1-5	Video	SUASCO WCC and SRF	Show video at public meeting		
Revised	<i>“Stormwater Matters Outreach and Participation Campaign”</i>	SUASCO	Implement stormwater advertising campaign	Ad campaign displayed at Annual Town Meeting May 2008 and in Town Hall since May 2008	

1a. Additions

1-6	Outreach to Private Ways	DPW	Develop and send correspondence to road trusts and private way owners about stormwater issues	None	Follow up as necessary
-----	--------------------------	-----	---	------	------------------------

1-7	Public Meeting for proposed Stormwater and Erosion Control ByLaw	Stormwater Working Group	Hold public meeting to describe proposed bylaw and regulations	Public meeting held March 19, 2009	More public meetings planned to inform and educate, leading up to vote on bylaw in fall of '09 or spring of '10
-----	--	--------------------------	--	------------------------------------	---

2. Public Involvement and Participation

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 6 (08-09) (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year (09-10)
2-1	Traveling Display	SUASCO WCC and SRF	3 months on display	None - Completed in year 1	Use display as opportunity arises
Revised					
2-2	Poster contest (5 th grade)	SUASCO WCC and SRF	Hold contest	Contest rules provided to School Dept.	None
Revised					
2-3	Summit Event	SUASCO WCC and SRF	Hold local stormwater summit meeting	none	none
Revised					
2-4	Photo contest (High School)	SUASCO WCC and SRF	Hold contest	None	None – being considered for next permit cycle
Revised					
2-5	Super—summit event	SUASCO WCC and SRF	Participate in regional “super-summit”		
Revised	“Stormwater Matters Outreach and Participation Campaign”	SUASCO	Implement stormwater advertising campaign	Ad campaign displayed at Annual Town Meeting May 2008 and in Town Hall since May 2008	

2a. Additions

2-6	Stream team survey of Seaverns Brook	SRF and stream team	Complete survey	None	Provide GIS mapping and complete survey
Revised	<i>Stream team survey of Hobbs Brook</i>	Weston Girl Scouts	Complete survey	Survey completed, April 2008	
2-7	Catch basin stenciling program	SRF	Volunteer group(s) to install 180 storm drain markers in selected locations	Markers installed in key areas by Weston Girl Scouts	Continue program to other areas of Town

3. Illicit Discharge Detection and Elimination

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 6 (08-09) (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year (09-10)
3-1	Stormwater System Mapping	DPW	Complete mapping of stormwater system over a 3 year period	None – completed during year 3	Completion of stormwater system mapping using GPS to construct pipe network
3-2	Dry weather screening of outfalls	DPW	Visual inspection/report of known outfalls, 33% each year	None – outfalls inspected during year 3	Re-inspect outfalls and document changes from last inspection
3-3	Illicit Discharge Elimination	DPW, Board of Health	Trace non-stormwater flows and eliminate within 1 year	none	Sample flowing outfalls using IDDE protocol
3-4	Water Quality Monitoring	Cambridge Water Supply	Obtain results of regular monitoring	Water quality data summary from CWS - See Attachment A	Same as year 5
3-5	Amend Stormwater Regulations	DPW	Amended regulations adopted at 2003 Annual town Meeting	Goal met	Proposed Illicit Discharge bylaw to be voted on at fall '09 or spring '10 town meeting
Revised			Amended regulations adopted at 2006 Annual Town Meeting	Goal met to expand coverage to include impacts from private ways and impacts to water bodies from construction	
3-6	Septic System Monitoring Program	Board of Health	Develop, implement and enforce septic pumping	BOH not planning to institute mandatory pumping	
Revised			System in place to identify frequent pumping	Database created and in use; frequent pumping locations are investigated	
3-7	Dechlorination of New Water Mains	DPW - Water Div.	Use dechlorination tablets when flushing new mains	Done during installation of North Ave water main	As needed
3-8	Trench Dewatering Policy	DPW	Require siltation control on all trench dewatering projects	Siltation control specified on all capital projects; controls used on DPW projects	As needed

4. Construction Site Stormwater Runoff Control

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 6 (08-09) (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year (09-10)
4-1	Erosion and Sediment Control Bylaw	Stormwater Working Group	Develop, implement and enforce bylaw	Bylaw and regulations drafted – see Attachment	Seek approval at town meeting in fall of 2009 or spring of 2010
Revised	<i>Incorporate provisions into Stormwater Regulations as policies</i>	DPW	All construction projects subject to Building Permit reviewed for compliance with policy	DPW inspector assigned to enforce policies	Same as year 5
4-2	Planning Board review of projects	Planning Board	All projects reviewed for compliance with runoff control measures	All applicants are required to demonstrate that they are addressing stormwater runoff control during construction	Same as prior years
4-3	Conservation Commission review of projects	Conservation Commission	All projects reviewed for compliance with runoff control measures	All applicants are required to demonstrate that they are addressing stormwater runoff control during construction	Same as prior years
4-4	Street Opening permit process	DPW	Inspections conducted for compliance with Stormwater Regulations	DPW inspector assigned to this task	Inspections documented and reported in annual report
4-5	Building Permit process	Building Dept.	Appropriate applicants referred to DPW for stormwater controls	permit tracking program put in place during 2007-08	Permit tracking continues

5. Post-Construction Stormwater Management in New Development and Redevelopment

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 5 (08-09) (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year (09-10)
5-1	Erosion and Sediment Control ByLaw	DPW	Same as control measure 4-1	Bylaw and regulations drafted – see Attachment	Seek approval at town meeting in fall of 2009 or spring of 2010
Revised	<i>Incorporate provisions into Stormwater Regulations as policies</i>	DPW	All construction projects subject to Building Permit reviewed for compliance with policy	DPW inspector assigned to this task*	Projects documented and reported in annual report
5-2	DPW Runoff Control Policy	DPW	Development / redevelopment projects required to handle stormwater on-site	Plan review and inspection procedure in place; estimated that 75% of potential projects are being reviewed	Goal is 100% of applicable projects are reviewed and inspected

* see Attachment B for spreadsheet of private stormwater BMPs

6. Pollution Prevention and Good Housekeeping in Municipal Operations

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 5 (08-09) (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 1 (09-10)
6-1	Street Sweeping	DPW	Sweep all public streets annually	All public streets swept at least once per year	Same as year 6
6-2	Catch Basin Cleaning	DPW	Clean all public catch basins annually	All public catch basins cleaned at least annually	Same as year 6
6-3	Drainage Improvement Projects	DPW	Incorporate structural BMPs into each project	Church Street project design completed, including approx. 3,500 lin. ft. of drainage and road improvements, incorporating stormwater BMPs	Church Street construction ongoing 5 year capital plan to be developed
6-4	DPW Housekeeping	DPW	Conduct environmental audit, implement recc.	Completed	none
<i>Revised</i>	<i>Environmental Management System</i>	<i>DPW</i>	<i>Develop and Implement Environmental Management System</i>	<i>Continual improvements to EMS and identification of new environmental aspects and impacts</i>	<i>Continual improvements to EMS and identification of new environmental aspects and impacts</i>
6-5	Roadway De-icing Program	DPW	Install computerized spreader controls; alt. dispensing equipment	Computerized controls installed; continue to track usage to achieve optimal application rate	Continue to seek optimal levels to achieve balance between public safety and environmental impact
6-6	Waterway Maintenance	DPW	Clear waterways of debris, 3 year rotating basis	Waterway maintenance work suspended due to lack of manpower	File Notice of Intent with Conservation Commission for permit to do maintenance
<i>Revised</i>	<i>Ditch maintenance</i>	<i>East Middlesex Mosquito Control Project</i>	<i>Clear sediment from ditches</i>	<i>minimal ditch clearing accomplished in one area</i>	<i>Identify and clean as time and budget allows</i>

6a. Additions

6-7	Employee Training Program	DPW	Provide all departments with training	Done for DPW staff as part of EMS program	
6-8	New DPW Facility	DPW	Incorporate Green Building Design into project	final design incorporates stormwater treatment, groundwater recharge, and roof runoff capture for vehicle washing facility	Construction of new facility anticipated to begin summer of 2009 and take 18 months to complete

Part IV. Summary of Information Collected and Analyzed

A summary of water quality monitoring results from Cambridge Water Supply (CWS) is attached (Attachment A). In general the most recent data shows very low levels of fecal coliform bacteria compared to the range of concentrations measured at stream locations in prior sampling rounds. Weston has received no indication of specific water quality concerns from staff in the Watershed Protection Division of CWS. This agency has staff dedicated to monitoring water quality within the watershed on a daily basis.

