

TOR-2024-6

Approved First Reading 5/20/24
Second Reading 6/21/24

AN ORDINANCE TO ESTABLISH CHAPTER 176 OF THE CODE OF THE TOWN OF AGAWAM

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, the Town of Agawam received notice from the United States Environmental Protection Agency (“EPA”) that the Town must enact a post-construction stormwater management ordinance no later than June 30, 2024 in order to comply with the 2016 Clean Water Act (“ACT”), specifically Section 309(a) of the Act, U.S.C. § 1319 (a)(3); and

WHEREAS, the ACT requires all communities in the Commonwealth of Massachusetts to enact a local ordinance or by-law to address stormwater discharge in order to reduce the amount of pollutants in stormwater on new or redeveloped sites; and

WHEREAS, the EPA has placed the Town on notice that the Town may be subject to fines for noncompliance if no action is taken prior to June 30, 2024; and

WHEREAS, the Department of Public Works has been working with the Pioneer Valley Planning Commission on a draft for a period of time and modify the language so that it incorporates the laws of the Town; and

WHEREAS, Chapter 175 of the Code of the Town of Agawam relates to Water and Sewers and Chapter 176 is vacant; and

WHEREAS, it is in the best interest of the Town to establish Chapter 176 “Stormwater Management” as described in the attached exhibit.

NOW THEREFORE, the Agawam City Council hereby enacts Chapter 176 of the Code of the Town of Agawam entitled “Stormwater Management” as attached in Exhibit A, effective immediately upon passage.

Dated this 3rd day of June, 2024.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin
Rosemary Sandlin, President

APPROVED AS TO FORM AND LEGALITY

Stephen Buoniconti, City Solicitor

original - Clerks
cc - Council
cc - DPW
cc - Planning
cc - Engineering
cc - Inspections
cc - law
cc - Mayor
cc - Auditor

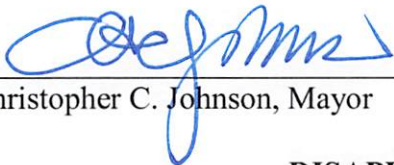
MAYORAL ACTION

Received this 4th day of June, 2024 from Council Clerk.

Signed by Council President this 3rd day of June, 2024.

APPROVAL OF LEGISLATION

By the powers vested in me pursuant to Article 3, Section 3-6 of the Agawam Charter, as amended, I hereby approve the passage of the above legislation on this 4th day of June, 2024.



Christopher C. Johnson, Mayor

DISAPPROVAL OF LEGISLATION

By the powers vested in me pursuant to Article 3, Section 3-6 of the Agawam Charter, as amended, I hereby veto the passage of the above legislation on this _____ day of _____, 2024 for the following reason(s):

Christopher C. Johnson, Mayor

RETURN OF LEGISLATION TO COUNCIL CLERK

Returned to Council Clerk this 4th day of June, 2024.

EXHIBIT A

Chapter 176 STORMWATER MANAGEMENT

ARTICLE I: GENERAL PROVISIONS

- §176-1: Authority**
- §176-2: Definitions**
- §176-3: Regulations**
- §176-4: Enforcement**
- §176-5: Severability**
- §176-6: Transitional Provisions**

ARTICLE II: ILLICIT CONNECTIONS AND DISCHARGES

- §176-7 Section 1: Purpose**
- §176-8 Section 2: Applicability**
- §176-9 Section 3: Prohibited Activities**
- §176-10 Section 4: Emergency Suspension of Storm Drain System**
- §176-11 Section 5: Watercourse Protection**
- §176-12 Section 6: Notification of Spills**

ARTICLE III: STORMWATER MANAGEMENT PERMIT

- §176-13 Section 1: Purpose**
- §176-14 Section 2: Applicability**
- §176-15 Section 3: Administration**

**ARTICLE I
GENERAL PROVISIONS**

§176-1: AUTHORITY

This Ordinance 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.

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

§176-2: DEFINITIONS

- A. Word usage.** "Shall" is mandatory; "may" is permissive.
- B. Definitions.** Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

ABUTTER — One who holds title to real property within the limits of an improvement area, and his successors in title.

ACRE — A unit of land equal to 43,560 square feet.

ACTIVE GROUNDWATER DEWATERING DEVICE — Any active device used to transport groundwater, i.e. a sump pump.

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

AGRICULTURAL ACTIVITY — Producing or raising one or more of the following agricultural commodities for commercial purposes:

1. animals, including but not limited to livestock, poultry, and bees;
2. fruits, vegetables, berries, nuts, maple sap, and other foods for human consumption;

and

3. feed, seed, forage, tobacco, flowers, sod, nursery or greenhouse products, and ornamental plants or shrubs.
and as further defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

APPLICANT — A property owner or agent of a property owner who has filed an application for a Stormwater Management Permit.

AS-BUILT DRAWING: Drawings that completely record and document applicable aspects and features of conditions of a project following construction using Stormwater Management Plans derived from a Stormwater Management Permit.

AUTHORIZED ENFORCEMENT AGENCY — The Department of Public Works, its employees, or agents designated to enforce this chapter on behalf of the Superintendent.

