

8/29/09

Christine Joyce

From: Paulina Knibbe [p.knibbe@comcast.net]
Sent: Monday, August 17, 2009 3:23 PM
To: Lauren Rosenzweig
Cc: Manager Department; Doug Halley
Subject: Re: WRAC agenda item

(11)

Thanks, Lauren.

Christine and Maryjane, please add this to the agenda for the 24th under Selectman's Business.

Paulina

Lauren Rosenzweig wrote:

Hi Paulina,

WRAC shift to Stormwater

I was speaking with Doug, and the Board of Health and the Health Department will need help in complying with bringing our Stormwater Rules and Regulations up to the latest standards as required by DEP. This matter has become urgent because we are nearing deadlines, and DEP has been fining towns who do not comply. This is the NPDES compliance.

As liaison to WRAC I think it is critical to shift their charge and mission toward addressing stormwater and getting in compliance with the shift toward low impact development (LID). I will talk to Ron Beck about this in advance, but I want to make sure it makes it onto the agenda.

Spencer Tuttle Flint Charge and Committee Selection

I will also need time to get Board approval of my draft charge and the make up of the committee for Spencer Tuttle Flint. Last Tuesday I got great feedback from the members of the neighborhood, and have a better idea of the direction we will take. I have also been meeting with people one on one to find out what information is lacking, and have ideas on how to get that information out to the neighborhood.

Lauren



Acton Board of Health

472 Main St.
Acton, MA 01720
Phone: (978) 264-9634
Fax: (978) 264-9630
Email: Health@acton-ma.gov



Public Health
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8/24/09
11

Doug Halley, Health Director

August 18, 2009

TO: Steven Ledoux, Town Manager
FROM: Doug Halley, Health Director
SUBJECT: NPDES (National Pollution Discharge Elimination System)
MS4s (Municipal Separate Storm Sewer Systems)

The USEPA announced on August 12, 2009 that complaints were filed against nine Massachusetts and New Hampshire communities seeking penalties for failing to meet some or all of the requirements of the EPA NPDES General Permit for Massachusetts and New Hampshire (see Attachment #1). The maximum penalties being sought range from \$40,000 to \$70,000 and one of the nine communities is Concord MA, which is facing a possible fine of \$50,000.

Since 2003, urbanized cities and towns, as defined by EPA, have been subject to the EPA General Permit. This August Acton sent its sixth report (see attachment 2) detailing compliance with the General Permit. The report covers the seven areas of required compliance (Public Education and Outreach, Public Involvement and Participation, Illicit Discharge Detection and Elimination, Construction Site Stormwater Runoff Control, Post-Construction Stormwater Management in New Development and Redevelopment, Pollution Prevention and Good Housekeeping in Municipal Operations and BMPs for Meeting Total Maximum Daily Load and Waste Load Allocations).

The 11 page report that Acton submits details the seven areas of required compliance to the extent of providing 22 subject categories for all of those areas. Along with the 11 page report Acton submits almost 900 pages of backup material verifying and quantifying the full extent and nature of the Town's compliance. This year's report will be placed on the Town's website for easy access by all citizens.

In gaining and continuing compliance Acton has been fortunate in partnering with other organizations concerned about storm water issues. SUASCO, OAR, Acton Stream Team, and the Acton Water District have provided significant assistance to this program throughout the last six years. However, the annual reporting of Acton's activities requires a significant effort and each year it is more and more difficult to report in a timely

fashion. In addition, implementing new programs is becoming increasingly harder as with all available resources being committed to continuing and maintaining existing programs.

One area of concern for compliance is the requirement to adopt specific regulations that address discharges to the municipal storm drain system and stormwater management. Currently many of Acton's regulations and bylaws address elements of these requirements, however, they fall under the jurisdiction of several boards and committees (Board of Selectmen, Board of Health, Planning Board, Board of Appeals, Conservation Commission, etc.) and there are no comprehensive regulations that are specific to stormwater issues.

Over the past year two potential Town Bylaw additions have been developed (see attachments #3 and #4). The next step would be for these bylaws to proceed through a public review process. In order to do this the Bylaws need to be taken under the wing of a Board or Committee so that they can shepherd the Bylaws through that process. As was noted in the previous paragraph many Boards and Committees have jurisdiction over stormwater issues. However, it should be noted that Stormwater compliance was addressed in the Comprehensive Water Resources Management Plan and the Water Resources Advisory Committee has been assigned the advisory committee for implementation of the CWRMP. Assigning WRAC the role in bringing these bylaws through the public process may be the most effective way in meeting compliance with EPA and avoiding any potential fines.