Part V. Program Outputs & Accomplishments (OPTIONAL)

Programmatic

		2007-2008	2008-2009
Stormwater management position created/staffed	(y/n)	Y	
Annual program budget/expenditures	(\$)	\$387,100	

Education, Involvement, and Training

Estimated number of residents reached by education program(s)	(# or %)	200 households via 4 th grade lesson plan	200 households via 4 th grade lesson plan
Stormwater management committee established	(y/n)	n	y
Stream teams established or supported	(# or y/n)	n	n
Shoreline clean-up participation or quantity of shoreline miles cleaned	(y/n or mi.)	n	n
Household Hazardous Waste Collection Days			
▪ days sponsored	(#)	1	1
▪ community participation	Vehicle count	273	186
▪ material collected	(tons or gal)	2.3 tons	3.5 tons
School curricula implemented	(y/n)	y	y

Legal/Regulatory

	In Place Prior to Phase II	Under Review	Drafted	Adopted
Regulatory Mechanism Status (indicate with “X”)				
▪ Illicit Discharge Detection & Elimination	X			
▪ Erosion & Sediment Control	X			
▪ Post-Development Stormwater Management	X			
Accompanying Regulation Status (indicate with “X”)				
▪ Illicit Discharge Detection & Elimination			X	
▪ Erosion & Sediment Control			X	
▪ Post-Development Stormwater Management			X	

Mapping and Illicit Discharges

Outfall mapping complete	(%)	100
Estimated or actual number of outfalls	(#)	310
System-Wide mapping complete	(%)	100
Mapping method(s)		
▪ Paper/Mylar	(%)	
▪ CADD	(%)	
▪ GIS / GPS	(%)	100
Outfalls inspected/screened	(# or %)	100
Illicit discharges identified	(#)	0
Illicit connections removed	(#) (est. gpd)	NA
% of population on sewer	(%)	0.3*
% of population on septic systems	(%)	99.7

* residents at Regis College, which is sewerred to the MWRA via private force main.

Construction

		2007-2008	2008-2009
Number of construction starts (>1-acre)	(#)	41*	37
Estimated percentage of construction starts adequately regulated for erosion and sediment control	(%)	100%	100%
Site inspections completed	(# or %)	100%	100%
Tickets/Stop work orders issued	(# or %)	0	0
Fines collected**	(# and \$)	0	0
Complaints/concerns received from public	(#)	2	2
* includes condominiums as part of a 69 unit development on 40 acres (known as Highland Meadows)			
** Nov. 2007 Town Meeting passed non-criminal disposition bylaw allowing for fines to be levied if necessary			

Post-Development Stormwater Management

Estimated percentage of development/redevelopment projects adequately regulated for post-construction stormwater control	(%)	50%
Site inspections completed	(# or %)	50%
Estimated volume of stormwater recharged	(gpy)	unknown

Operations and Maintenance

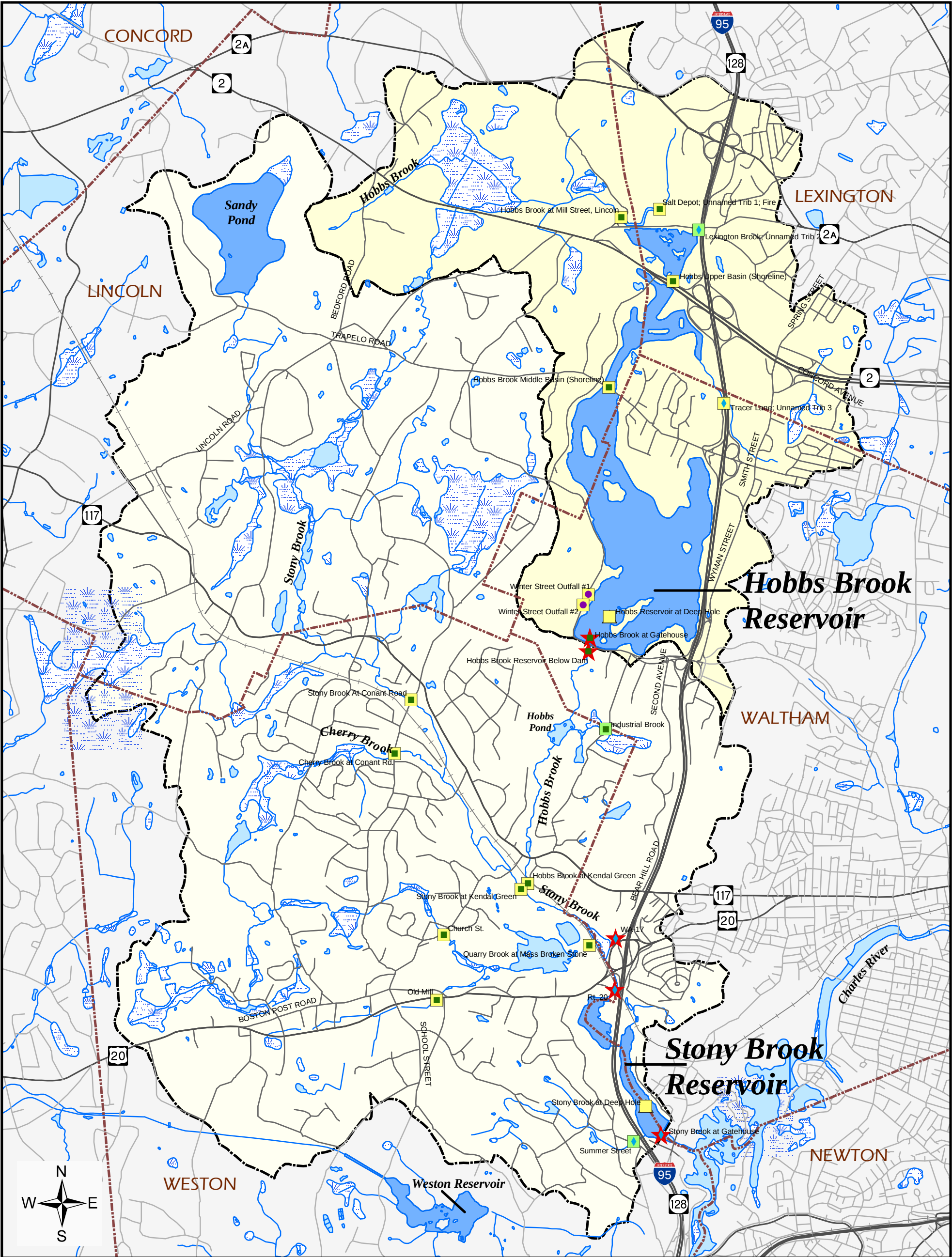
		2007-2008	2008-2009
Average frequency of catch basin cleaning (non-commercial/non-arterial streets)	(times/yr)	1	1
Average frequency of catch basin cleaning (commercial/arterial or other critical streets)	(times/yr)	2	2
Number of drainage structures repaired or rebuilt	#	14	14
Total number of structures cleaned	(#)	1,484	1,484
Storm drain cleaned	(LF or mi.)	1,000 l.f. approx.	1,500 l.f.
Ditches cleaned by East Middlesex Mosquito Control	l.f.	1,500 +/-	500

Operations and Maintenance (cont)

		2007-2008	2008-2009
Qty. of screenings/debris removed from storm sewer infrastructure	(lbs. or tons)	345 tons	250 tons
Disposal or use of sweepings (landfill, POTW, compost, recycle for sand, beneficial use, etc.)		landfill	landfill
Cost of screenings disposal (including trucking and disposal)	(\$)	\$29/ton	\$29/ton
Average frequency of street sweeping (non-commercial/non-arterial streets)	(times/yr)	1	1
Average frequency of street sweeping (commercial/arterial or other critical streets)	(times/yr)	2	2+
Qty. of sand/debris collected by sweeping	(lbs. or tons)	1,420 tons	450 tons
Disposal of sweepings (landfill, POTW, compost, beneficial use, etc.)	(location)	landfill cover	landfill cover
Cost of sweepings disposal	(\$)	\$16/ton	\$15/ton
Vacuum street sweepers purchased/leased	(#)	0	0
Vacuum street sweepers specified in contracts	(y/n)	N	N
		2007-2008	2008-2009
Reduction in application on public land of: ("N/A" = never used; "100%" = elimination)			
▪ Fertilizers, herbicides, pesticides	(lbs. or %)	0%	**
** formal IPM program in place for school fields; pre-emergent crabgrass treatment spring and fall, poison ivy treated in outbreak areas, pesticides applied by Waltham Chemical for hornets, bees and ant control			
Anti-/De-Icing products and ratios Weston has implemented salt-only usage for winter '07-08 season	% NaCl % CaCl ₂ % Sand	25-50% 5% pre-wet 75-50%	50-100% 6 gal/ton 0-50%
Pre-wetting techniques utilized	(y/n)	Y	Y
Manual control spreaders used	(y/n)	Y	Y
Automatic or Zero-velocity spreaders used	(y/n)	Y	Y
Estimated net reduction in typical year salt application	Lbs/lane mile	660	593
Salt pile(s) covered in storage shed(s)	(y/n)	Y	Y
Storage shed(s) in design or under construction	(y/n)	NA	NA

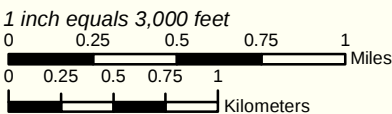
ATTACHMENTS

ATTACHMENT A
CAMBRIDGE WATER SUPPLY
WATER QUALITY DATA

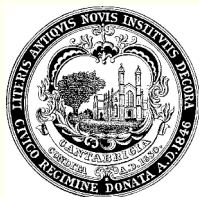


Sampling Sites

- Baseflow
- Storm
- ◆ Storm & Baseflow
- ★ Continuous Online
- Manual
- Planned
- ▲ Buoy