BEST MANAGEMENT PRACTICES (BMP) — Structural, nonstructural, and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. “Structural” BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. “Nonstructural” BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN — Site design approaches and techniques that can reduce a development’s impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing the area of impervious surface, and using natural features for stormwater management.

CERTIFICATE OF COMPLETION (COC) — A document issued by the Stormwater Authority after all construction activities have been completed, which states that all conditions of an issued Stormwater Management Permit have been met and that a project has been completed in compliance with the conditions set forth in a Stormwater Management Permit.

CLEAN WATER ACT — The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

COMMON PLAN OF DEVELOPMENT OR SALE - A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

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.

DEP or DEPARTMENT OF ENVIRONMENTAL PROTECTION — A department of the Commonwealth of Massachusetts which regulates environmental concerns, including but not limited to the Wetland Protection Act and as co-permittee-of certain NPDES permits with the EPA.

DPW or DEPARTMENT OF PUBLIC WORKS — The administrative body for public works in the Town of Agawam.

DISCHARGE — The following are the definitions of terms used in this section:

1. **DIRECT STORMWATER DISCHARGE** — The discharge of treated or untreated stormwater directly to the MS4, which may or may not subsequently discharge to the waters of the Commonwealth of Massachusetts, including rivers, streams, brooks, or wetlands.
2. **ILLICIT STORMWATER DISCHARGE** — Any non-stormwater discharge into the municipal separate storm sewer system (MS4), except as specifically exempted in this code. Discharges which are in compliance with a NPDES stormwater discharge permit are not illicit discharges.
3. **INDIRECT STORMWATER DISCHARGE** — The discharge of treated or untreated stormwater to the waters of the Commonwealth of Massachusetts, including rivers, streams, brooks, or wetlands, without a connection to or discharge to the municipal separate storm sewer system (MS4) before flows reach the water resource.
4. **STORMWATER DISCHARGE** — The discharge of treated or untreated stormwater to the Town's MS4.
5. **DISCHARGE OF POLLUTANTS** — The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

DRAINAGE EASEMENT— A legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

DRAINAGE SYSTEM — Same as stormwater system, storm sewer system.

DRAIN LATERAL OR CONNECTION — Drainage service connections are private structures to be owned and maintained by the property owner to the point where it connects to a stormwater main, manhole, or catch basin in the street right-of-way or Town's easement.

DUMPING — An act or omission of any person or entity, the proximate result of which is the introduction of pollutant(s) to the MS4, which is an illicit discharge.

EPA or ENVIRONMENTAL PROTECTION AGENCY — The United States Environmental Protection Agency, a department of the federal government that requires compliance with the Clean Water Act and NPDES permitting.

EROSION – The wearing away of the land surface by natural or artificial forces, such as wind, water, ice, gravity, or vehicle traffic, and subsequent detachment and transportation of soil particles.

EROSION CONTROL — The prevention or reduction of the movement of soil particles or rock fragments.

EROSION AND SEDIMENT CONTROL PLAN — Is a document containing narrative, drawings and details—developed by a qualified professional engineer (PE) or a certified professional in erosion and sedimentation control (CPESC) — that includes best management practices or equivalent measures designed to control surface runoff, erosion, and sedimentation during construction and construction-related land disturbance activities.

EXISTING DISCHARGE — Any discharge to the MS4 which is under construction or operation at the time of the enactment of this definition.

FLOOD CONTROL — The prevention or reduction of flooding and flood damage.

FLOODING — A local and temporary inundation or a rise in the surface of a body of water, such that it covers land not usually under water.

FOREST CUTTING PLAN — A plan for the cutting of trees on forest land, which is prepared and submitted in accordance with M.G.L. Chapter 132 Sections 40 - 46A. The forest cutting plan requires approval by a Service Forester of the Massachusetts

Department of Conservation and Recreation, as provided under 304 CMR 11.04.

GRADING – Changing the level or shape of the ground surface.

GROUNDWATER – All water beneath any land surface including water in the soil and bedrock beneath water bodies, but not including water in manmade structures.

GROUNDWATER RECHARGE — The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

GRUBBING – The act of clearing land surface by digging up roots and stumps.

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

ILLICIT CONNECTION — Any surface flow or conveyance of flows to the MS4 which contains non-stormwater discharges except as exempted within this chapter.

ILLICIT STORMWATER DISCHARGE — Any direct or indirect non-stormwater discharge into the municipal separate storm sewer system (MS4), 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 Article. Specific exemptions are described in this chapter. Discharges which are in compliance with a NPDES stormwater discharge permit are not illicit discharges.

IMPERVIOUS SURFACE – Any material or structure on or above the ground that reduces the infiltrating capacity of soils or prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved parking lots and roads, rooftops, driveways, patios, and other paved and gravel surfaces.

IMPROVEMENT AREA — The area served by the proposed drainage project, the boundaries of which shall include only those parcels or portions of parcels that could be directly connected to the proposed common sewers or drains, such

that a building sewer or drain would not have to pass through adjacent private land to serve each parcel.