News Release
U.S. Environmental Protection Agency
New England Regional Office
August 12, 2009

Contact: David Deegan, (617) 918-1010

Nine Mass. and N.H. Communities Face Actions to Improve Storm Sewer Pollution

(Boston, Mass. – August 12, 2009) – As part of a new integrated effort to combat illegal sewage connections that can lead to significant water pollution in New England’s waters, EPA today filed complaints against one New Hampshire and eight Massachusetts communities for failing to meet permit requirements designed to ensure that sewage and other pollutants stay out of storm sewers which drain to local rivers, ponds, and coastal waters. As part of this effort, EPA is offering training and other support to communities to help them detect and eliminate illegal sewer connections.

Municipal storm sewer systems (MS4s) collect rain and snowmelt from streets and drain to local rivers and streams. Often, sewage lines or industrial discharges can be improperly connected to the storm sewer, leading to raw sewage or other pollutants reaching water bodies. Discharges from MS4s can also include infiltration from cracked sanitary systems, spills collected by drain outlets, or paint or used oil dumped directly into a drain. These discharges contribute bacteria, heavy metals, toxics, oil and grease, solvents, nutrients, viruses and bacteria to receiving water bodies. EPA has found that illegal sewage connections are major contributors to pollution in New England’s rivers and streams.

Since 2003, 297 urbanized cities and towns in Massachusetts and New Hampshire have been subject to an EPA general permit, which sets requirements for reducing pollution discharges from storm sewers. Among other requirements, the communities must produce maps of their storm sewers, pass an ordinance or by-law prohibiting non-stormwater discharges to the storm sewers, and implement a plan to find and remove improper connections to the storm sewers.

The nine communities have failed to meet some or all of these requirements, potentially allowing raw sewage or other pollutants to discharge to their local waters. EPA has filed complaints against the nine communities seeking penalties. The proposed penalties are based on the size of the community and seriousness of the violations, among other factors. The communities and maximum penalties include Plaistow, N.H. (\$40,000), and in Massachusetts: Canton (\$50,000); Concord (\$50,000); Dennis (\$50,000); Eastham (\$40,000); Gardner (\$60,000); Peabody (\$70,000); and Winthrop (\$70,000). Because Fall River has not responded to a formal information request, EPA is filing a complaint proposing an amount of up to the maximum administrative penalty under the Clean Water Act for this type of case, \$177,500. After Fall River furnishes the required information, EPA will refine the penalty amount.

EPA is simultaneously issuing compliance orders to the nine communities requiring each to implement fully a plan to identify and eliminate illegal sewage connections. This includes a requirement to monitor storm water discharges to impaired waters in order to identify the illegal sewage connections.

EPA New England has previously taken penalty actions against eleven Massachusetts and New Hampshire communities for failing to submit initial applications or annual reports required by the storm sewer permit. Over the last three years, EPA has sent two letters to cities and towns reminding them of their permit obligations.

EPA is simultaneously launching a compliance assistance initiative for cities and towns to give them tools to help identify and eliminate illegal storm sewer connections. Activities include workshops and webinars; a GPS Unit Training and Loan Program to help communities meet critical sewer outfall mapping requirements; access to the EPA National Stormwater Web Page, which sets out compliance information specifically addressing municipal community storm water compliance needs; and the creation of collaborative partnerships among EPA New England and municipalities to increase awareness of and compliance with stormwater regulations, identify Best Management Practices; and share strategies to achieve compliance on a cost-effective basis.

EPA is in the process of reissuing stormwater permits for communities in Massachusetts and New Hampshire. A draft permit for New Hampshire communities was issued for public comment in December, 2008. A draft permit for Massachusetts communities is expected later this year. These permits will include enhanced requirements to identify and eliminate illegal sewer connections.

More information: [Eliminating Sanitary Sewer Overflows in New England](http://www.epa.gov/region1/sso/index.html)
(www.epa.gov/region1/sso/index.html)

Attachment #2



Acton Board of Health

472 Main St.
Acton, MA 01720
Phone: (978) 264-9634
Fax: (978) 264-9630
Email: Health@acton-ma.gov



Public Health
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Doug Halley, Health Director

August 4, 2009

Ann Herrick - CIP
U.S. Environmental Protection Agency - Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

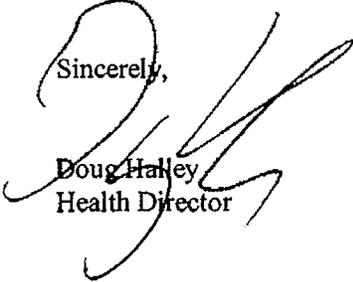
To Whom It May Concern:

Attached with this letter please find Acton's sixth Annual Report in compliance with its NPDES Phase II Small MS4 General Permit. This report contains the following information:

1. A self-assessment review of compliance with the permit conditions.
2. An assessment of the appropriateness of the selected BMP's.
3. An assessment of the progress towards achieving the measurable goals.
4. A summary of results of any information that has been collected and analyzed.
5. A discussion of activities for the next reporting cycle.
6. A discussion of any changes in identified BMP's or measurable goals.
7. Reference to any reliance on another entity for achieving any measurable goal.