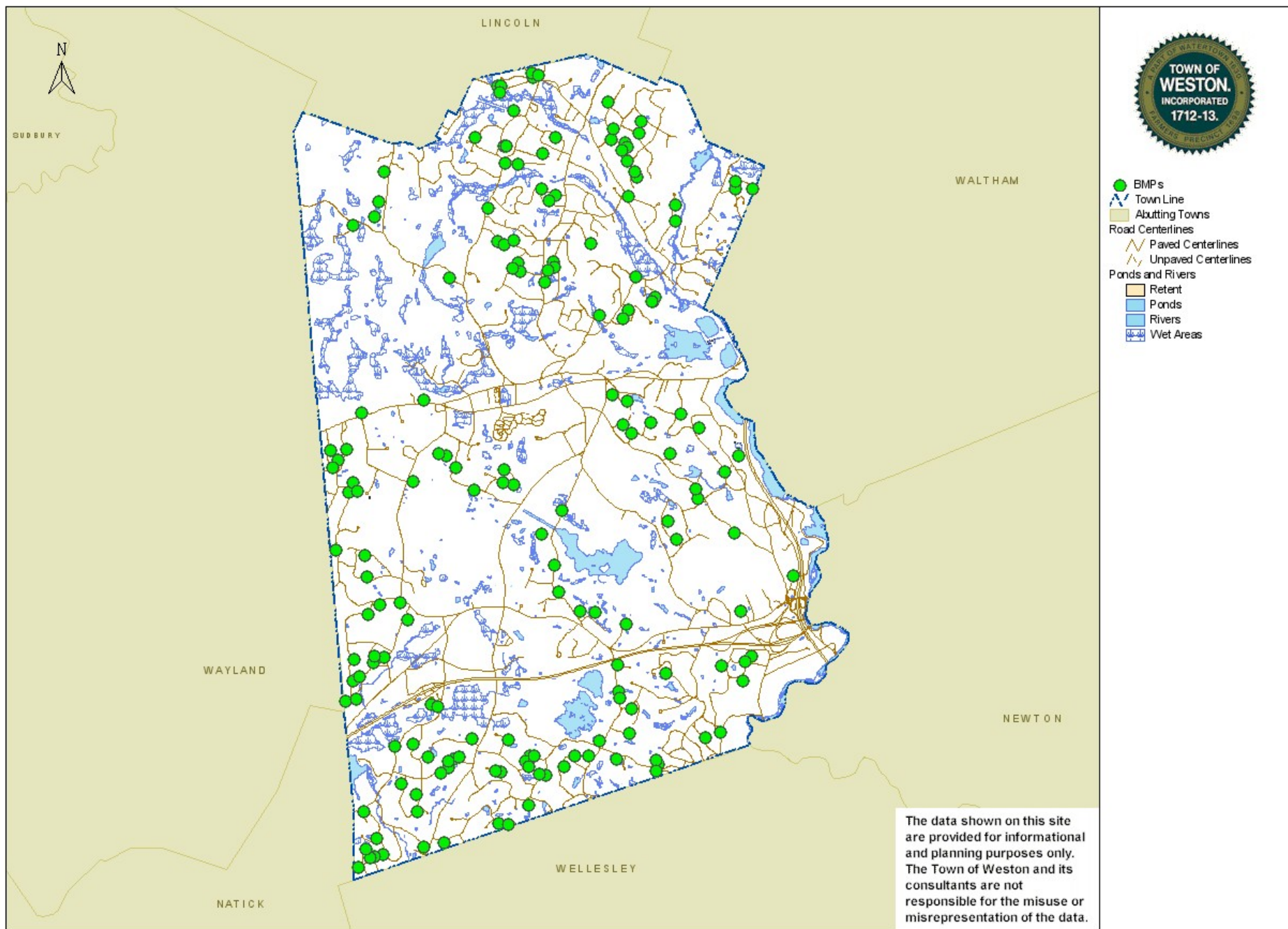


**Source Water Protection Plan
Cambridge Watershed
Water Quality Monitoring**



Date	Time	Water temp. (°C)	SpC (µS/cm)	DO (%saturation)	DO (mg/L)	pH	Orp mV	Turbidity (NTU)	Salinity PSS	sample type	station	Air temp. (°F)	BP (mmHg)	Staff Height (ft)	Discharge (inst. cfs)	Comments	NH3 (mg/L)	TKN (mg/L)	Total Phos. (mg/L)	Ortho Phos. (mg/L)	lab number	Ca (mg/L)	Cl (mg/L)	Color (CU)	Conductivity (umhos/cm)	E-Coli (MPN)	Fecal Coliform (CFU/100 ml)	Min (mg/L)	NO3 (mg/L)	NO2 (mg/L)	Lab pH	Na (mg/L)	TOC (mg/L)	Total Alkalinity (mg/L CaCO3)	Total Al (mg/L)	Total Coliform (MPN)	Total Fe (mg/L)	Lab Turbidity (NTU)	UV254 (abs)	
Site ID:	4475																																							
Site name:	Summer St.																0.04	0.150	0.02	0.0025	1478	18.9	61.3	11	331		0	0.02	1.710	0.008	7.20	33.8	2.641	18.0	0.02		0.170	0.40	0.084	
11/20/2008	11:27:42	3.89	299	101	13.24	7.15		-0.60	0.10	1	1	34	754.8	0.45	0.63	Dishcharge from web, Turbidity flagged, DO mg/L calculated	0.10	0.600	0.026	0.01	5621	18.5	42.8	21	293		5	0.01			7.26	31.7	4.188	39.0	0.02		0.071	0.45	0.148	
1/27/2009	10:53:55	1.10	279	110	15.55	7.20	145.00	-0.50	0.10	1	1	22.30	773.6	0.54	1.20	Discharge from web, staff height from web = 0.58, DO mg/L calculated	ND	0.38	0.015	ND	0415	19.3	45.6	6	275		4	0.02	1.8	0.007	7.2	28.6	2.565	30.5	0.023		0.125	0.393	0.08	
Site name:	WB @ Rt 20																																							
4/23/2008	11:40	12.77	792		11.10	6.59		1.6		1	1	70.00			1.69		0.20	0.250	0.02	0.008	1938	31	197	54	766	84	105	0.068	1.560	0.006	6.87	123	5.780	26.5	0.07	1600	0.717	1.23	0.308	
3/18/2009	10:41:07	5.14	693	87.3	11.00	6.44	70	3.10	0.3	1	1	42	761.9			FDUP taken, %RPD NH3 = 42	0.12	<0.5	0.012	<0.005	1267	31	211	45	321	14		0.076	1.80	<0.0	6.44	121		27.5	0.140	820	0.667	1.22	0.256	
Site name:	QB @ Church																																							
4/23/2008	12:05:29	14.43	350		10.43	6.59		2.3									<0.4	0.250	0.03	0.009	1939	14.9	80.20	62	353	4	10	0.049	0.585	0.004	6.47	58.4	7.4	10.50	0.13	4800	0.419	1.11	0.376	
3/18/2009	10:23:24	2.96	353	92.16	12.32	6.54	92	0.2	0.10	1	1	42	761.9				<0.075	<0.5	0.01	<0.005	1266	13.4	96.50	34	270	8		0.047	0.70	<0.0	6.25	52.8		10.50	0.1	390	0.248	0.55	0.200	
Site name:	Cherry Brook @ Conant																																							
4/23/2008	10:45	13.73	341		9.5	6.44		1.7		1	1	70			4.84		0.20	2.00	0.090	0.008	1936	20.2	65.8	41	341	6.2	10	0.096	0.611	0.006	6.99	45.3	5.42	23.5	0.221	4800	0.823	1.580	0.249	
3/18/2009	9:22:39	2.55	301	94.2	12.73	7.03	103	1.2	0.1	1	1	42	761.9		9.29		<0.075	<0.5	0.018	<0.005	1265	15	77.1	24	270	12	0	0.016	1.000	<0.0	6.76	32.1		22	0.02	290	0.15	0.727	0.144	
Site name:	Stony @ Conant																																							
4/23/2008	11:04:35	14.62	231		9.83	6.69		0.8				70.0			2.98	sample taken at this point	0.20	0.250	0.03	0.01	1937	18	38.600	51.00	233	58	95	0.09	0.43	0.00	6.87	25.40	6.44	23.0	0.045	4800	0.60	1.130	0.314	
4/23/2008	11:18:19	14.89	230		9.97	6.77		1.5				70.0			5.75																									
3/18/2009	8:58:05	3.97	191	97.34	12.67	7.34	131	0.4	0.0	1	1	42	761.9			No discharge measurement. Sample taken at the left culvert, DO mg/L calculated	<0.075	<0.5	0.012	<0.005	1264	13.6	39	31	166	20		0.02	0.50	<0.0	6.94	19.3		21.5	0.031	520	0.19	0.818	0.193	
Site ID:	4390																																							
Site name:	Stony @Kendal Green																																							
3/25/2008	11:31:27	3.92	273	102.43	13.82	7.79		-2.10		1	1	40.00		1.64	35.10	turbidity reading not valid	0.04	0.55	0.01	0.003	1450	16.20	49.80	25	268	13.00	5	0.05	0.86	0.00	6.86	28.50	4	17.0	0.03	610	0.13	0.43	0.162	
11/20/2008	9:20:01	1.18	263	98.11	13.84	6.98		-0.9	0.1	1	1	34	754.8	1.04			0.13	0.77	0.025	0.007	5619	15.6	43.9	54	254		59	0.088			6.84	26.1	6.89	29	0.025		0.465	2.48	0.32	
1/27/2009	9:49:34	0.15	256	100.98	14.67	7.79	94	-0.3	0.1	1	1	22.30	773.6	1.55		DO mg/L calculated, discharge not measured	0.11	0.49	0.014	ND	0412	16.6	46.4	26	252	10		0.064	1.02	<0.004	6.41	26.4	3.51	27	0.025		0.287	0.834	0.153	
Site ID:	4440																																							
Site name:	Hobbs @ Kendal Green																																							
3/25/2008	10:45:13	4.41	680	106.14	14.11	6.98		-1		1	1	40.0		1.38	4.84	turbidity reading not valid	0.04	0.44	0.01	0.003	1449	29.40	173	14	637	3.1	14	0.16	0.795	0.004	6.86	92	2.54	20.5	0.04	580	0.49	1.05	0.080	
11/20/2008	8:57:15	3.96	688	103.52	13.52	7.79		-0.3	0.3	1	1	34	754.8	1.66			0.23	0.55	0.023	ND	5620	23.2	174	18	644		6	0.153			7.07	99.1	3.966	24	0.075		0.43	1.56	0.129	
1/27/2009	9:27:25	1.14	706	109.9	15.50	7.88	157	-1.2	0.3	1	1	22.30	773.6	2.38			0.14	1.20	0.012	ND	0411	21.9	202	24	652	30		0.107	0.315	<0.004	6.85	109	4.324	21.5	0.039		0.277	0.856	0.159	
Site ID:	QB0.105 Quarry Brook																																							
Site name:	MBS																																							
3/26/2008	10:15																0.04	0.590	0.01	0.003	1476	21.3	133	34	528		9	0.035	0.896	0.011	6.98	81.4	4.55	17	0.043		0.48	1.11	0.204	
11/20/2008	11:07:39	2.55	535	91.68	12.44	6.90		-1.9	0.20	1	1	34	754.8			Sampled at culvert, downstream of usual site, DO mg/L calculated	0.19	0.860	0.017	0.005	5617	19.4	122	69	498		5	0.014			6.91	69.3	8.96	31	0.032		0.21	0.97	0.424	
1/27/2009	10:15:15	1.61	600	89.05	12.40	6.88	139.0	-1.10	0.20	1	1	22.30	773.6			DO mg/L calculated	0.13	0.620	0.012	ND																				
Site ID:	4460																																							
Site name:	Rt. 20																																							
3/26/2008	10:24:46	5.35	421	101.77	13.22	7.02		-0.4		1	1			5.56	45.00																									
3/26/2008	10:25:11	5.37	421	100.57	13.05	6.93		28.4		1	2			5.56	45.00		0.04	0.15	0.01	0.003	1477	19.9	94.4	23	406		0	0.092	0.87	0.01	6.92	47.4	3.713	20.5	0.017		0.18	0.651	0.150	
3/26/2008	10:25:47	5.37	422	99.89	12.96	6.86		-0.2		1	3			5.56	45.00																									
11/20/2008	10:05:43	2.68	503	98.94	13.38	6.70		3.7	0.2	1	1	34	754.8	5.23	27	Staff Height/Discharge from web	0.09	0.69	0.04	0.005	5618	20.6	115.0	67	473		37	0.290			6.88	68.1	5.680	29.0	0.154		0.97	2.91	0.243	
1/27/2009	10:32:49	0.85	580	104.1	14.81	7.00	108	-0.4	0.2	1	1	22.30	773.6	5.82	64	Staff Height/Discharge from web, did not get reading from staff gage	0.08	0.48	0.02	ND	0414	20.																		