INDIRECT STORMWATER DISCHARGE — The discharge of treated or untreated stormwater to the waters of the Commonwealth of Massachusetts, including rivers, streams, brooks, or wetlands without a connection to or discharge to the municipal separate storm sewer system (MS4) before flows reach the water resource.

INFILTRATION — The downward movement of water from the surface to the subsoil so as to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LAND USE WITH HIGHER POTENTIAL POLLUTANT LOAD (LUHPPL) – Land uses such as auto salvage yards, auto fueling facilities, exterior fleet storage yards, vehicle service and equipment cleaning areas, commercial parking lots with high intensity use, road salt storage areas, outdoor storage and loading areas of hazardous substances, confined disposal facilities and disposal sites, marinas, boat yards, or other uses identified by the Massachusetts Stormwater Handbook.

LOW IMPACT DEVELOPMENT (LID) — A development strategy that seeks to mimic (or in the case of redevelopment, restore/recreate) a site's predevelopment hydrology through protection of on-site natural features and better site design that limits impervious areas, preserves open space, and uses decentralized small scale facilities to capture and manage rainfall (or snowmelt) close to where it falls. These small-scale facilities serve to slow, absorb, and treat flow and include bioretention areas, grassed swales, porous pavements, cisterns, and green roofs and walls.

MASSACHUSETTS STORMWATER HANDBOOK AND STORMWATER STANDARDS — The guidance issued by MassDEP, and as amended, 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 Handbook and Standards addresses stormwater impacts through implementation of performance standards to promote increased stormwater recharge, the treatment of more runoff from polluting land uses, low impact development (LID) techniques, pollution prevention, the removal of illicit discharges to stormwater management systems, and improved operation and maintenance of stormwater best management practices (BMPs). MassDEP applies the Stormwater Management Standards pursuant to its authority under the Wetlands Protection Act, M.G.L. c. 131, § 40, and the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53.

The revised Stormwater Management Standards have been incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k) and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a).

MS4 – See MUNICIPAL SEPARATE STORM SEWER SYSTEM below.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM — The system designed or used for collecting or conveying stormwater, that may include any public or unaccepted streets with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Agawam.

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

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

NEW DEVELOPMENT — Any construction activities or land alteration on a site that has not previously been altered to include buildings or impervious surfaces.

NONPOINT 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 human-made pollutants, finally depositing them into water resource areas.

NON-STORMWATER DISCHARGE — Discharge which is composed of constituents which are not stormwater except as specifically exempted within the chapter.

NPDES -- See above: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT

OPERATION AND MAINTENANCE PLAN — A plan that defines the functional, financial and organizational mechanisms for the ongoing operation and maintenance of the stormwater management system to ensure that it continues to function as designed.

OWNER — The owner or occupant of land, and in the case of stormwater management permit applications, any person intending to acquire an ownership interest in land. A person with a legal or equitable interest in a property.

PERMITTEE – The owner of the site in the case of stormwater management permit application.

PERMITTING AUTHORITY — See Stormwater Authority below.

PERSON — Any individual, group of individuals, firm, company, association, partnership, society, trust, estate, corporation or group, including a city, county or other governmental entity.

POINT SOURCE — 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.

POLLUTANT — Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the commonwealth. Pollutants shall include, without limitation:

1. Paint, varnish, and solvents.
2. Oil, anti-freeze, and other automotive fluids.
3. Non-stormwater liquids
4. Solid wastes and yard wastes.
5. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables.
6. Pesticides, herbicides, and fertilizers.
7. Hazardous materials and wastes.
8. Sewage, fecal coliform and pathogens.
9. Dissolved and particulate metals.
10. Animal wastes and pet wastes.
11. Rock, sand, salt and soils.
12. Construction wastes and residues.
13. Noxious or offensive matter of any kind.

RECHARGE — The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT — Any construction, land alteration, or improvement of impervious surfaces resulting in earth disturbances. Municipal roadway widening or improvements that increase the amount of impervious surface on the redevelopment site by greater than or equal to a single lane width shall meet the requirements for redevelopment activities.

RUNOFF — Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT - Any mineral or organic soil material that is transported by wind or water from its origin to another location, the product of erosion processes.

SEDIMENTATION — A process of depositing material that has been suspended and transported in water.

SITE — The area extent of construction activities, including but not limited to the creation of new impervious surface and modifications to existing impervious surface, or other site alterations.

STORM DRAIN PERMIT or SD PERMIT — A permit given by the DPW to applicants which authorizes the discharge of runoff directly to the MS4 and indirectly to the waters of the Commonwealth.

STORM DRAIN (sometimes termed "storm sewer") — A sewer, ditch or channel that carries storm and surface waters, other than unpolluted cooling water. Except where the context would clearly designate one or the other, the term encompasses both underground piping and surface drainage easements containing ditches, swales, channels or detention or retention basins for the handling of water. A storm drain can be either publicly or privately owned. If publicly owned it is part of the Municipal Separate Storm Sewer System or MS4 (see definition above).

STORM DRAINAGE SYSTEM — A system by which stormwater is collected and/or conveyed. Such a system can be either publicly or privately owned. If publicly owned it is part of the Municipal Separate Storm Sewer System or MS4 (see definition above).

