

SECTION 8. PROCEDURES: *Move to Regulations*

Procedures for obtaining and issuing the two permits authorized under this bylaw shall be established under this section and by regulation of the Permitting Authority.

General Procedures for Connection and Discharge and Stormwater Management Permits

- 1) Entry. Filing an application for a permit grants the Permitting Authority permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- 2) Action by the Permitting Authority. The Permitting Authority shall, within 30 days of the date of receipt of a completed application:
 - a) Approve the Permit Application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this bylaw;
 - b) 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 bylaw; or
 - c) Disapprove the Permit Application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this bylaw.
- 3) Failure of the Permitting Authority to take final action upon an Application within 30 calendar days or such longer period as may be accepted by the applicant of receipt of a complete application shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without action by the Permitting Authority, the Permit applied for must be issued.
- 4) Project Completion. At completion of the project the permittee 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 from the approved plans, if any, and be certified by a Registered Professional Engineer. This requirement may be waived at the discretion of the Permitting Authority.
- 5) Fees. Each application must be accompanied by the appropriate application fee as established by Permitting Authority. Applicants shall pay review fees as determined by the Permitting Authority sufficient to cover any expenses connected with the review of the Permit Application, before the review process commences. The Permitting Authority is authorized to retain, at the expense of the applicant, a Registered Professional Engineer or other professional consultant to advise him/her on any or all aspects of the Application.

SECTION 9. CRITERIA FOR STORMWATER MANAGEMENT DESIGN: *Move to Regulations*

A. General Criteria. At a minimum all projects and project activities shall meet the design criteria or performance standards set forth in the most recent versions of Massachusetts Erosion and Sediment Control Guidelines or Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy and Technical

Handbooks as applicable, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Permitting Authority.

All proposed Connections and Discharges must be determined by the Authority to carry unpolluted water with no likelihood of being contaminated prior to discharging to the MS4.

B. Additional Criteria. Projects subject to this bylaw may also be subject to rules and regulations promulgated by the Permitting Authority, as allowed in Section 7 of this bylaw. In addition, the Permitting Authority may require that the applicant incorporate Low Impact Development techniques into the proposed project.

SECTION 10. CRITERIA FOR CONNECTIONS TO THE STORM DRAIN SYSTEM: *Move to Regulations*

A. General Criteria. Any sump pump connection to the municipal storm drain system must receive a Connection Permit from the Permitting Authority. Any such connection must be determined by the authority to carry unpolluted water with no likelihood of being contaminated prior to discharging to the MS4.

B. Additional Criteria. Projects within the jurisdiction of this bylaw may also be subject to rules and regulations promulgated by the Permitting Authority, as allowed in Section 7 of this bylaw.

SECTION 11. EMERGENCIES: *Move to Regulations*

A. Suspension Due to Illicit Discharges in Emergency Situations. The Permitting Authority 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, its employees and agents may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

B. Notification of Spills. Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the Ipswich MS4 or waters of the Commonwealth, the person shall take all necessary steps to ensure termination, containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Ipswich Fire, Police and Public Works Departments. In the event of a release of non-hazardous material, the reporting person shall notify the Permitting Authority no later than the start of the next business day. The reporting person shall provide to the Permitting Authority 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.

C. Suspension Due to the Detection of Illicit Discharge(s). Any person discharging to the MS4 in violation of this bylaw may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Permitting Authority will notify a violator of the proposed termination of its MS4 access by issuing and serving a written order, pursuant to Section 12(A)(2) of this By-law. The violator may petition the Permitting Authority for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Permitting Authority.

SECTION 12. ENFORCEMENT

Move to Regulations: A. The Permitting Authority shall enforce this bylaw and the regulations, orders, violation notices, and enforcement orders issued pursuant thereto, and may pursue all civil and criminal remedies for such violations.

- 1) Civil Relief. If a person violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the Permitting Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- 2) Orders. The Permitting Authority may issue a written order to enforce provisions of this bylaw or regulations thereunder, and any permits issued under this bylaw, which may include, where appropriate:
 - a) elimination of illicit connections or discharges to the MS4 or Waters of the Commonwealth;
 - b) requirement for the performance of monitoring, analyses, and reporting;
 - c) abatement and remediation of stormwater pollution or contamination hazards, and restoration of any affected property or impacts to water bodies;

- d) requirement to cease the land-disturbing activity until there is compliance with the bylaw and provisions of the construction phase and post-construction phase stormwater management permits;
- e) maintenance of erosion and sediment control measures or installation of new such measures; and
- f) remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
 - 3) 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 the property owner shall reimburse the town's expenses.
 - 4) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Permitting Authority within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Permitting Authority 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, as provided in G.L. Ch. 59, §. 57, after the thirty-first day following the day on which the costs were due.

B. Any person who violates any provision of this bylaw, or of any regulation, order or permit issued thereunder may be punished by a fine of not more than \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

C. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40 §. 21D and Ch. XVII § 4, subsection B of the General Bylaws of the Town of Ipswich, in which case the

Permitting Authority shall be the enforcing person. The penalty for the 1st violation shall be \$50. The penalty for the 2nd violation shall be \$100. The penalty for the 3rd and subsequent violations shall be \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. To the extent permitted by State law, or if authorized by the owner or another party in control of the project, the Town may enter upon privately owned property for the purpose of performing duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as it deems reasonably necessary.

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

F. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, State or local law.