ATTACHMENT B
PRIVATE STORMWATER BMPS
TRACKING SPREADSHEET (PARTIAL)



stormwater bmps as of 4-21-09

AppDate	Location_num	Location_name	BMPReqd	AprDate	PreInspDate	FinInspDate	BMPType
2/26/2009	56	RADCLIFFE RD	no	2/26/2009			other
1/10/2009	200	CONCORD RD	no	1/6/2009			
1/8/2009	40	WESTERLY RD	no	1/8/2009			trench
12/23/2008	55	BLACK OAK RD	yes	11/21/2008			trench
12/1/2008	30	BRADFORD RD	yes	12/1/2008			trench
10/22/2008	34	WINSOR WAY	no				cb
10/21/2008	244	GLEN RD	no	8/21/2007	10/21/2008	11/13/2008	cb
10/21/2008	17	SILVER HILL RD	no	10/20/2008			trench
10/21/2008	19	SILVER HILL RD	no	10/20/2008			trench
10/20/2008	42	LONGMEADOW RD	no	10/20/2008			cb
9/18/2008	296	MERRIAM ST	no	9/18/2008			cb
8/7/2008	10	TRAILSIDE RD	no	8/7/2008			
8/5/2008	17	HOLLY CIR	no	8/7/2008			trench
7/23/2008	55	SUNSET RD	yes	7/25/2008	3/4/2009	3/4/2009	cb
7/14/2008	157	OAK ST	no	7/14/2008			swale
7/7/2008	44	RIVER RD	yes	7/7/2008			cb
7/7/2008	20	COBURN RD	no	7/7/2008			
5/8/2008	225	NORTH AVE	yes	5/9/2008			trench
5/2/2008	109	CHESTNUT ST	yes	5/2/2008			cb
4/23/2008	4	RAYNOR RD	no	4/23/2008			
3/11/2008	40	RADCLIFFE RD	no	3/11/2008			drveshp
2/19/2008	24	COUNTRY DR	no	2/19/2008			cb
12/14/2007	11	BYRON RD	yes	12/14/2007	9/5/2008		trench
12/13/2007	281	COUNTRY DR	yes				trench
12/3/2007	90	SYLVAN LN	yes	12/5/2007			other
11/28/2007	725	BOSTON POST RD	no	11/28/2007			other
11/8/2007	137	ROCKPORT RD	yes	11/8/2007	8/8/2008		trench
10/26/2007	24	COUNTRY DR	yes	10/26/2007			trench
10/19/2007	15	WALNUT RD	yes	10/23/2007	4/22/2008		trench
10/17/2007	60	SUNSET RD	yes	10/17/2007			trench
10/17/2007	145	CONANT RD	yes	10/17/2007			
10/12/2007	60	PINECROFT RD	yes	10/15/2007	11/4/2008	11/14/2008	trench
10/4/2007	11	DELLBROOK RD	yes	10/4/2007			cb
9/19/2007	7	HOLLY CIR	yes				other
9/18/2007	150	MEADOWBROOK RD	yes				
9/17/2007	36	DEER PATH LN	yes	9/17/2007	5/30/2008		trench
9/17/2007	85	ROBIN RD	no	9/25/2007			other
8/31/2007	56	COBURN RD	yes	9/6/2007			drveshp
8/30/2007	30	APPLE CREST RD	yes	8/30/2007	11/14/2007		trench
8/22/2007	244	GLEN RD	no	9/20/2007			other
8/3/2007	4	DEER PATH LN	yes				
8/2/2007	63	COUNTRY DR	yes				
7/12/2007	15	SYLVAN LN	yes	7/12/2007	2/18/2009	2/18/2009	cb
7/1/2007	535	NORTH AVE	no				other
6/18/2007	60	MEADOWBROOK RD	yes				
6/11/2007	36	LAUREL RD	yes	6/11/2007	10/10/2007	10/10/2007	drveshp
6/6/2007	21	BEMIS ST	yes				
5/25/2007	53	SHADY HILL RD	yes				
5/24/2007	15	DOGWOOD RD	yes	5/24/2007			
5/24/2007	15	DOGWOOD RD	yes	5/24/2007			
5/14/2007	536	NORTH AVE	yes	5/14/2007			drveshp
4/17/2007	4	HIDDEN RD	yes	4/17/2007		3/12/2008	cb
4/5/2007	0	ASH ST	yes				