STORMWATER— Runoff from precipitation or snow melt.

STORMWATER AUTHORITY — The Town of Agawam Department of Public Works. The Stormwater Authority administers, implements, and enforces this Article and associated Regulations. Other Boards and/or departments may participate in the review process of Article III as defined.

STORMWATER DISCHARGE — The discharge of treated or untreated stormwater to the Town's MS4.

STORMWATER MANAGEMENT — 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 — A permit issued by the Stormwater Authority, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the adverse effects of uncontrolled and untreated stormwater runoff.

STORMWATER MANAGEMENT PLAN — A Plan to be submitted with the application for a Stormwater Management Permit, which shall include current and proposed site conditions, proposed improvements, proposed stormwater control measures, development schedules, and such other matters as may be required by the Stormwater Authority.

STOP WORK ORDER — An order issued which requires that all construction activity on a site be stopped.

SUPERINTENDENT — The Superintendent of Public Works of the Town of Agawam or his authorized deputy, agent or representative.

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

TOXIC MATERIAL OR WASTE — See Hazardous Material or Waste above.

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

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

WATER RESOURCE — Same as “Waters of the Commonwealth.”

WATERS OF THE COMMONWEALTH — All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater. These are protected water resources through state and/or federal regulation.

YARD DRAIN — Private catch basin located within lawn area and connected to the MS4 or discharges to a dry well or indirect discharge to waters of the Commonwealth.

§176-3: REGULATIONS

The Superintendent of the Department of Public Works may adopt, and periodically amend rules and regulations—relating to the procedures, standards, and administration—to effectuate the purposes of this Ordinance. Failure by the Superintendent of the Department of Public Works to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Ordinance.

§176-4: ENFORCEMENT

A. Authorized Enforcement Agency

The Department of Public Works will serve as the authorized enforcement agency. The Department of Public Works or an authorized agent of the Department of Public Works shall enforce this Ordinance and any associated regulations, orders, violations notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Enforcement and Penalties

1. Criminal and Civil Relief

- a. Any person who violates any provision of this Ordinance, associated regulations, permit, notice, or order thereunder, shall be punished by a fine not to exceed \$300 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- b. The Department of Public Works may seek injunctive relief in the 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

- a. The Department of Public Works or an authorized agent of the Department of Public Works may issue a written order to enforce the provisions of this chapter or the regulations thereunder, which may include:

Elimination of illicit connections or discharges to the MS4;

Performance of monitoring, analyses, and reporting;

Cessation of unlawful discharges, practices, activity, or operations;

Maintenance, installation, or performance of additional erosion and sediment control measures;

Implementation of measures to minimize the discharge of pollutants until such time as the illicit connection or discharge of pollutants shall be eliminated; and

Remediation of contamination in connection therewith.

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 provide that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Department of Public Works may, at its option, undertake such work, directly or through a contractor, and expenses thereof shall be charged to the violator.

Within 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 city, including administrative costs.

The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within 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 30 days following a decision of the Stormwater 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 provided in M.G.L. c. 59, § 57 after the 31st day at which the costs first become due.

b. Written orders shall contain the following:

- The name and address of the owner applicant;
- The address when available or the description of the building, structure, or land upon which the violation is occurring;
- A statement specifying the nature of the violation;
- A description of the remedial measures necessary to bring the development activity into compliance with this Ordinance and a time schedule for the completion of such remedial action;
- A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within thirty (30) days of service of notice of violation pursuant to the procedures of M.G.L.c.40a, §15.

3. Emergency Enforcement Action.

The Superintendent of Public Works may determine that an eminent threat to public health, safety, or the environment exists. Skipping the normal order of enforcement action may be required, including immediate suspension of access to the MS4. The Department of Public Works or designated agent may take immediate action to suspend access to the MS4 or perform actions to bring the site into compliance. The Department of Public Works has the right to bill the violator for penalty fees, reasonable costs of materials, and manpower to perform these emergency actions, and administrative costs. Within 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 Department of Public Works within 30 days of receipt of the notification of the costs incurred.

Any bills sent to violators which remain unpaid for a time period of 30 days, or the time in which to protest, or within 30 days following a decision by the Department of Public Works affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a lien against the property until paid.

4. Restoration of Land

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Department of Public Works, or its designated agent, may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

5. Hold on Certificate of Occupancy and/or Storm Drain Permit

For development or redevelopment projects, a certificate of occupancy will not be granted until corrections to all stormwater practices have been made and accepted by the Department of Public Works.

No new Department of Public Works storm drain permits will be issued to owners or contractors that have enforcement orders currently in effect against any project. The hold will be released once all remediation work is complete and approved by Department of Public Works.

6. Stop-work Orders

The Department of Public Works may issue stop-work orders on any project which is found in violation of the storm drain permit or this chapter until adequate corrective action is complete to the satisfaction of the Department of Public Works.

Persons receiving a notice of violations will be required to halt all construction activities. This “stop work order” will be in effect until the Department of Public Works confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Ordinance. The Department of Public Works may utilize the services of a Massachusetts registered engineer to verify compliance at the Applicant’s expense.