Should you have any questions regarding the Town of Acton's NPDES Phase II Small MS4 Annual Report or the information attached please contact me at (978) 264-9634.

Sincerely,


Doug Halley
Health Director

Cc: Fred Civian
Massachusetts Department of Environmental Protection
One Winter Street - 5th Floor
Boston, MA 02108

Municipality/Organization: Town of Acton

EPA NPDES Permit Number: MAR041238

MaDEP Transmittal Number: W-

**Annual Report Number
& Reporting Period:** No. 1: May 08-May 09

NPDES PII Small MS4 General Permit Annual Report

Part I. General Information

Contact Person: Doug Halley **Title:** Health Director

Telephone #: (978) 264-9634 **Email:** dhalley@acton-ma.gov

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: Steven L. Ledoux
Title: Town Manager
Date: 5/30/08

Part II. Self-Assessment

The Town of Acton has completed the required self-assessment and have determined that the Town is in compliance with all permit conditions:

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 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 7
PE-1	Partner w/Local Organization	Board of Health Health Director	Provide financial contribution to Partner w/ SUASCO WCC	Continued commitment of participation in the SUASCO Watershed Community Council’s “Storm Water Community Assistance Program” for Storm Water Phase II Permit Year 6 from July 2008 to June 2009.	Continue commitment to participate in the SUASCO Watershed Community Council’s “Storm Water Community Assistance Program” for Storm Water Phase II Permit from July 2009 to June 2010.
Revised					
PE-2	Develop Public Education Brochures/Flyers	Board of Health Health Director	Prepare/Distribute Storm Water Awareness Survey	The development and distribution of a Green Stormwater Solution Flyer.	Continued development of the Green Stormwater Solution Education Program.
Revised					
PE-3	Structural BMP Education	Board of Health Health Director	No Goal Established	Assessment of the first five years of public education materials and redistribution of those materials to the public.	Continue to utilize developed materials on Stormwater Education, targeting specific populations or entities.
Revised					

PE-4	Incorporate Storm Water into Public Meetings – Provide electronic media outlet.	Health Director	Create a permanent committee to formulate Stormwater educational strategy	Water Resources Advisory Committee's Annual oversight meeting and presentation to the Board of Selectmen. Shown and rebroadcast on cable TV.	Continue public presentations on Stormwater issues, activities and recommendations for the public.
Revised					

PE-5	Incorporate Stormwater Education into School Lesson Plans	School Curriculum Director/ Health Director	Work with A/B School System to provide materials developed by SUASCO	Continue to provide posters to school system as a follow up to previous curriculum.	Continue to provide storm water speakers to the 5 th grade classes.
PE-6	Outreach program	Health Department	Storm water campaign	Implement the media storm water campaign	Continue the media storm water campaign

2. Public Involvement and Participation

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 6 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 7
PP-1	Partner with Local Organization	Board of Health Health Director	Provide financial contribution to partner with SUASCO WCC	On March 22, 2008 the SUASCO WCC provided the deliverables for a Stormwater campaign to be conducted from July 2008 to June 2009.	Continue commitment to participate in the SUASCO WCC's "Storm Water Community Assistance Program" for Storm Water Phase II Permit Year 7 from July 2009 to June 2010.
Revised					

PP-2	Public Awareness and Understanding of Environmental Monitoring	Board of Health Health Director	Place storm water markers on catch basin drains	Reviewed and presented the Site Selection for the Nashua River Watershed Water Monitoring Program and sought public input.	Continue to inform and educate the public on the importance of improving and developing an environmental monitoring program.
Revised					
PP-3	Intra-Community Cooperation and participation	Health Director	Identify Common interests between abutting towns	Develop a proposal to determine the impacts of Acton septic systems on Maynard drinking water supply.	Seek funding for proposal developed by OTO.
Revised					

PP-4	Organize Public Meetings/Panels	Board of Health Health Director	Place display provided by SUASCO at one location throughout the year.	Participate at ABRHS Science Fair with a Stormwater Display.	Continue to participate in ABRHS Science Fair.
Revised					
PP-5	Illicit Discharge Educational Materials	Board of Health Health Director	Develop educational materials for a FOG program	Distributed an educational FOG program flyer, as well as, a water conservation guide, developed by Earth Tech.	Contribute the Distribution of the FOG and water conservation flyers.
Revised					

2a. Additions

PP-6	<i>Stream Clean-up program</i>	Health Director & Stream Team	<i>Organize annual clean-up teams</i>	Stream Team volunteers conducted a clean-up of streams on April 25 th which was covered by the local newspaper.	Continue Stream Team annual clean-up day.