stormwater bmps as of 4-21-09

4/5/2007	25	ASH ST	yes				
3/26/2007	243	GLEN RD	yes	5/1/2007	8/20/2007		
2/18/2007	17	BLAKE RD	yes				
2/18/2007	21	BLAKE RD	yes				
1/29/2007	58	APPLE CREST RD	yes	1/29/2007	2/21/2008		drveshp
1/18/2007	235	GLEN RD	yes	1/18/2007			
1/4/2007	11	DELLBROOK RD	yes	10/4/2007			
12/21/2006	54	ROLLING LN	yes	10/15/2007	11/20/2007		trench
12/18/2006	80	SUNSET RD	yes	12/18/2006	10/10/2007	10/10/2007	drveshp
10/13/2006	36	LEDGEWOOD RD	yes	10/13/2006	7/25/2007	7/25/2007	
10/13/2006	102	ASH ST	yes				
10/13/2006	36	LEDGEWOOD RD	yes	10/13/2006	7/25/2007	7/25/2007	
10/6/2006	20	WESTERLY RD	yes	10/5/2006			
10/2/2006	25	WESTCLIFF RD	yes				
9/27/2006	5	BRENTON RD	yes	9/27/2006	9/26/2007		trench
9/5/2006	91	MONTVALE RD	yes	9/5/2006			
8/2/2006	22	GAIL RD	yes	8/2/2005			
8/1/2006	131	BEAVER RD	yes	8/1/2006	7/17/2007	7/17/2007	
5/24/2006	49	ORCHARD AVE	yes				
5/9/2006	53	DRABBINGTON WAY	yes	5/9/2006			
4/20/2006	49	ABERDEEN RD	yes	4/20/2006			
4/14/2006	81	MONTVALE RD	yes	4/13/2006		4/2/2007	
4/6/2006	15	ROCKPORT RD	yes	4/6/2006			
3/31/2006	25	SPRUCE HILL RD	yes	3/31/2006	9/11/2006	3/29/2007	
3/29/2006	24	OAK ST	yes				
3/29/2006	64	OAK ST	yes	4/7/2006			
3/23/2006	180	ASH ST	yes				
3/23/2006	4	DEER PATH LN	yes	3/23/2006			
3/23/2006	180	ASH ST	yes				
1/26/2006	17	LEDGEWOOD RD	yes	1/26/2006			
1/26/2006	17	LEDGEWOOD RD	yes	1/26/2006			
1/5/2006	18	PINE ST	yes	1/5/2006		12/18/2008	cb

ATTACHMENT C
DRAFT STORMWATER AND EROSION CONTROL BYLAW

ARTICLE: To see if the Town will vote to amend the BY-LAWS of the TOWN OF WESTON, by removing §XXVII in its entirety and inserting new §XXVII, "Stormwater and Erosion Control" as stated below:

CHAPTER XXVII. Stormwater and Erosion Control

Section I. Purpose and Intent

The Town of Weston finds that it is necessary to regulate activities that involve the disturbance of land, and result in the creation or alteration of stormwater runoff. The impacts of construction, land disturbance, and the rate and volume of stormwater runoff have adversely affected public safety, public and private property, groundwater resources, drinking water supplies, wetland resource areas, recreation, public and private property and other uses of lands and waters. Land development projects and other land use conversions also contribute to increased nonpoint source pollution and degradation of receiving waters.

1.1 The purpose of this By-Law is to safeguard the public health, safety, welfare and the environment by:

- a) Requiring that new development, redevelopment and all land disturbance activities result in post-development condition runoff rates and volumes that are 10% less than the pre-development condition runoff rates and volumes to provide recharge, and to reduce:
 1. flooding,
 2. stream bank erosion,
 3. siltation,
 4. nonpoint source pollution, and
 5. to maintain the integrity of stream channels and aquatic habitats;
- b) Regulation of discharges to the Town of Weston municipal separate storm sewer system (MS4) to ensure that Weston can meet the requirements of its National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems.;
- c) Ensuring that the addition or removal of sand, gravel, stone, soil, loam, sod, clay and mineral products complies with this By-Law;
- d) Preventing flooding of private property and roadways, and
- e) Preventing or diminishing impacts by controlling runoff and preventing soil erosion and sedimentation resulting from site construction and development.

1.2 The objectives of this By-Law are to:

- a) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of wetland resource areas;
- b) Prevent the impacts of construction and post-development stormwater runoff quantity and quality that can adversely affect public and private property;
- c) Establish minimum construction/alteration and post-development storm water management standards and design criteria for the regulation and control of storm water runoff quantity and quality;
- d) Encourage the use of nonstructural stormwater management, stormwater better site design

practices or “low-impact development practices”, such as reducing impervious cover, the preservation of open space, and protection of existing vegetation including tree cover to the maximum extent practicable;

- e) Protect the properties and aquatic resources downstream from land development, redevelopment, and land conversion activities from damages due to increases in volume, velocity, frequency, duration, and peak flow rate of storm water runoff;
 - f) Establish design criteria for measures to minimize nonpoint source pollution from storm water runoff;
 - g) Ensure that construction and waste materials, toxic materials, hazardous materials, and other pollutants are prevented from mixing with stormwater runoff, which would degrade water quality;
 - h) Establish design and application criteria for the construction and use of structural storm water control facilities that can be used to meet the minimum construction/alteration and post-development storm water management standards;
 - i) Encourage the use of nonstructural storm water management tools and techniques, storm water site design practices (low-impact development practices), such as reducing impervious cover and the preservation of existing trees and vegetation, open space and other natural areas, to the maximum extent practicable;
 - j) Establish provisions for the long-term responsibility for and maintenance of structural storm water control facilities and nonstructural storm water management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;
 - k) Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of storm water facilities implemented as part of this By-Law; and
 - l) Establish administrative procedures and fees for the submission, review, approval, or disapproval of storm water management plans, and for the inspection of approved active projects, and long-term follow up.
 - m) Establish the Town of Weston’s legal authority and capacity to ensure compliance with the provisions of this By-Law through funding, permitting, inspection, monitoring, and enforcement.
- 1.3 This By-Law is not intended to interfere with, abrogate or annul any other By-Law, rule or regulation, statute, or other provision of law. The requirements of this By-Law should be considered minimum requirements, and where any provision of this By-Law imposes restrictions different from those imposed by any other By-Law, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.
- 1.4 This By-Law and the regulations, criteria, policies and guidance adopted or promulgated pursuant to this By-Law, and any town stormwater management funding mechanism created pursuant this By-Law, form an integral part of the Stormwater Management Program for the Town of Weston. This By-Law is intended to meet certain provisions of the Town’s requirements to comply with the Clean Water Act National Pollutant Discharge Elimination System (NPDES) Regulations for the

Revision of the Water Pollution Control Program Addressing Storm Water Discharges (Phase I and II Rules).

Section 2. Definitions

For the purposes of this By-Law, the following shall mean:

Alter: Any activity that will measurably change the ability of a ground surface to absorb water or will change existing surface drainage patterns. Alter may be similarly represented as “alteration of drainage characteristics” and “conducting land disturbance activities.”

Alteration of Drainage Characteristics: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

Applicant: Any person requesting authorization for a proposed land-disturbance activity.

Best Management Practice (BMP): Structural, non-structural, vegetative and managerial techniques that are recognized to be the most effective and practical means to reduce erosion and sediment, prevent or reduce increases in storm water volumes and flows, reduce point source and nonpoint source pollution, and promote storm water quality and protection of the environment. “Structural” BMPs are devices that are engineered and constructed to provide temporary storage and treatment of storm water runoff. “Nonstructural” BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

Better Site Design: Site design approaches and techniques that can reduce a site’s impact on watersheds and water resources through the use of nonstructural stormwater water management practices. Better site design includes (without limitation) conserving and protecting natural areas and green space, providing substantial buffer zones for sensitive resources, reducing impervious cover, and using natural features for stormwater management.

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

Clearing: The removal or causing to be removed through either direct or indirect actions; trees, shrubs and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to; causing irreversible damage to roots or trunks, destroying the structural integrity of vegetation, and/or any filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage.

Construction and Waste Materials: - Excess or discarded building or construction site materials that may adversely impact water quality, including but not limited to concrete truck washout, chemicals, litter and sanitary waste.

Construction Phase: The period of time during which a site is under construction, from the initial alteration of the existing conditions to the completion of all site alteration, including installation of any utilities, roadways, driveways, and buildings, and all changes in vegetative cover.

Development: Any modification of land to accommodate a new use or expansion of use, usually involving construction.

Disturbed Area: - an area, man-made or natural, where the existing condition has been or is proposed to be altered.

Earth Removal: The removal of earth materials from a lot or parcel including, but not limited to, sand, gravel, stone, soil, loam, sod, clay and mineral products.

Erosion: A condition in which the earth's surface, including soil or rock fragment, is detached and moved away by the action of water, wind, ice, gravity or other natural means.

Erosion and Sedimentation Control Plan: A document containing narrative, drawings and details developed by a qualified Registered Professional Engineer (PE) which includes best management practices or equivalent measures designed to control surface runoff, erosion and sedimentation, reduce pollution and improve recharge of groundwater during pre-construction and construction related land disturbance activities.

Filling: The act of transporting or placing (by any manner or mechanism) material from, to, or on any soil surface or natural vegetation.

Grading: Any excavating, filling, clearing, or the creation of impervious surface, or any combination thereof, which alters the existing surface of the land.

