

— DRAFT STORMWATER REGULATIONS —
For the Issuance of Connection and Discharge Permits

Section 1. PURPOSE:

The purpose of these Stormwater Regulations is to protect, maintain, and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of non-stormwater discharges to the Ipswich Municipal Separate Storm Sewer System, as more specifically addressed in the Stormwater Management Bylaw of the Town of Ipswich.

These regulations address the administration, implementation, and enforcement of Connection and Discharge Permits pursuant to Section 5B of the Stormwater Management Bylaw, Chapter XIX of the General Bylaws of the Town of Ipswich.

Section 2. DEFINITIONS:

The definitions contained herein apply to issuance of a Connection and Discharge Permit (CDP) established by the Town of Ipswich Stormwater Management Bylaw and implemented through these Stormwater Regulations. Terms not defined in this section or in the Stormwater Management Bylaw shall be construed according to their customary and usual meaning, unless the context indicates a special or technical meaning.

APPLICANT: Any person requesting authorization to connect to the Ipswich Municipal Separate Storm Sewer System (Ipswich Storm Drain System) by filing an application for a CDP with the Department of Public Works of the Town of Ipswich (hereinafter “the DPW”).

BYLAW: The Town of Ipswich Stormwater Management Bylaw (Chapter XIX of the BYLAWS OF THE TOWN OF IPSWICH), and any revisions thereto.

CONNECTION AND DISCHARGE PERMIT (CDP): Written authorization by the Permitting Authority pursuant to Sections 5B and 7 of the Bylaw for the construction and/or maintenance of a direct connection to the Ipswich Storm Drain System of a discharge of stormwater and of non-stormwater from a sump pump or other source of collected stormwater. The Permit shall be for the purposes of protecting and ensuring the integrity and proper operation of the Ipswich Storm Drain System and preventing pollution of the waters of the Commonwealth.

CONNECTION AND DISCHARGE PERMITTING AUTHORITY: As designated by the Board of Selectmen, the DPW, or its designee. The DPW is responsible for coordinating the review, approval, and permit process for CDPs as defined in the Stormwater Management Bylaw and further defined in these regulations.

CONVEYANCE: Any structure or device, including pipes, drains, culverts, curb breaks, paved swales, or man-made swales of all types, designed or utilized to move or direct stormwater runoff or existing water flow.

DIRECT CONVEYANCE: For the purposes of evaluating a connection and discharge to the MS4 under these regulations, this shall mean any permanent structural connection to the Ipswich

Storm Drain System, such as piped underground connections that require or required creating an entry directly into a manhole, catch basin, or pipe. It shall not include such conveyances as intermittent overland flow into a catch basin, stream, river, swale, or other portion of the Ipswich Storm Drain System or Waters of the Commonwealth.

INFILTRATION (in “Uncontaminated Ground Water Infiltration,” As defined in 40 CFR 35.2005(2) and provided here for reference): Infiltration means water other than wastewater that enters a [storm] sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

INFLOW (As defined in 40 CFR 35.2005(2) and provided here for reference): Inflow means water other than wastewater that enters a [storm] sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

LOT: An individual tract of land as shown on the current Assessor’s Map for which an individual tax assessment is made. For the purposes of these regulations, a lot also refers to an area of a leasehold on a larger parcel of land, as defined in a lease agreement and shown by approximation on the Ipswich Assessor’s Map.

NON POINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants, finally depositing them into water resource areas.

OWNER: A person with a legal or equitable interest in a lot, including a contract purchaser with a valid purchase and sales agreement and a lessee of a lot, as defined herein.

POINT SOURCE POLLUTION: Pollution from any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

Section 3. AUTHORITY:

- A) The regulations contained herein have been adopted by the Board of Selectmen as the Permitting Authority in accordance with the Town of Ipswich Stormwater Management Bylaw and other relevant provisions of the General Bylaws of the Town of Ipswich.
- B) These regulations may be periodically amended by Board of Selectmen as the Permitting Authority in accordance with Section 7.D. of the Town of Ipswich Stormwater Management Bylaw and other relevant provisions of the General Bylaws of the Town of Ipswich. Prior to the public hearing thereon, the Board of Selectmen shall provide a draft copy of the proposed revisions to the DPW Director, Code Enforcement Officer, Conservation Commission, and Planning Board. The DPW Director, Code Enforcement Officer, Conservation Commission, and Planning Board shall have

forty-five (45) days from the date of receipt to provide written comment.