7. Noncriminal Disposition

As an alternative to criminal prosecution or civil action, the Town of Agawam may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D, in which case the Town of Agawam Superintendent of Public Works, or his/ her designee shall be the enforcing person. The penalty for the first violation shall be a warning. The penalty for the second violation shall be \$100. The penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

8. Entry to Perform Duties Under this Chapter

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Town of Agawam, the Superintendent of Public Works or his/her designee, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this chapter and regulations and may make or cause to be made such examinations, surveys or sampling as deemed

reasonably necessary.

9. Appeals

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

10. Remedies Not Exclusive.

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

§176-5: SEVERABILITY

The provisions of this Article are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect any other provisions or applications of this Ordinance, and shall continue in full force and effect.

§176-6. TRANSITIONAL PROVISIONS

Property owners shall have 90 days from the effective date of the Ordinance to comply with its provisions provided good cause is shown for the failure to comply with the Ordinance during that period unless local, state, or federal agencies deem that immediate actions are warranted

**ARTICLE II
ILLCIT CONNECTIONS AND DISCHARGES**

§176-7: PURPOSE

A. Purpose

The purpose of this Article is to regulate illicit connections and discharges to the storm drain system, which is necessary for the protection of the Town of Agawam's water bodies, wetlands, and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this Article are:

- (1) To prevent pollutants from entering the municipal separate storm sewer system;
- (2) To prohibit illicit connections and unauthorized discharges to the stormwater system;
- (3) To require the removal of all such illicit connections;
- (4) To comply with state and federal statutes and regulations relating to stormwater discharges;
- (5) To establish the legal authority to ensure compliance with the provisions of this Article through inspection, monitoring, and enforcement.

Increased and contaminated stormwater runoff are major causes of:

- (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
- (2) Contamination of drinking water supplies;
- (3) Alteration or destruction of aquatic and wildlife habitat; and
- (4) Local flooding.

§176-8: APPLICABILITY

This Article shall apply to all flows entering the storm drain system owned and operated by the Town of Agawam.

For permitted connection to the MS4, see Article III in this Chapter.

§176-9: PROHIBITED ACTIVITIES

A. Obstruction of the MS4

No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Superintendent.

B. Illicit connection

No person shall construct, use, allow, maintain or continue any illicit connection to the MS4, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection. No grandfathering is permitted.

C. Connections

No one shall tie any pump, cellar, yard, roof or area drain directly into the municipal storm drain system without written approval from the Superintendent of the Department of Public Works.

It is prohibited for anyone with a private drainage system from tying into the public storm drain system without written approval from the Superintendent of the Department of Public Works. The maintenance of any and all private drainage systems up to the point of connection to the municipal system shall be the responsibility of the owners.

The Superintendent of the Department of Public Works reserves the right to rescind permission of a connection to the municipal storm drain system if it deems the private drainage system is not properly maintained.

D. Prohibited discharges to storm drain system

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). Examples of illicit discharges include, but are not limited to, antifreeze, motor oil, pesticides, cleaning products, pet wastes, concentrated fertilizers, concentrated herbicides, bleach, concrete wash water, sediment laden construction runoff.

Catch Basins - No Person shall directly or indirectly dump, discharge or cause or allow to be discharged into any catch basin, any solid waste, construction debris, paint or paint product, antifreeze, hazardous waste, oil, gasoline, grease and all other automotive and petroleum products, solvents and degreasers, drain cleaners, commercial or household cleaners, soap, detergent, ammonia, food and food waste, grease or yard waste, animal feces, dirt, sand gravel or other pollutant. Any person determined by the applicable authority to be responsible for the discharge of any of the above substances to a catch basin may be held responsible for cleaning the catch basin and any other portions of the storm water system impacted according to Town standards and requirements or paying the cost for such cleaning. In addition, the Person shall be responsible for paying any penalties assessed by the Town.

Septage - No person shall discharge or cause or allow to be discharged any septage, or septage tank or cesspool overflow into the Town's storm drain system.

Storage & Disposal of Hazardous Material – No one shall dispose of anything other than clear water into the Town’s storm drain system. The disposal of waste, gasoline or any other hazardous material into the storm drain system is strictly prohibited and is in violation of state and federal pollution laws.

Discharge of unpolluted drainage -- Stormwater and all other unpolluted drainage shall be discharged to an appropriate stormwater management best management practice or natural outlet. If no such outlet is available, such unpolluted wastes may be discharged into the sanitary sewers or storm sewers if approved by the Department of Public Works Superintendent.

Waters contaminated with silt and sediment – No waters contaminated with silts or sediment shall be discharged into a watercourse, detention area or storm drain.