Groundwater: All water beneath any land surface including water in the soil and bedrock beneath water bodies and not confined in a conduit or container.

Impervious Surface: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious surface includes, without limitation, roof tops, paved roads, driveways, parking lots, sidewalks, and other paved areas, compacted dirt surfaced roads and similar surfaces.

Infiltration: Replenishing groundwater through recharge or seepage of precipitation or stormwater runoff.

Land Conversion: Converting an area of land to another use such as land in a natural state to residential.

Land-Disturbing Activity and/or Land Disturbance: Any activity that causes a change in the position, elevation or location of soil, sand, rock, gravel, or similar earth material or that removes vegetative cover from the land.

Low Impact Development (LID): An environmentally friendly approach to land use planning and stormwater management that includes a suite of landscaping and design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques typically preserve natural drainage characteristics and/or capture water on site, filter it through vegetation, and let it soak into the ground where it can recharge the local water table rather than becoming surface runoff.

Massachusetts Stormwater Management Policy: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, M.G.L. c. 131 § 40 (hereinafter "Wetlands Protection Act") and Massachusetts Clean Waters Act M.G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

Massachusetts Stormwater Management Standards: The Standards are issued by the Massachusetts Department of Environmental Protection, as amended, under state regulations 310 CMR 10.00 and 314 CMR 9.00. The Standards address stormwater impacts through implementation of a set of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity and peak flows of runoff from a site.

Minor Impact Permit (MIP): The Stormwater Permitting Authority shall have the authority to develop a Minor Impact Permit for specific types of projects. Any such Minor Impact Permit requirements shall be defined and included as part of the Regulations promulgated as a result of this By-Law.

Municipal Separate Storm Sewer System (MS4) or Storm Drain System: The system of conveyances designed, constructed, and used for collecting or conveying stormwater, including any street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, 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 Weston.

National Pollutant Discharge Elimination System (NPDES) General Permit For Storm Water Discharges: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of stormwater to waters of the United States.

New Development: Any construction or land disturbance of a parcel of land that is currently in an undisturbed state.

Person: 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 By-Laws, administrative agency, public or quasi-public corporation or body, the Town of Weston, to the extent permitted by law, and any other legal entity, its legal representatives, agents, or assigns.

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 or may be introduced into any municipal storm drain system or waters of the Commonwealth.

Pollution: The presence in the environment of pollutants in quantities or characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property through such areas as may be affected thereby.

Post-Development Conditions: The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

Pre-Development Conditions: The conditions that exist on a site at the time that plans for the site or land are submitted to the town, to the extent that such conditions are the result of natural processes and/or legally authorized activities. Where development is constructed or permitted in phases, the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

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. Process wastewater includes water which has increased in temperature as a result of manufacturing or other processes.

Recharge: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil, or by injection of collected precipitation, run off or adequately treated wastewater.

Redevelopment: Development, rehabilitation, expansion, demolition or phased projects, or disturbance of the ground surface or an increase the impervious area on previously developed sites.

Sediment: Mineral or organic soil material that is transported by gravity, wind and/or water, from its origin to another location; the product of erosion processes.

Sedimentation: The process or act of deposition of sediment.

Site: Any parcel of land or area of property where land-disturbing activities are, were, or will be performed.

Slope: The vertical rise divided by the horizontal distance and expressed as a fraction or percentage.

Soil: Any aggregated particles of earth, clay, sand, rock, gravel, or similar material.

Stabilization: The act of stabilizing land; to stabilize areas disturbed by construction activities; and to protect roads, buildings, and public and private property from adverse impact and encroachment.

Stabilized: The elimination of any erosion.

Stormwater/Runoff: Rainwater, snowmelt and/or other water that flows off impervious surfaces and across or over the ground surface rather than being absorbed into the soil.

Stormwater Management: The planning, design, construction, regulation, improvement, repair, maintenance and operation of facilities and programs designed to protect water quality, flood plains, flood control, grading, infiltration, erosion and sediment control.

Stormwater Management Handbook: Massachusetts Stormwater Management Handbook, as may be from time to time revised.

Stormwater Management Permit: A permit issued for an application that meets a set of pre-determined standards outlined in the Regulations to be adopted by the Stormwater Permitting Authority under Section 6.3 of this By-Law. By meeting these pre-determined standards, the proposed project will be presumed to meet the requirements and intent of this Bylaw.

Stormwater Permitting Authority (SWPA): The SWPA shall consist of (5) five members appointed by the Board of Selectmen, four of whom shall permanently be the Town Engineer, the Town Planner, the Conservation Administrator, and the Public Health Director. One (1) member shall be a resident of the Town of Weston and possess a degree in landscape architecture, environmental or civil engineering or environmental science serving a (3) year term.

Toxic or Hazardous Material or Waste: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under M.G.L. Ch.21C and Ch.21E, and the Massachusetts DEP Regulations at 310 CMR 30.000 and 310 CMR 40.000.

User: The owner of record of a property subject to the stormwater user fee.

Waters of the Commonwealth: All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

Wastewater: Any sanitary waste, sludge, septage, or septic tank or cesspool contents or discharge, and/or process wastewater.

Wetlands: Any bank, riverfront area, freshwater wetland, coastal wetland, beach, dune, flat, marsh, meadow or swamp bordering on the ocean or on any estuary, creek, river, stream, pond, or lake, or any land under said waters or any land subject to tidal action, coastal storm flowage, or flooding.

Section 3. Authority

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

Section 4. Applicability

This By-Law shall be applicable to all new development and redevelopment, land disturbance and land conversion including, but not limited to, land use conversion, and any activity that will result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to Section 5 of this By-Law. After (insert date of adoption here) the SWPA shall not approve any application for development or re-development if the land or parcels of land were held in common ownership (including ownership by related or jointly-controlled persons or entities) and were subdivided or otherwise modified to avoid compliance. A development shall not be segmented or phased in a manner to avoid compliance with this By-Law.

- 4.1 Storm Water Management Permit - A Storm Water Management Permit from the Permitting Authority shall be required for any of the following, except for an activity that requires Site Plan Approval, Definitive Subdivision Approval, or a Special Permit from the Planning Board, or an activity that is subject to jurisdiction under the Wetlands Protection Act, provided that the activities subject to Planning Board and Conservation Commission jurisdiction demonstrate compliance with the performance standards contained in the Regulations promulgated to implement this By-Law:
- a) Any new dwelling or new dwelling replacing an existing dwelling;
 - b) Any alteration of drainage characteristics, which alteration may include, without limitation, clearing, filling, grading, and excavation that will result in a land disturbance exceeding an area of 5,000 square feet, or more than 20% of a parcel or lot, whichever is less.
 - c) Any activity that will disturb land with a 10% or greater slope or where an area is proposed to have a 10% or greater slope, and where the land disturbance is greater than or equal to 2,500 square feet within the sloped area.
 - d) Creation of new impervious surface area greater than 2,500 square feet.
 - e) The addition, stockpiling or on-site redistribution of more than 100 cubic yards of earth materials including, but not limited to, sand, gravel, stone, soil, loam, clay, sod, fill and mineral products.

Section 5. Exemptions

Exemptions from this By-Law apply to the following activities, provided that a project is solely comprised of any one of these activities:

- a) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;

- b) Normal maintenance of Town owned public land, ways and appurtenances;
- c) As authorized in the NPDES General Permit for Stormwater Discharges from Small MS4s for Massachusetts, activities identified in Section 4 that are subject to jurisdiction under the Wetlands Protection Act.
- d) Activities identified in Section 4 that require Site Plan Review, Definitive Subdivision or Special Permit Approval from the Planning Board.
- e) Any work or projects for which all necessary approvals and permits were issued before the effective date of this By-Law.
- f) Normal maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling provided that:
 - (1) no portion of the area contains a slope greater than 10%;
 - (2) such maintenance does not alter drainage patterns, and
 - (3) it does not include the addition of more than 100 cubic yards of soil material.
- g) Creation of a new impervious surface area less than 2,500 square feet provided that the new impervious area is proposed to be on a slope of less than 10%, and that the performance standards for recharge as described in the regulations that implement this Stormwater and Erosion Control By-Law have been met;
- h) Construction of any fence that will not alter existing terrain or drainage patterns.
- i) Repair or replacement of septic systems or wells when approved by the Board of Health for the protection of public health on lots having an existing dwelling provided that the Board of Health determines:
 - (1) there is minimal grading as defined in Title 5 of the State Environmental Code, 310 CMR 15.000;
 - (2) there is no change or expansion of use as defined by Title 5, and
 - (3) the work includes the use of BMPs to prevent erosion, sedimentation, and release of pollutants.
- j) Construction of utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) other than drainage which will not alter terrain, ground cover, or drainage patterns, so long as BMPs are used to prevent erosion, sedimentation and release of pollutants..
- k) Emergency repairs to any existing utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) and emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, designated by the SWPA. Where such activity is subject to the jurisdiction of the Conservation Commission, the work shall not proceed without the issuance of an Emergency Certification by the Commission.
- l) Construction and associated grading of a way that has been approved by the Planning Board;
- m) The maintenance, reconstruction or resurfacing of any public way; and the installation of drainage structures or utilities within or associated with public ways that have been approved by the appropriate authorities provided that written notice be filed with the SWPA fourteen days (14) prior to commencement of activity;
- n) The removal of earth products undertaken in connection with an agricultural use if the removal

is necessary for or directly related to planting, cultivating or harvesting or the raising or care of animals