3. Illicit Discharge Detection and Elimination

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 6 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 7
ID-1	Clean Watershed Needs	Board of Health Health Director	Identify areas where storm water issues need to be addressed.	Woodard and Curran provided a Clean Watersheds Needs Report (2008-2027).	Review Needs Report and prioritize watershed needs for the short and long term..
Revised					
ID-2	Develop monitoring programs in conjunction with local watershed organizations	Health Director	Team with the Organization of the Assabet River	Continue contract with OAR to sample, analyze and report two sampling sites on the Assabet River and Nashoba Brook.	Continue the contract with OAR.
Revised					
ID-3	Environmental monitoring analysis	Board of Health Health Director	Identify detrimental trends that need to be addressed.	Contract with OTO to evaluate trends in nitrate concentrations in certain groundwater monitoring wells.	Continue environmental monitoring analysis of well and stream samples.
Revised					
ID-4	Identify and prioritize locations of potential Illicit Discharges	Board of Health Health Director	Use Geographic Information System to correlate risk properties with protected resources	Mapped all facilities with 25 gallons or 25 pounds of hazardous materials and their proximity to water bodies.	Continue to identify and prioritize locations with potential illicit discharges.
Revised					

3a. Additions

ID-5	Delineate watershed open space	Board of Health Health Director	Use Geographic Information System to delineate watershed open space.	Mapped watershed open space for each of the 11 identified watershed areas within Acton.	Continue defining and delineating watershed open space.
ID-6	Conduct Inflow/Infiltration Investigation of Sewer System	Health Director	Use sewer TV inspections to identify and correct I/I problems	Conducted I/I investigation of sewer sub-areas serviced by the Railroad Street and Prospect Street pump station. Followed with correction orders for properties with identified problems	Continue to use sewer TV inspections to identify and correct I/I problems.
ID-7	Identify and participate in regional, state or federal monitoring grant programs	Health Director	Use alternative funding methods to progress identification of needs	Submitted a proposal for 604(b) Water Quality Management Planning Projects for FY 2009	Continue to identify and apply for regional, state or federal grants.

4. Construction Site Stormwater Runoff Control

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 6 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 7
CS-1	Develop/Implement watershed regulatory strategy	Planning Board Town Planner	Develop/Implement watershed regulatory improvement plan	Begin implementation of a five point regulatory improvement plan by the appropriate regulatory bodies.	Work with regulatory bodies to improve the five point regulatory improvement plan.
Revised					

4a. Additions

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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 6 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 7
PC-1	Develop/Implement Protection for the Municipal Storm Drain System	Health Director	Develop Town Bylaw or regulation for Municipal Storm Drain Protection.	Received public comments regarding Chapter U, regulating discharges to the Municipal Storm Drain System.	Edit and amend Chapter U, discharges to the Municipal Storm Drain System, for Town Meeting consideration.
Revised					

5a. Additions

PC-2	Develop/Implement Protection for the Stormwater	Health Director	Develop Town Bylaw or regulation for Stormwater Protection	Received public comments regarding Chapter V, regulating activities that have potential impact to the Stormwater.	Edit and amend Chapter V, activities with potential impact to Stormwater, for Town Meeting consideration.
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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 6 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 7

GH-1	Reporting	Public Works Director - Health Director	Create a method to record storm water activities for Good Housekeeping and all (MCM's)	Department of Public Works recorded all Stormwater Management Activities.	Record all storm water management activities, reassess eligibility criteria, and provide yearly reports as required in the General Permit Part II.F.
Revised					
GH-2	Audit Current Town Facilities	Public Works Director Of Public Works	Audit wastewater facilities impact to abutting Assabet River.	Wastewater Treatment Facility conducted annual Slope, Stability & Erosion Report and Wetlands Monitoring Report.	Wastewater Treatment Facility will continue annual audit and submit a report.
Revised					
GH-3	Operation and Management Program	Public Works Director of Public Works	Begin tracking records for catch basins cleaned	Health Department in conjunction with DPW tracked catch basins cleaned.	Continue to track records for outfalls cleaned, continue to track records for catch basins cleaned, begin measurable schedule for street sweeping.
Revised					
GH-4	Best Management Practice	Public Works Director of Public Works	Implement a sand reduction initiative for the Snow and Ice Removal Program.	Monitor the treated salt program, which virtually eliminated sand from being applied to roadways during the winter. Program also successfully reduced the tons of salt per mile.	Continue to use treated salt and monitor the results.
Revised					
GH-5	Watershed Improvement	Acton Water District	Nashoba Brook/Suasco Basin Watershed Protection.	Developed a Natural Hazard Mitigation Plan, which includes flood related hazards.	Continue watershed initiatives.
Revised					

6a. Additions

GH-6	Stream and Wetland Management	CMMCP	Ensure clear streamways and removal of debris from wetlands	CMMCP contracted to visually inspect streams and wetlands and remove debris from wetlands and streams.	Continue stream and wetland management.