E. Exemptions

1. Emergency activities that are immediately necessary for the protection of life, property or the environment as determined by the Department of Public Works, Police Department, or Fire Department.
2. Roadway maintenance activities essential to public health and safety.
3. The following non-stormwater discharges or flows are exempt, provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
 - a) Municipal waterline flushing.
 - b) Flow from potable water sources.
 - c) Springs.
 - d) Natural flow from riparian habitats and wetlands.
 - e) Diverted stream flow.
 - f) Rising groundwater.
 - g) AC condensation
 - h) Water from crawl space pumps
 - i) Footing drains
 - j) Residential building wash waters without detergents
 - k) Uncontaminated groundwater infiltration as defined in 40 CFR 35 2005(20), or uncontaminated pumped groundwater.
 - l) Water from exterior foundation drains
 - m) Discharge from landscape irrigation or lawn watering.
 - n) Water from individual residential car washing
 - o) Discharge from dechlorinated swimming pool water (less than one ppm chlorine), provided that 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.

- p) Discharge from street sweeping.
- q) Dye testing, provided that verbal notification is given to the Superintendent of the Department of Public Works prior to the time of the test.
- r) 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.
- s) Discharge for which advanced written approval is received from the Superintendent as necessary to protect public health, safety, welfare or the environment.
- t) Agricultural activities for normal maintenance or improvement of land as defined by the Massachusetts Wetlands Protection Act 310 CMR 10.04 and other implementing regulations as appropriate. Activities not exempted include spill of materials onto roadways from hauling agricultural products or fertilizers.

§176-10: EMERGENCY SUSPENSION OF STORM DRAIN SYSTEM

The Superintendent of the Department of Public Works or designated representative may suspend storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened illegal discharge that presents or may present 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 Superintendent of the Department of Public Works or designated representative may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

§176-11: WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Failure by the property owner to maintain the watercourse does not constitute an obligation on the part of the Town to assume this responsibility.

Where a privately owned drainage structure is failing, the Town has the option to step in and perform emergency repairs as may be necessary. The owner will be billed and must pay all costs associated for work performed on behalf of the Town related to compliance with this Section.

§176-12: NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system, 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 Department of Public Works. In the event of a release of nonhazardous material, the reporting person shall notify the Department of Public Works no later than the next business day. The reporting person shall provide to the Department of Public Works 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.

**ARTICLE III
STORMWATER MANAGEMENT PERMIT**

§176-13: PURPOSE

A. Purpose

1. The purpose of this Article is to better manage land development in order to protect, maintain, and enhance the public health, safety, and general welfare of the citizens of Agawam by establishing minimum requirements and procedures to control the adverse impacts associated with stormwater runoff from new development and redevelopment.

2. The proper management of stormwater runoff will meet the following objectives:
 - a) Establish regulations for land development activities that preserve the health of water resources by reducing the adverse water quality impacts from stormwater discharges to rivers, lakes, reservoirs, and streams in order to attain federal water quality standards;
 - b) Require that new development, redevelopment, and all land conversion activities maintain the natural hydrologic characteristics of the land and treat for water quality in order to: reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats;
 - c) Prevent the discharge of pollutants, including hazardous chemicals, into stormwater runoff;
 - d) Minimize the volume and rate of stormwater discharges to rivers, streams, reservoirs, lakes and ponds during and following development activities;
 - e) Prevent erosion and sedimentation from land development, and reduce stream channel erosion caused by increased runoff;
 - f) Provide for the recharge of groundwater aquifers and maintain the base flow of streams;
 - g) Advance the use of Low Impact Development and Better Site Design practices such as limiting disturbance, reducing impervious surface, treating and infiltrating stormwater at the source, using environmentally sensitive site design, and the preservation of open space and other natural areas;
 - h) Provide stormwater facilities that are attractive, maintain the natural integrity of the environment, and are designed to protect public safety;
 - i) Establish maintenance provisions to ensure that stormwater treatment practices will continue to function as designed over the long term.

3. This Ordinance and its associated Regulations are also intended to bring Agawam into

compliance with requirements in the United States Environmental Protection Agency National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small_Municipal Separate Storm Sewer Systems in Massachusetts (“Massachusetts Small MS4 General Permit”)

§176-14: APPLICABILITY

A. Administrative Review or Permit

No person may initiate a construction activity or land disturbance, including clearing, grubbing, land grading, earth moving, or other development or redevelopment activities that results in the disturbance of land in excess of the thresholds described below without Administrative Review for Stormwater Management or approval or waiver of the requirement for a Stormwater Management Permit by the Town’s Stormwater Authority.

1. Administrative Review for Stormwater Management is required for new development or redevelopment projects that will create, individually or part of a common plan of development or sale, between 5,000 and up to but not including 43,560 square feet of disturbance.
2. A Stormwater Management Permit is required for new development or redevelopment projects that will disturb 1 acre (43,560 square feet) or more of land or create 5,000 square feet or more of impervious cover. This includes construction activities for new development or redevelopment that disturb less than one acre if that disturbance is part of a larger common plan of development or sale that all together disturbs one or more acres.

Notwithstanding any exemption provided for below, any alteration, redevelopment, or conversion of land use to a “land use with higher potential pollutant loads” as defined in the most recent version of the Massachusetts Stormwater Handbook, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots, and other potential water quality concerns shall require a Stormwater Management Permit.