Section 6. Administration

- 6.1 The Board of Selectmen shall be the appointing authority for the Weston Stormwater Permitting Authority. The Stormwater Permitting Authority is responsible for the administration, implementation, and enforcement of this By-Law. Meetings of the Stormwater Permitting Authority shall be subject to the Massachusetts Open Meeting Law, MGL Ch. 39, § 23B.
- 6.2 Stormwater Permitting Authority (SWPA). The SWPA shall consist of (5) five members, four of whom shall permanently be the Town Engineer, the Town Planner, the Conservation Administrator, and the Public Health Director. One (1) member shall be a resident of the Town of Weston and possess a degree in landscape architecture, environmental or civil engineering or environmental science appointed by the Board of Selectmen serving a (3) year term. The SWPA shall administer, implement and enforce this By-Law. Any powers granted to or duties imposed upon the SWPA may be delegated in writing by the SWPA to its employees or agents or other municipal employees as appropriate.
- 6.3 Stormwater & Erosion Control Regulations. The SWPA may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fines, fees (including application, inspection, and/or consultant fees), delegation of authority, procedures and administration of this Stormwater & Erosion Control By-Law after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least seven (7) days prior to the hearing date. Failure of the SWPA to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this By-Law.
- 6.4 Stormwater Management Permits. The SWPA shall have the authority to issue a Stormwater Management Permit for projects subject to Section 4 of this By-Law that meet the requirements of this By-Law and are not exempted pursuant to Section 5 of this By-Law. Any such Permit requirements shall be defined and included as part of any Stormwater Regulations promulgated pursuant to this By-Law.
- 6.5 Stormwater Management Manual. The SWPA will utilize the policy, criteria and information including specifications and standards of the latest edition of *Massachusetts Stormwater Management Handbooks*, and the *Massachusetts Erosion & Sediment Control Guidelines for Urban & Suburban Areas*, which may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater & Erosion Control Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
- 6.6 Stormwater Management Standards. For execution of the provisions of this By-Law, the SWPA will utilize the performance standards of the Stormwater & Erosion Control Regulations promulgated to implement this By-Law, and further described in the latest version of the *Massachusetts Erosion & Sediment Control Guidelines for Urban & Suburban Areas* Handbooks. The Standards may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.

- 6.7 Action by the SWPA. Each application for a Stormwater Management Permit that complies with the Stormwater & Erosion Control Regulations, and is determined to be a complete application by the SWPA shall be acted upon within forty-five (45) days of the date of filing with the SWPA and the Town Clerk, unless such application has been withdrawn from consideration. If the SWPA determines the application is incomplete, including insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the SWPA may disapprove the application and deny the permit.
- a) The SWPA may take any of the following actions as a result of an application for a Stormwater Management Permit as more specifically defined as part of Stormwater Regulations promulgated as a result of this By-Law:
- (1) Approve the Permit Application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this By-Law;
 - (2) Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this By-Law; or
 - (3) Disapprove the Permit Application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this By-Law.
- 6.8 Appeals of Action by the SWPA. A decision of the SWPA shall be final. Further relief of a decision by the SWPA made under this Bylaw shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. c. 49 § 4.
- a) The remedies listed in this By-Law are not exclusive of any other remedies available under any applicable federal, state or local law.
- 6.9 Stormwater "Buy-Out". The SWPA may allow the applicant to contribute to the construction of a public or shared stormwater facility in lieu of an onsite stormwater facility where it has been demonstrated that there is not sufficient space for onsite stormwater best management practices.
- 6.10 Low Impact Development (LID) Credit System. This credit system will allow applicants the option, if in the opinion of the SWPA, to take credit for the use of stormwater better site design practices to reduce some of the requirements specified in the Stormwater Management Plan Standards section of the Regulations.
- 6.11 Stormwater Utility. The SWPA may recommend the formation of a Stormwater Utility, pursuant to M.G.L. c. 83, § 16, as a special assessment district to generate funding specifically for stormwater management. Users within the district would pay a stormwater fee, and the revenue thus generated would directly support the maintenance and upgrade of the existing MS4; development of drainage plans, flood control measures, and water-quality programs; administrative costs; and construction of major capital improvements.
- 6.12 Right of Entry. Filing an application for a Stormwater and Erosion Control Permit grants the SWPA or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- 6.13 Application. - To obtain approval for a project subject to the provisions of this By-Law, the applicant shall submit a Stormwater Management and Erosion Control Plan and an Operation and Maintenance Plan prepared, stamped and signed by a professional engineer registered in

Massachusetts, that complies with the requirements set forth herein and in the regulations adopted pursuant to this By-Law.

- a) Permit Procedures - Permit Procedures and Requirements, including application contents, plan requirements, fee schedule, general criteria, and inspection requirements shall be defined and included as part of the Regulations promulgated under this By-Law.

6.14 Fees - The Board of Selectmen, upon recommendation from the SWPA, shall establish filing fees to cover expenses incurred by the town in reviewing the application and monitoring permit compliance.

- a) The SWPA is authorized to obtain with each submission an Application Fee to cover expenses connected with the review of the Stormwater Management. The SWPA is authorized to retain and charge the applicant fees to cover the cost of hiring a Registered Professional Engineer or other professional consultant to advise the Stormwater Permitting Authority on any or all aspects of the project.
- b) Applicants shall pay review fees to the SWPA before the review process may begin.

6.15 Surety - The SWPA may require a cash performance guarantee to ensure compliance with these requirements and for the long term operation and maintenance of all permanent erosion control and stormwater management measures.

6.16 Waivers - The SWPA may waive strict compliance with some of the requirements of this By-Law or the rules and regulations promulgated hereunder, if it determines that some of the application requirements are unnecessary because of the size or character of the development project or because of the natural conditions at the site and where such action:

- a) is allowed by federal, state and local statutes and/or regulations,
- b) is in the public interest, and
- c) is not inconsistent with the purpose and intent of this By-Law.

Any request from an Applicant for a waiver of these rules shall be submitted, in writing, to the SWPA at the time of submission of the application. Such requests shall clearly identify the provision/s of the rule from which relief is sought and be accompanied by a statement setting forth the reasons why, in the applicant's opinion, the granting of such a waiver would be in the public interest or the specific information required to show strict compliance is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of this By-Law and the rules and regulations promulgated hereunder.

6.17 Findings and Conditions of Approval

- a) The SWPA shall not approve any application for a Stormwater and Erosion Control Permit unless it finds that BMPs will be employed to meet the following requirements:
 - (1) Compliance with all applicable federal, state and local regulations and guidelines, including but not limited to the Stormwater Management Handbook as it may be amended, has been demonstrated;
 - (2) Measures shall be employed to minimize adverse impacts on, natural landscape features, ;
 - (3) The duration of exposure of disturbed areas due to removal of vegetation, soil removal, and/or re-grading shall be set forth in a written time table and approved by the SWPA;

- (4) There shall be a 10% reduction in the rate of stormwater runoff from the site for a 2-year storm event;
 - (5) There shall be a 10% reduction in the volume of stormwater runoff for a 2-year storm event across the boundaries of the site unless provisions have been made to tie into the public storm drains, where available, with the approval of the appropriate parties or authorities or, the SWPA has determined that all reasonable provisions have been made to minimize any changes in stormwater runoff at the site;
 - (6) For 10-year, 25-year, and 100-year storm events, the rate and volume of runoff shall be less than or equal to the pre-development runoff rate and volume;
 - (7) There shall be no adverse impacts to other properties from any increase in volume of stormwater runoff including erosion, silting, flooding, sedimentation or impacts to wetlands, ground water levels or wells;
 - (8) Where the site is not proposed to be covered with gravel, hardscape, or a building or structure, a planting plan to ensure permanent re-vegetation of the site has been approved;
 - (9) Dust control shall be used during grading operations if the grading is to occur within five hundred (500') feet of an occupied residence or place of business, school, playground, park, cemetery, or place of worship. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water;
 - (10) During construction, temporary erosion and sedimentation control measures will be employed in accordance with the approved plan;
 - (11) During construction, any site access from a private or public way shall be improved with a gravel apron to prevent unstable material from being transported onto the street by vehicle tires or by runoff;
 - (12) Until a disturbed area is permanently stabilized, sediment in runoff water shall be trapped by using a siltation barrier, siltation fences, and/or sedimentation traps;
 - (13) Permanent erosion control and vegetative measures shall be in accordance with the approved plan, and
 - (14) Where applicable, homeowner's association, facility or condominium documents shall provide for the long term operation and maintenance of all permanent erosion control and stormwater management measures, including surety.
- b) Based upon the nature of the application the SWPA may impose reasonable requirements or limitations to minimize the impacts, if any, on abutting properties or uses.
 - c) Prior to commencement of any land disturbing activity, the applicant shall record the permit with the Registry of Deeds or Registry District of the Land Court, and shall submit to the SWPA written proof of such recording.
 - d) At completion of the project, the owner shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required for the site. The as-built drawing shall show deviations to the SWPA from the approved plans, if any, and shall be certified by a professional engineer registered in Massachusetts.