7. BMPs for Meeting Total Maximum Daily Load (TMDL) Waste Load Allocations (WLA) <<if applicable>>

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 6	Planned Activities – Permit Year 7
TMDL-1	Check Current Impairment List.	Board of Health Health Director	There are No completed studies for receiving waters in Acton.	Monitored the CWRMP/MEPA process of Assabet communities.	Check list annually to determine new implementation requirements.
Revised					

7a. Additions

Part IV. Summary of Information Collected and Analyzed

1. Stream Monitoring Program
 - a. Four rounds of fecal coliform testing in 2008 were conducted at locations in the Fort Pond Brook and Nashoba Brook Watersheds as shown on the map. (see attachment "A")
2. Groundwater Well Monitoring Program
 - a. Monthly rounds of water level and nitrate testing in 2008 were conducted within selected watersheds as shown on the map. (See attachment "B")
3. North Acton Recreational Area (NARA) Pond Monitoring
 - a. Weekly Ecoli testing was conducted between May and September at NARA to ensure swimming water quality. (See attachment "C")
4. Household Hazardous Waste Day Collection
 - a. Residential participation at the May and September Household Hazardous Waste Day Collections was mapped by watershed. (See attachment "D")
5. Hazardous Material Storage Monitoring Program
 - a. The Health Department inspects all commercial facilities that store more than 25 pounds or 25 gallons of hazardous materials or wastes to ensure materials are being stored in proper secondary containment and that releases to the environment are not occurring (see attachment "E").
6. Conditions for possible Water District Expansion
 - a. The Water Land Management Advisory Committee developed a strategy that recommended that in responding to requests for expansion of water service the Acton Water District must determine whether there are benefits in terms of four strategies (Water Source Protection, Water Conservation, New Water Supplies, Collaboration). The Committee further recommended taking this approach one step further by considering proactive exploration of expansion scenarios that offer benefits to the District (attachment F).

Chapter U: Discharges to the Municipal Storm Drain System

[Adopted _____]

1 Purpose.

- A. Increased and contaminated storm-water 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.
- B. Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Acton’s water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.
- C. The objectives of this bylaw are:
 - 1. To prevent pollutants from entering the Town of Acton’s municipal separate storm sewer system (MS4);
 - 2. To prohibit illicit connections and unauthorized discharges to the MS4;
 - 3. To require the removal of all such illicit connections;
 - 4. To comply with state and federal statutes and regulations relating to storm-water discharges; and
 - 5. To establish the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

2 Definitions.

The following definitions shall apply in the interpretation and enforcement of this bylaw:

Authorized Enforcement Agency shall mean the Board of Health (hereafter the Board), its employees or agents designated to enforce this bylaw.

Stormwater Best Management Practice shall mean a structural or nonstructural technique for managing storm-water to prevent or reduce non-point source pollutants from entering surface waters or ground waters. A structural storm-water best management practice includes a basin, discharge outlet, swale, rain garden, biofilter or other storm-water treatment practice or measure either alone or in combination including without limitation any discharge pipe, overflow pipe, conduit, weir control structure that: (a) is not naturally occurring; (b) is not designed as a wetland replication area; and (c) has been designed, constructed, and installed for the purpose of conveying, collecting, storing, discharging, recharging or treating storm-water. Nonstructural storm-water best management practices include source control and pollution prevention measures.

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

Discharge of Pollutants shall mean 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 shall mean water beneath the surface of the ground.

Illicit Connection shall mean 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 shall mean a direct or indirect discharge to the municipal storm drain system that is not composed entirely of storm-water, except as exempted in Section 8.

Impervious Surface shall mean any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

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

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge

Permit shall mean a permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

Non-Stormwater Discharge shall mean a discharge to the municipal storm drain system not composed entirely of storm-water.