Section 4. ADMINISTRATION:

- A) The Board of Selectmen has designated the DPW as the Permitting Authority for CDPs and delegated to him the authority for the administration, implementation, and enforcement of the CDP, as described in the Stormwater Management Bylaw, by means of a formal vote by the Board of Selectmen on **DATE**.

Section 5. APPLICABILITY:

- A) These regulations apply to all activities in accordance with Sections 5.B. and 6.B. of the Town of Ipswich Stormwater Management Bylaw and as further described in this section.
- B) No person may create or maintain a direct connection or discharge via a pipe, hose or other direct conveyance that requires or required creating an entry directly into a manhole, catch basin, or pipe within the Ipswich Storm Drain System without a CDP from the DPW, unless exempted by the provisions of Section 6B of the Bylaw, as further defined herein, or issued a waiver by the Permitting Authority in accordance with 6.C. of the Bylaw. CDPs must be obtained from the DPW in accordance with the permit application procedures and requirements defined in Sections 6 and 7 of these regulations.
- C) Exemptions
- 1) Certain connections and discharges to the Ipswich Storm Drain System that are intermittent in nature and are not directly connected via pipe, hose, or other direct conveyance do not require a permit by the DPW. However, the DPW retains the right to require a permit application or to prohibit a connection or discharge based on documented evidence or observations indicating that such connection or discharge is contributing or is reasonably likely to contribute pollutants to the MS4. These include: any discharges associated with municipal fire fighting activities, water line flushing, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined in 40 CFR 35.2005(2)), uncontaminated pumped ground water (specifically including sump pumps), discharge from potable water sources, foundation and footing drains, air conditioning condensation, individual resident car washing, flows from riparian habitats, springs and wetlands, de-chlorinated swimming pool discharges, and residential building wash waters that do not contain detergents.
 - 2) Any connection or discharge to the Massachusetts Highway Department separate storm sewer system does not require a CDP from the Ipswich DPW. However, those sites may be required to meet other requirements of Massachusetts Highway Department or other agencies.
- D) Prohibited Activities
- 1) Illicit Discharges. No person shall dump, discharge, cause, or allow to be discharged any pollutant or non-exempt non-stormwater discharge into the Ipswich Storm Drain System.

- 2) Illicit Connections. No person shall construct, use, allow, maintain, or continue any illicit connection to the Ipswich Storm Drain System, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of connection.
- 3) Obstruction of Ipswich Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the Ipswich Storm Drain System without prior written approval from the Ipswich DPW.

Section 6. APPLICATION PROCEDURES:

- A) Projects requiring a CDP (see Section 5) shall be required to submit the materials as specified in this section and are required to meet the connection and discharge criteria as specified in Section 7.
- B) Permit Required
 - 1) Any land owner or land operator who wishes to install or maintain a direct conveyance of non-stormwater discharges to the MS4 via a pipe, hose, or other direct conveyance system is required to obtain a CDP.
 - 2) A CDP for all non-residential properties shall expire upon transfer of the property to a new owner. A new CDP must be obtained by the new property owner within 3 months of property transfer. When a new CDP is requested, the DPW reserves the right to evaluate the existing CDP and specific site conditions to determine whether the permit conditions still satisfy the regulatory requirements and to verify that all design factors are still valid. The burden of maintaining a valid permit shall rest with the property owner.
 - 3) A CDP for all residential properties shall run with the land and shall not expire upon transfer of property rights. A new property owner is responsible for meeting all permit conditions and for maintaining a valid permit or applying for a new permit if the connection or discharge characteristics change. The burden of maintaining a valid permit shall rest with the property owner.
 - 4) Obtaining a CDP does not relieve the applicant of any other requirements to obtain other applicable local, state, or federal permits. In particular, any work proposed in the Ipswich Right of Way requires a Street Opening Permit from the DPW in accordance with the Street Opening Permit Regulations.
- C) Filing Application
 - 1) The applicant shall file with the DPW an original and three (3) copies of a completed application package for a CDP. While the applicant can be a representative, the permittee must be the property owner. The applicant must certify that the application is complete. If a submitted application does not include all of the required information as listed in the plan checklists, the application will be deemed incomplete and will not be processed.