6.18 Enforcement

The SWPA or its authorized agent and the Town of Weston shall have the power and duty to enforce this By-Law, its regulations, orders, violation notices, and enforcement orders, and may pursue all

civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any Stormwater Regulations promulgated as permitted under Section 6.3 of this By-Law.

a) Penalties.

Any person who violates any provision of this By-Law, regulation, or permit issued hereunder, shall be subject to fines, civil action, criminal prosecution, and tax liens, as appropriate and as lawfully established by the Town of Weston.

b) Non-Criminal Disposition.

As an alternative to criminal prosecution or civil action, the town may utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D in which case any police officer of the Town of Weston, with respect to any offense; the Fire Chief and his or her designees; the Building Inspector and his or her designees; the Public Health Director and his or her designees; the Director of Operations, Department of Public Works and his or her designees; the Sealer of Weights and Measures and his or her designees; the Dog Officer; and such other officials as the Board of Selectmen or Bylaw may from time to time designate shall be the enforcing person. If non-criminal disposition is used, any person who violates any provision of this by-law, regulation, order or permit issued thereunder, shall be punished as follows:

- (1) First violation: Warning
- (2) Second violation: \$100
- (3) Third violation: \$200
- (4) Fourth and subsequent violations: \$300
- (5) Each day a violation exists shall constitute a separate violation.

6.19 Severability

Any determination that a particular provision or set of provisions in this By-Law are invalid or unenforceable shall not render ineffective, unenforceable, or inapplicable the remainder of this By-Law.

or take any action related thereto.

ATTACHMENT D
DRAFT ILLICIT DISCHARGE BYLAW

ARTICLE To see if the Town will vote to amend the BY-LAWS of the TOWN OF WESTON, by inserting new section §XXXI, Illicit Discharge, to read as follows:

§XXXI. Illicit Discharge

1. PURPOSE

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding. Regulation of illicit connections and discharges to the Town of Weston municipal storm drain system is necessary for the protection of the town's water bodies and groundwater.

The purpose and intent of this By-Law is to:

- a) Protect the Waters of the U.S., as defined in the Clean Water Act (33 U.S.C. 1251 & seq.) and its implementing Regulations, from uncontrolled Discharges of Storm Water or Discharges of Contaminated Water which have a negative impact on the receiving waters by changing the physical, biological and chemical composition of those waters resulting in an unhealthy environment for aquatic organisms, wildlife and people, and
- b) Reduce Discharges of Contaminated Water into the MS4 and resultant discharges from the MS4 into Waters of the U.S. and improve surface water quality, and
- c) Permit and manage reasonable access to the MS4 to facilitate proper drainage, and
- d) Assure that the Town can continue to fairly and responsibly protect the public health, safety and welfare.

2. DEFINITIONS

For the purposes of this bylaw, the following shall mean:

Authorized Enforcement Agency - The Board of Selectmen or other employees or agents designated by the Board of Selectmen.

Best Management Practice (BMP) - An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

Clean Water Act - The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

Discharge of Pollutants - The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

Groundwater: Water beneath the surface of the ground and not confined in a conduit or container.

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 Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 7, subsection 4, of this bylaw.

Municipal Separate Storm Sewer System (MS4) or Municipal Storm Drain System - The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Weston.

National Pollutant Discharge Elimination System (NPDES) General Permit For Storm Water Discharges: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of stormwater to waters of the United States.

Non-Stormwater Discharge - Discharge to the municipal storm drain system not composed entirely of stormwater.

Person - 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, the Town of Weston, and any other legal entity, its legal representatives, agents, or assigns.

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 or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include, but not be limited to, the following:

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) non-hazardous liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;
- (9) rock, sand, salt, soils;
- (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. Process wastewater includes water which has increased in temperature as a result of manufacturing or other processes.

Recharge: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil, or by injection of collected precipitation, run off or adequately treated wastewater.

Stormwater/Runoff: Rainwater, snowmelt and/or other water that flows off impervious surfaces and across or over the ground surface rather than being absorbed into the soil.

Surface Water Discharge Permit - A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

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

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

Wastewater: Any sanitary waste, sludge, septage, or septic tank or cesspool contents or discharge, and/or process wastewater.

Waters of the Commonwealth: All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

3. APPLICABILITY

This bylaw shall apply to flows entering the municipally owned storm drainage system.

4. 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.

5. ADMINISTRATION

The Board of Selectmen is delegated hereby the responsibility and authority to administer, implement and enforce this By-Law. The Board of Selectmen may appoint the DPW Director or the Town Engineer or such other town employee as the Board of Selectmen may from time-to-time determine and designate in a writing to aid the Board of Selectmen in the enforcement and/or administration of the By-Law.

5.1 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, the Town Engineer, and other employees designated by the Board of Selectmen may enter upon

privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Town Engineer deems reasonably necessary.

6. REGULATIONS

The Board of Selectmen shall promulgate rules and regulations to effectuate the purposes of this bylaw. Failure to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

7. 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 separate storm sewer system (MS4), into a watercourse, into a wetland resource area, 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 DPW Director or the Town Engineer.

8. EXEMPTIONS

Discharge or flow resulting from fire fighting activities are exempt. The following non-stormwater discharges or flows are also exempt from the prohibition of non-stormwaters provided that the source will not damage or threaten public health and the environment:

- a) Waterline flushing and flow from potable water sources;
- b) Springs, natural flow from riparian habitats and wetlands, diverted stream flow and rising groundwater;
- c) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- d) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, sump pumps or air conditioning condensation;
- e) Discharge from landscape irrigation or lawn watering;
- f) Water from non-commercial car washing;
- g) Discharge from dechlorinated swimming pool or hot tub water (less than one ppm chlorine) provided the pool or hot tub is drained in such a way as not to cause a nuisance;
- h) Discharge from street sweeping, discharge of sand and deicers used for public safety purposes;
- i) Emergency repairs to the municipal storm drain system, and any stormwater management structure or practice that poses a threat to public health or safety, or as deemed necessary by the DPW Director or the Town Engineer;
- j) Dye testing, provided verbal notification is given to the DPW Director or the Town Engineer prior to the time of the test;

- k) 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 compliance with the requirements of the permit, waiver, or order and applicable laws and regulations, and
- l) Discharge for which advanced written approval is received from the DPW Director or the Town Engineer as necessary to protect public health, safety, welfare or the environment.

9. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The DPW Director or the Town Engineer 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 DPW Director or the Town Engineer may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

10. 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 into the municipal drainage system, a wetland resource area or the 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 DPW Director or the Town Engineer. In the event of a release of non-hazardous material, the reporting person shall notify the DPW Director or the Town Engineer no later than the next business day. The reporting person shall provide to the DPW Director or the Town Engineer written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

11. ENFORCEMENT

- 11.1 Orders. The DPW Director or the Town Engineer or other authorized agent of the Town may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include:
 - (1) elimination of illicit connections or discharges to the MS4;
 - (2) performance of monitoring, analyses, and reporting;
 - (3) that unlawful discharges, practices, or operations shall cease and desist; and
 - (4) remediation of contamination in connection therewith.
- a) If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise

that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

- b) 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 including administrative costs.
- c) The violator or property owner may file a written protest objecting to the amount or basis of costs with the DPW Director or the Town Engineer within thirty (30) days of receipt of the notification of the costs incurred.
- d) 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 DPW Director or the Town Engineer affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57 after the thirty-first day at which the costs first become due.

11.2 Penalties.

Any person who violates any provision of this By-Law, regulation, or permit issued hereunder, shall be subject to fines, civil action, criminal prosecution, and tax liens, as appropriate and as lawfully established by the Town of Weston.

11.3 Non-Criminal Disposition.

As an alternative to criminal prosecution or civil action, the town may utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D in which case any police officer of the Town of Weston, with respect to any offense; the Fire Chief and his or her designees; the Building Inspector and his or her designees; the Public Health Director and his or her designees; the Director of Operations, Department of Public Works and his or her designees; the Sealer of Weights and Measures and his or her designees; the Dog Officer; and such other officials as the Board of Selectmen or Bylaw may from time to time designate shall be the enforcing person. If non-criminal disposition is used, any person who violates any provision of this by-law, regulation, order or permit issued thereunder, shall be punished as follows:

- (1) First violation: Warning
- (2) Second violation: \$100
- (3) Third violation: \$200
- (4) Fourth and subsequent violations: \$300
- (5) Each day a violation exists shall constitute a separate violation.

12. APPEALS

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

- 12.1 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.

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

, or do or act anything in relation thereto. (Proposed by Board of Selectmen and Stormwater Committee)