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

Pollutant shall mean any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non-point source, that is or may be introduced into any

sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

- a. paints, varnishes, and solvents;
- b. oil and other automotive fluids;
- c. non-hazardous liquid and solid wastes and yard wastes;
- d. refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- e. pesticides, herbicides, and fertilizers;
- f. hazardous materials and wastes; sewage, fecal coliform and pathogens;
- g. dissolved and particulate metals;
- h. animal wastes;
- i. rock, sand, salt, soils;
- j. construction wastes and residues; and
- k. noxious or offensive matter of any kind.

Process Wastewater shall mean 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.

Recharge shall mean the process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

Stormwater shall mean storm water runoff, snow melt runoff, and surface water runoff and drainage.

Surface Water Discharge Permit shall mean 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 shall mean 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 shall mean a natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

Waters of the Commonwealth shall mean all waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, wetlands, and groundwater.

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

3 Applicability.

- A. This bylaw shall apply to flows entering the MS4.
- B. This bylaw is not intended to interfere with, abrogate, or annul any other Bylaw, rule or regulation, statute, or other provision of law. The requirements of this Bylaw should be considered minimum requirements, and where any provision of this Bylaw imposes restrictions different from those imposed by any other bylaw, 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 take precedence.

4 Authority.

- A. 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 Responsibility For Administration.

- A. The Board shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to employees or agents of the Board.

6 Regulations.

- A. The Board may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Board 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, 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 storm-water into or out of the municipal storm drain system without prior written approval from the Board.

8 Exemptions.

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

9 Emergency Suspension of Storm Drainage System Access.

- A. The Board 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 Board may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

10 Notification of Spills.

- A. Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and the Board of Health and the Engineering Department. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency 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.

- A. The Board or an authorized agent of the Board shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. Civil Relief. If a person violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the Board 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.
- C. Orders. The Board or an authorized agent of the Board 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.

- D. 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 of Acton may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
- E. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Acton, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board 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 Board 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.
- F. Criminal Penalty. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$ 300.00, excluding the cost of damages. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- G. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Acton may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and the Town of Acton General Bylaws Chapter E 45 in which case the Board of Health or its authorized agent shall be the enforcing person. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd violation shall be \$200.00. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- H. 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 Board, its agents, officers, and employees 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 Board deems reasonably necessary.
- I. Appeals. The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction.

- J. 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.

12 Severability.

- A. 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.

13 Transitional Provisions.

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

Chapter V: Stormwater Management
[Adopted _____]

1. Definitions:

The following definitions shall apply in the interpretation and enforcement of this bylaw:

Alter shall mean any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage. Alter may be similarly represented as “alteration of drainage characteristics,” and “conducting land disturbance activities.”

Approval Not Required (ANR) shall mean a plan of land that does not require approval under the Subdivision Control Law of Massachusetts (M.G.L. - Chapter 41, Sections 81K through 81GG).

Stormwater Best Management Practice (BMP) shall mean a structural or nonstructural technique for managing stormwater to prevent or reduce non-point source pollutants from entering surface waters or ground waters. A structural stormwater best management practice includes a basin, discharge outlet, swale, rain garden, biofilter or other stormwater treatment practice or measure either alone or in combination including without limitation any discharge pipe, overflow pipe, conduit, weir control structure that: (a) is not naturally occurring; (b) is not designed as a wetland replication area; and (c) has been designed, constructed, and installed for the purpose of conveying, collecting, storing, discharging, recharging or treating stormwater. Nonstructural stormwater best management practices include source control and pollution prevention measures.

Common Plan of development shall mean any announcement or piece of documentation (including a contract, public notice or hearing, advertisement, drawing, plan, or permit application, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor marking, etc.) indicating imminent or future plans to disturb earth regardless of how many phases or how long it will take to complete. Under this bylaw, a facility is *no longer considered a common plan* if the following criteria are met:

- a) The original plan, including modifications, was substantially completed with less than one acre of the original common plan remaining (i.e., <1 acre of the common plan was not built out at the time); **and**
- b) There was a clearly identifiable period of time (2 years or more) where there was no ongoing construction, including meeting the criteria for final stabilization.

Land Disturbance shall mean any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material. See also ALTER.

Land uses with higher potential pollutant loads mean the following land uses: land uses identified in 310 CMR 22.20B(2), 310 CMR 22.20C (2)(a) - (k) and (m), 310 CMR 22.21(2)(a) 1 - 8, and 310 CMR 22.21(2)(b) 1 - 6; areas within a site that are the location of activities that are subject to an individual National Pollutant Discharge Elimination System (NPDES) permit or the NPDES Multi-Sector General Permit; auto fueling facilities (gas stations); exterior fleet storage areas; exterior vehicle service and equipment cleaning areas; marinas and boatyards; parking lots with high intensity use; confined disposal facilities and disposal sites. Refer to Massachusetts Stormwater Management Standard 5 for higher potential pollutant loads, or the most current Massachusetts Stormwater Management Handbooks.