The following are the application filing requirements:

- i) A completed current *CDP Application Form* (available from the DPW office or the Town of Ipswich web site) with original signatures of all owners;
- ii) Narrative description of the non-stormwater connection and discharge, including a discussion of alternatives to connecting and discharging to the MS4, and measures taken to limit the potential for discharging pollutants to the MS4 via the proposed connection. An in-depth evaluation by a Massachusetts Registered P.E. of alternatives to connecting to the MS4 may be required at the discretion of the DPW;
- iii) If the discharge is permitted through the NPDES program, a copy of the NPDES permit shall be included;
- iv) Sketch Plan of location and type of connection to the MS4;
- v) Payment of the application fees in accordance with these regulations; and
- vi) Inspection and Maintenance Agreement.

D) Entry

Filing an application for a CDP grants the DPW, or his designated agent, permission to enter the site to verify the information in the application and observe pertinent site conditions for the purposes of reviewing the application or administering a permit.

E) Fees

The DPW shall obtain with each submission an Application Fee established by the DPW to cover expenses connected with the review of the CDP.

1) Rules

- i) Application Fees are payable at the time of application and are non-refundable.
- ii) Application Fees shall be calculated by the DPW in accordance with the fee schedule in Section 6.E)2) of these regulations.
- iii) These fees are in addition to any other local or State fees that may be charged under any other law, or local bylaw.
- iv) The fee schedule may be revised from time to time.

2) Application Fees

- i) Application Fee: A non-refundable application fee of \$100 for each connection and discharge from one- and two-family residential buildings or sites and \$200 for each connection and discharge from any other building or site shall be due and payable to the Town of Ipswich at the time an application is filed.

F) Sketch Plan Contents

Connection and Discharge Sketch Plans shall contain sufficient information for the DPW to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for ensuring that the discharge will not likely contribute pollutants to the MS4. The DPW may require additional information or an increased level of detail, including an engineering plan prepared by a Massachusetts Registered P.E., in cases where site conditions are complicated. The plan shall include a reasonable representation of the source of the proposed discharge; proposed pollution prevention mechanisms such as berms, storage containers for potential pollutants and shut-off valves; the proposed conveyance structure; the location of the connection to the MS4; the location of other utility infrastructure such as water, sewer, cable, electric, and gas; connection construction details; and any other details described in the application narrative. Distances shall be marked on the plan.

G) Pollution Prevention Plan Contents

A Pollution Prevention Plan (PPP) may be required for non-residential properties at the time of application. The PPP shall be designed to ensure compliance with the CDP and these Regulations. The PPP shall remain on file with the DPW. The contents of the PPP shall be an ongoing permit requirement. If a discharge is permitted through the National Pollutant Discharge Elimination System (NPDES) by a current general or individual permit, a copy of that permit may be sufficient to meet this requirement, at the discretion of the DPW. The PPP shall include:

- 1) The name(s) of the owner(s) of the property from which a direct connection and discharge is existing or proposed;
- 2) A map showing the location of the existing or proposed connection systems and facilities, as well as storage locations and mechanisms for ensuring that pollutants will not enter the MS4;
- 3) A narrative description of pollution prevention and good housekeeping measures at the site to prevent the contribution of pollutants to the Ipswich Storm Drain System.