B. Exemptions

The following use and activities are exempt from the requirements for Administrative Review for Stormwater Management or a Stormwater Management Permit. All exempt uses and activities must still comply with the purposes and the performance standards described in the accompanying Regulations. Failure of an exempt activity to comply with the purposes and performance standards described in the associated Regulations shall be interpreted as a violation and exempt status revoked. Note that changes at a site may not be split or phased

in order to use this exemption repeatedly.

1. Any agricultural activity that is consistent with an approved soil conservation plan prepared or approved by the Natural Resources Conservation Service
2. Any logging that is consistent with a Forest Cutting Plan approved under the Forest Cutting Practices Act by the Massachusetts Department of Conservation and Recreation;
3. Activities that are exclusively limited to maintenance and improvement of existing sidewalks, municipal roadways (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects). Note that roadway widening or improvements that increase the amount of impervious surface area on the redevelopment site by greater than or equal to a single lane width are subject to the requirements of this Article and associated Regulations.
4. Repairs to any stormwater treatment system deemed necessary by the Department of Public Works.
5. Any emergency activity that is immediately necessary for the protection of life, property or the environment, as determined by the Department of Public Works, Board of Health or Police and Fire.

§176-15: ADMINISTRATION

A. Responsibility

As the Stormwater Authority, the Department of Public Works shall administer, implement and enforce this Article. Any powers granted to or duties imposed upon the Department of Public Works may be delegated in writing by the Superintendent of Public Works to employees or agents of the Department of Public Works.

The Department of Public Works may also designate Town Boards, including (but not limited to) the Planning Board, Zoning Board of Appeals, Conservation Commission, and the Board of Health, and/or their agents to review permit applications within the designated Board's expertise (the "Reviewing Board") and to make recommendations to the Department of Public Works. Such review shall follow the standards and criteria contained in the associated Regulations. Projects or activities approved by the Department of Public Works shall be deemed in compliance with the intent and provisions of this Ordinance and

associated Regulations.

B. Fees

The Department of Public Works may establish a permit review fee schedule, based on the type and complexity of projects, and may update this fee as needed, all subject to the approval of the City Council, to cover the costs of permit administration for Stormwater Management Permits.

The Stormwater Authority is authorized to retain a Registered Professional Engineer (PE) or other professional consultant to advise the Stormwater Authority on any or all aspects of the application and/or the project's compliance with conditions of a Review or Permit. The Stormwater Authority may require the applicant to pay reasonable costs to be incurred by the Stormwater Authority for the employment of outside consultants pursuant to Stormwater Authority regulations as authorized by M.G.L. c. 44, § 53G.

C. Coordination with Other Required Permits

Projects undergoing permitting under site plan review under the Zoning Bylaw (Chapter 180) or under the Subdivision Regulations (Chapter 159) that also require a stormwater management and erosion control permit, shall submit drainage reports, stormwater management plan, and erosion and sediment control plan, construction drawings, specifications, operation and maintenance plan, and as-built information in accordance with this Article and associated Regulations.

For projects where stormwater discharges are subject to jurisdiction of the Wetlands Protection Act, the Conservation Commission will include the Department of Public Works in the application review process. An Order of Conditions issued by the Conservation Commission that demonstrates a project's compliance with the Massachusetts Stormwater Management Standards and the MS4 permit standards within this Ordinance and associated Regulations will serve as the Stormwater Management Permit.

D. Inspection and Site Supervision

The Stormwater Authority or its designated agent shall require inspections to verify and document compliance with the Administrative Review for Stormwater Management or Stormwater Management Permit.

E. Waivers

The Stormwater Authority, or its authorized agent, may waive strict compliance with any requirement of this Ordinance or associated Regulations promulgated hereunder, where such action is:

- (1) allowed by federal, state and local statutes and/or regulations; and
- (2) in the public interest; and

(3) not inconsistent with the purpose and intent of this Ordinance.

Any person seeking a waiver must submit a written waiver request. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the Ordinance does not further the purposes or objectives of this Ordinance.

All waiver requests shall require a public hearing.

If in the opinion of the Stormwater Authority or its authorized agent, additional time or information is required for review of a waiver request, the Stormwater Authority may continue a hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.



REGION 1
BOSTON, MA 02109

Dated via electronic signature

By Certified Mail - Return Receipt Required and Email

ORDER FOR COMPLIANCE

Mayor Christopher Johnson
Agawam City Hall
36 Main Street
Agawam, MA 01001

Re: Order for Compliance under Section 309 of the Clean Water Act,
In the Matter of the Town of Agawam, Massachusetts (NPDES Permit No. MAR0410001)
Docket No. CWA-AO-R01-FY24-28

Dear Mayor Johnson:

The 2016 National Pollutant Discharge Elimination System (“NPDES”) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts (as modified) (“2016 MS4 Permit” or “Permit”) requires communities to develop or modify, as appropriate, a post-construction stormwater management ordinance, by-law, or other regulatory mechanism that contains provisions that are at least as stringent as the requirements specified in Part 2.3.6.a.ii of the 2016 MS4 Permit within three (3) years of the effective date of the Permit (i.e., by July 1, 2021).¹ The goal of the Permit’s post-construction stormwater management program is to reduce the discharge of pollutants found in stormwater through the retention or treatment of stormwater after construction on new or redeveloped sites. A post-construction stormwater management regulatory mechanism is a foundational element of such program.