Low Impact Development Techniques shall mean stormwater management systems that are modeled after natural hydrologic features. Low impact development techniques manage rainfall at the source using uniformly distributed decentralized micro-scale controls. Low impact development techniques use small cost-effective landscape features located at the lot level.

Massachusetts Stormwater Management Policy shall mean the Policy issued by the Department of Environmental Protection, and as amended from time to time, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act 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.

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

Stormwater Authority shall mean the Town of Acton Board of Health. The Board is responsible for coordinating the review, approval and permit process as defined in this Bylaw. Other Boards and/or departments participate in the review process as defined in Section 4 of this Bylaw.

Stormwater Management shall mean the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

Stormwater Management Permit shall mean a permit issued by the Board of Health, after review of an application, plans, calculations, and other supporting

documents, which is designed to protect the environment of the Town from the deleterious affects of uncontrolled and untreated stormwater runoff.

Additional terms that apply to issuance of a Stormwater Management Permit established by this Bylaw shall be defined and included as part of the Regulations promulgated and, from time to time, amended under section 4.B of this Bylaw, a copy of which is available at the Board of Health and the office of the Town Clerk. Terms not defined in said Regulations or pertinent statutes shall be construed according to their customary and usual meaning unless the context indicates a special or technical meaning.

2. Purpose and Authority

A. Purpose. Increased and contaminated stormwater runoff associated with developed land uses and the impacts of soil erosion and sedimentation are known to cause:

- Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, and groundwater;
- Contamination of drinking water supplies;
- Erosion of stream channels;
- Alteration and destruction of aquatic and wildlife habitat;
- Flooding; and
- Overloading or clogging of municipal stormdrain systems.

The objectives of this Bylaw are to require practices to control the flow of stormwater from new and redeveloped sites into the Acton storm sewer system in order to:

- Prevent pollutants from entering and discharging from the Acton MS4;
- Control the volume and rate of stormwater runoff resulting from land disturbance activities;
- Ensure that soil erosion and sedimentation control measures and Stormwater runoff control practices are incorporated into the site planning and design process;
- Prevent flooding;
- Promote infiltration and recharge of groundwater;
- Encourage the use of low impact development (LID) practices such as reducing impervious cover and the preservation of greenspace and other natural areas, to the maximum extent practicable;
- Protect groundwater and surface water from degradation;
- Control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at a construction site;
- Ensure adequate operation and maintenance of structural stormwater best management practices so they work as designed, both long-term and during construction;
- Comply with state and federal statutes and regulations relating to Stormwater discharges; and

- Establish Acton’s legal authority to ensure compliance with the provisions of this Bylaw through inspection, monitoring, and enforcement.
- B. **Authority.** The Stormwater Management Bylaw is hereby established in the Town of Acton, Massachusetts. This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the rules and regulations of the federal Clean Water Act found at 40 CFR 122.34.

This Bylaw shall take effect upon its approval by the Attorney General and publications as provided by M.G.L. Ch. 40 § 32, provided however, that any continuous legally permitted activities in operation on that day may continue.

3. Scope and Applicability

- A. This Bylaw shall be applicable to the following activities:
1. Any Subdivision as defined in the Massachusetts Subdivision Control Law (MGL, Chapter 41, Sections 81K – 81GG) requiring a Definitive Plan;
 2. Any activities that result in a land disturbance greater than one acre within the Town of Acton. Land disturbance shall mean any action that causes vegetation clearing; or a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material; and
 3. Any activities that result in a land disturbance less than one acre if the project is part of a larger common plan of development which will disturb one acre or more within the Town of Acton. Plans that do not require approval under the Subdivision Control Law, hereafter referred to as “ANR lots”, and meet one or more of the applicability criteria described herein are subject to the provisions of this Bylaw and shall obtain a Stormwater Management Permit.
 4. Any alteration, redevelopment, or conversion of land use to a Land Use with Higher Potential Pollutant Loads, defined in Section 1, shall require a Stormwater Management Permit.
- B. Exemptions: No person who meets the applicability of this bylaw shall alter land within the Town of Acton without having obtained a **Stormwater Management Permit (SMP)** with the following exceptions:
1. In the course of customary cemetery management,
 2. Maintenance of landscaping, gardens or lawn areas,
 3. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act 310 CMR 10.04 and MGL Chapter 40A Section 3,
 4. Any work or projects for which all required permits from the Conservation Commission, Planning Board and the Board of Health have been issued before the effective date of this Bylaw, or
 5. Emergency repairs to any stormwater management facility or practice, such that the original design location, size, and technology remain the same, that poses a threat to public health or safety, or as deemed necessary by the Board of Health or its authorized agent.
 6. Municipal roadway maintenance when conducted in accordance with an approved Erosion Control Plan, prepared in accordance with the Stormwater

Regulations promulgated under Section 4B of this Bylaw, on file with the Board of Health.