H) Actions

- 1) The DPW's action on a permit application for the issuance of a CDP, rendered in writing, shall consist of one of the following actions:
 - i) Approval of the CDP application and issuance of a CDP based upon determination that the proposed plan will not likely contribute pollutants to the MS4, subject to any conditions, modifications, or restrictions required by the DPW.
 - ii) Denial of the CDP application based upon a determination that the proposed connection and discharge does not constitute an allowable non-stormwater discharge or the proposed project will likely contribute pollutants to the MS4. If an application is denied for a proposed connection, such connection shall be prohibited until such time as a permit may be issued. If an application is denied for an existing connection, such connection shall be immediately removed at the expense of the owner contributing to such discharge.

- 2) Failure of the DPW to take final action upon an application within 30 calendar days of receipt of a complete application shall be deemed to be an approval of said application. Upon certification by the Town Clerk that the allowed time has lapsed without DPW action, he must issue a CDP.

I) Plan Modifications

The applicant must notify the DPW in writing of any change or alteration in the system authorized in a CDP before any change or alteration is made. If the DPW determines that the proposed change or alteration is significant, they may require that an application to amend the CDP be filed. No work associated with the proposed modification shall be performed until the DPW approves the modifications and notifies the applicant in writing as such.

J) Appeals of Actions of the DPW

A decision of the DPW shall be final. Further relief of his decision made under these Regulations shall be reviewable in the Superior Court in an action filed within sixty (60) days thereof, in accordance with M.G.L. Ch 249 §4. An appeal of an action by a Town of Ipswich board, commission, or department that has current regulatory authority for a project and/or activity shall be conducted under the applicable appeal provisions of said board, commission, and/or department of the Town of Ipswich.

K) Permit Compliance

- 1) Compliance with Permit Conditions. All permittees that are required to meet certain conditions prior to connection to the MS4 or, in the case of existing connections, shall submit a letter certifying that the project is complete and/or the conditions are met within a given timeframe, as applicable. The DPW shall have 10 business days from receipt of such letter to perform an inspection or schedule an inspection within a reasonable timeframe. Connections may be installed or maintained following an inspection in which the DPW agrees that permit conditions have been met. Failure of the DPW to make or schedule an inspection within the 10 business day timeframe renders the project approved, and the Permittee may install or maintain an existing connection. Failure of an applicant to meet the permit conditions at the time of inspection renders the permit void until conditions are met and may result in the DPW requiring an existing connection or discharge to be removed, at the expense of the property owner contributing to such connection or discharge.
- 2) The Permittee shall provide advance notice of three (3) business days to the DPW prior to such construction.

L) Costs for Creating or Maintaining an Authorized Connection

Any costs associated with creating or maintaining a legally authorized direct connection to the MS4 shall be borne by the Owner and Permittee contributing to such discharge.

Section 7. SEVERABILITY

The invalidity of any section or provision of these Regulations shall not invalidate any other section or portion thereof, nor shall it invalidate any permit or determination that previously has been issued.

Section 8. EFFECTIVE DATE

A) Existing Connections and Discharges

These Regulations shall be effective after adoption by the Ipswich Board of Selectmen on **DATE**. CDPs shall be obtained for all existing connections and discharges to the MS4 upon the transfer of property rights for the property or properties contributing to the discharge, or in accordance with the following schedule, whichever is sooner.

| <u>Zoning District</u> | <u>Date by which CDP must be Obtained</u> |
|------------------------|---|
| General Business | 1 year from adoption of regulations |
| Central Business | 1 year from adoption of regulations |
| Industrial | 1 year from adoption of regulations |
| Highway Business | 2 years from adoption of regulations |
| Intown Residence | 2 years from adoption of regulations |
| Rural Residence A | 3 years from adoption of regulations |
| Rural Residence B | 3 years from adoption of regulations |
| Rural Residence C | 3 years from adoption of regulations |
| Limited Industrial | 4 years from adoption of regulations |
| Planned Commercial | 4 years from adoption of regulations |

B) Proposed Connections and Discharges

A CDP shall also be obtained for any proposed connection or discharge to the Ipswich Storm Drain System, as required by the Bylaw and these regulations, prior to construction and initiation of any discharge to the Ipswich Storm Drain System, regardless of location.

END