The 2016 MS4 Permit requires annual reporting to EPA, including information on the development and implementation of an adequate post-construction stormwater management regulatory mechanism. Information submitted by the Town of Agawam (Town) in its Years 4 and 5 MS4 Annual Reports and its email to EPA dated January 17, 2024, indicates that the Town has not met the 2016 MS4 Permit requirement to enact a post-construction stormwater management ordinance, by-law, or other regulatory mechanism that contains provisions that are at least as stringent as the requirements specified in Part 2.3.6.a.ii of the 2016 MS4 Permit. The Town’s Year 4 and Year 5 Annual Reports are identical and state in the field for post-construction ordinance or regulatory mechanism that “The Town is in the process of updating our current stormwater regulations by incorporating the requirements outlined within the Small

¹ The Massachusetts Stormwater Handbook and Stormwater Standards (<https://www.mass.gov/guides/massachusetts-stormwater-handbook-and-stormwater-standards>) do not meet the requirements of the 2016 MS4 Permit as set out at Part 2.3.6.a.ii, including, but not limited to, Parts 2.3.6.a.ii.3 and 2.3.6.a.ii.4.

MS4 General Permit. The current regulations will be split into two separate documents: 1) a new Stormwater Management Ordinance (to be labeled Chapter 176 within the Town Code) and 2) new Regulations for Stormwater Management and Erosion and Sediment Control. Both documents are being reviewed by the Town before proposal to the Agawam City Counsel.” EPA emailed the Town on January 3, 2024, inquiring whether it had developed or modified its post-construction stormwater management ordinance or other regulatory mechanism to meet the requirements of the 2016 MS4 Permit. The Town replied by email on January 17, 2024, stating, in pertinent part, that “As it relates to the new stormwater regulation...we have drafted the two separate ordinances and submitted to Town’s Law Department for review. More recently the Town of Agawam has elected a new Mayor and some new City Councilors. We decided to wait until they were seated before we proposed this ordinance change...”

Under Section 309(a)(3) of the Clean Water Act (“Act”), the Administrator of the U.S. Environmental Protection Agency (“EPA”) has the authority to issue orders requiring persons to comply with Sections 301 and 308 of the Act and any permit condition or limitation implementing any NPDES permit. This authority has been delegated to the Director of the Enforcement and Compliance Assurance Division (“Director”) in EPA Region 1. Pursuant to Section 309(a)(5)(A) of the Act, 33 U.S.C. § 1319(a)(5)(A), the Order below sets forth a schedule for compliance that I have determined to be reasonable.

The Town is hereby ordered, pursuant to Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), as follows:

- By **June 30, 2024**, the Town shall enact a post-construction stormwater management ordinance, by-law, or other regulatory mechanism that contains provisions that are at least as stringent as the requirements set forth in Part 2.3.6.a.ii of the 2016 MS4 Permit.
- Within 7 days of the effective date of the Town’s post-construction stormwater management ordinance, by-law, or other regulatory mechanism, notify Tom Calautti, EPA Region 1, at Calautti.Thomas@epa.gov, that such ordinance, by-law, or regulatory authority has become effective and provide a copy of such regulatory mechanism to Mr. Calautti at the email address provided above.

This Order does not constitute a waiver or a modification of the terms and conditions of the 2016 MS4 Permit. The 2016 MS4 Permit remains in full force and effect. Also, this Order only addresses the specific violations described above. Please review your obligations under the 2016 MS4 Permit and address any additional outstanding obligations as soon as possible.

EPA reserves the right to seek any remedies available under Section 309 of the Act, 33 U.S.C. § 1319 for any violation cited in this Order. The Town may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. This Order shall become effective upon receipt by the Town.

As the Town undertakes efforts to comply with this Order, it may find the model post-construction stormwater management ordinances available at <https://www.epa.gov/npdes-permits/stormwater-tools-new-england#pcsm> to be helpful. We are also available to answer any questions that you have related to these matters.

If you have any questions regarding your obligations under this Order or the 2016 MS4 Permit, please contact Thomas Calautti, EPA Region 1 at 617-918-1685 or at calautti.thomas@epa.gov. Please refer legal questions to Joshua Secunda, Senior Enforcement Counsel, EPA Region 1, at 617-918-1736 or at secunda.josh@epa.gov.

Sincerely,

CAROL TUCKER Digitally signed by CAROL TUCKER
Date: 2024.02.21 10:52:40 -05'00'

Carol Tucker, Acting Director
Enforcement and Compliance Assurance Division

cc: (via email)

Mario Mazza, Superintendent of Public Works
Newton Tedder, Water Divison, EPA Region 1
Kevin Pechulis, Senior Enforcement Counsel, EPA Region 1
Joshua Secunda, Senior Enforcement Counsel, EPA Region 1
Thomas Calautti, EPA
David Boyer, MassDEP
Liz Clark, MassDEP
Matt Sokop, MassDEP