C. Coordination with Other Town Permits.

1. No Town Earth Removal Permit, Order of Conditions from the Conservation Commission, Building Permit, Subdivision approval, Special Permit, variance or finding shall constitute compliance with this Bylaw. For a project or activity that meets the Scope and Applicability of this Bylaw, no work may commence until the developer submits a complete Stormwater Management Permit application, the Board of Health issues a Stormwater Management Permit, and the developer certifies that all land clearing, construction, and development will be done pursuant to the approved Plans and Permit.
2. This bylaw is not intended to interfere with, abrogate, or annul any other Bylaw, rule or regulation, statute, or other provision of law. The requirements of this Bylaw should be considered minimum requirements, and where any provision of this Bylaw imposes restrictions different from those imposed by any other bylaw, 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 take precedence.
3. In case of conflicting requirements between the Acton Stormwater Management Bylaw and the following documents, not limited to: the Massachusetts Wetlands Protection Act, the Massachusetts Rivers Act, the Massachusetts Watershed Protection Act, or the BMP design and selection criteria given in the most current Massachusetts Stormwater Management Policy, as amended, the requirements of these shall be considered the more restrictive or more protective of human health and the environment, and shall take precedence over the Acton Stormwater Management Bylaw.

Administration

- A. **Stormwater Authority.** The Board of Health is hereby designated as the Stormwater Authority. The Board of Health, or its agent, shall administer, implement and enforce this Bylaw. The Board of Health may appoint another Town Department, Commission, or Board to act as its authorized agent for site inspections and enforcement of this Bylaw.
- B. **Stormwater Regulations.** The Board of Health may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, clerical, inspection, and/or consultant fees), procedures and administration of this Stormwater Management Bylaw 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 fourteen (14) days prior to the hearing date. After public notice and public hearing, the Board of health may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure of the Board of Health 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 Bylaw.

- C. **Stormwater Management Manual.** The Board of Health will utilize the Massachusetts Stormwater Management Policy and Handbooks, as amended from time to time, for criteria and information including specifications and standards for the execution of the provisions of this Bylaw. These include a list of acceptable stormwater treatment practices, with specific design criteria for each. Unless specifically altered in this Stormwater Management Bylaw and Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with the MA Stormwater Management Handbooks' design and sizing criteria shall be presumed by the Board of Health to be protective of Massachusetts water quality standards.
- D. **Actions by the Stormwater Authority.** The Board of Health 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 the Regulations promulgated as part of this Bylaw: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.
- E. **Appeals of Action by the Board of Health.** The decisions or orders of the Board of Health shall be final. Further relief shall be to a court of competent jurisdiction.

5. Permit Procedures

Permit procedures and requirements, including permit submittals, right-of-entry, fee schedule, and public hearing process, shall be defined and included as part of the Regulations promulgated under section 4.B of this Bylaw.

6. Performance Standards

Criteria for erosion and sediment control and post-construction stormwater management, including stormwater performance standards, shall be defined and included as part of the Regulations promulgated under section 4.B of this Bylaw.

7. Waivers

- A. The Board of Health may in its discretion and after due consideration decide to waive and exempt strict compliance with any requirement of the Town of Acton Stormwater Management Bylaw or the Regulations promulgated hereunder, where it makes a written finding that such action is:
 - 1. Allowed by federal, state and local statutes and/or regulations;
 - 2. In the public interest; and
 - 3. Consistent with the purpose and intent of the Town of Acton Stormwater Management Bylaw and its Regulations.
- B. Criteria for granting a waiver shall be defined and included as part of the Regulations promulgated under section 4.B of this Bylaw.

8. Enforcement

The Board of Health or its authorized agent shall enforce this Bylaw and resulting regulations, orders, violation notices, and enforcement orders, and may pursue all criminal and civil remedies, including injunctive relief and monetary damages and costs of litigation and attorney fees, for such violations and for abatement and mitigation and compliance actions taken by the Board of Health. As an alternative to criminal

prosecution or civil action, the Board of Health may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and the Town of Acton General Bylaws Chapter E 45 in which case the Board of Health shall be the enforcing person. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board of Health's agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Bylaw and may make or cause to be made such examinations, surveys or sampling as the Board of Health deems reasonably necessary to determine compliance with a permit issued under this Bylaw. Enforcement shall be further defined and included as part of the Regulations promulgated under section 4.B of this Bylaw.

9. Severability

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