

**Town of Clinton, Massachusetts
ILLCIT DISCHARGE DETECTION
AND ELIMINATION BY-LAW**

I. AUTHORITY

This By-Law is adopted in accordance with the authority granted, inter alia, by Amendment Article 89 to Article II of the Massachusetts Constitution and M.G.L. Chapter 43B Section 13. The Board of Selectmen is delegated hereby the responsibility and authority to enforce and administer this By-Law. The Board of Selectmen may delegate such aspects of By-Law enforcement and administration to the Superintendent of Public Works and such of his subordinates as the Board of Selectmen may from time-to-time determine and designate in writing.

II. PREAMBLE

In partial fulfillment of the obligations of the Town under the Clean Water Act (33 U.S.C. 1251 & seq.) (the "Act") and under the Town's National Pollutant Discharge Elimination System Storm Water Permit, the Town hereby establishes a comprehensive and fair system of regulation of Discharge to the Town's Municipal Separate Storm Sewer System (sometimes referred to herein as the "MS4").

III. PURPOSE

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

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

IV. DEFINITIONS

BOARD: The Board of Selectmen and, to the extent delegated and designated, shall include the Superintendent of Public Works and his subordinates.

CONTAMINATED WATER: Water that contains higher levels of Pollutants, including without limitation implied, heavy metals, toxics, oil and grease, solvents, nutrients, viruses and bacteria than permitted in waters of the U.S. by the Act and implementing Regulations.

DIRECT CONNECTION: Any discernible, confined and discrete conveyance including but not limited to any pipe, drain, channel, conduit, tunnel, or swale whether above ground or below ground which directs water into the MS4.

DIRECT CONNECTION LICENSE: A license granted by the Town for the continued maintenance by an Owner of a Direct Connection to the MS4.

DISCHARGE: Any non-naturally occurring addition of water or of Storm Water to the MS4.

DUMPING: An act or omission of any person or entity the proximate result of which is the introduction of a Pollutant into the MS4.

EXEMPTED DISCHARGES: Discharges from the following sources unless in any instance such Discharge would result in a substantial and continuing increase in the level of a Pollutant in the waters of the U.S.:

1. water line flushing
2. landscape irrigation
3. diverted stream flows
4. rising ground water
5. pumped ground water
6. discharges from potable water sources
7. foundation drains
8. air conditioning condensation
9. irrigation water
10. springs
11. water from crawl space pumps
12. footing drains
13. lawn watering
14. individual residential car washing
15. flows from riparian habitats and wetlands
16. dechlorinated swimming pool discharges (e.g. where the Discharge contains less than 1 ppm of chlorine.)
17. street wash water
18. rain run-off from roofs

EXISTING SOURCE: Any building, structure, facility or installation from which there is a flow of Storm Water or Exempted Discharge the construction of which building, structure, facility or installation occurred prior to the promulgation of this By-Law.

ILLICIT CONNECTION: Any drain or conveyance, whether on the surface or subsurface, which allows an Illicit Discharge to enter the MS4.

ILLICIT DISCHARGE: Any release into the MS4 of Contaminated Water, any Discharge of Storm water from a Direct Connection for which a Direct Connection License is not in force and effect, any Discharge which is not an Exempted Discharge, or any Discharge from an Indirect Connection not in compliance with this By-Law.

INDIRECT CONNECTION: The natural drainage of Storm Water over or under the surface of the ground (whether instigated by human endeavor or not) via gravity into the MS4.

MUNICIPAL SEPARATE STORM SEWER SYSTEM OR MS4: The Storm Water collection system which is made up of open water courses, swales, ditches, culverts, canals, streams, catch basins and pipes through which the storm water flows and the Town Public Ways over which it flows which is owned and operated by the Town for the purpose of collecting or conveying storm water to a discharge point.

NEW SOURCE: Any building, structure, facility or installation from which there is or may be a Discharge of Storm Water the construction of which building, structure, facility or installation commenced after adoption of this By-Law.

NPDES PERMIT: The National Pollution Discharge Elimination System Permit issued by the federal Environmental Protection Agency to the Town.

OWNER: The owner of a parcel of land recorded in the Assessor's Office of the Town.

POLLUTANT: Dredged spoil, solid waste, incinerator residue, filter back-wash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, rock, sand, animal or agricultural waste, oil, grease, gasoline or diesel fuel.

PUBLIC WAYS: Any road (including such appurtenances such as berms, curbs, drains, catch basins, sewers, water mains, sidewalks and paved and unpaved shoulders within the paper lay-out) to which the public has access and that the Town is responsible for maintaining.

STORM WATER: Rainfall that exceeds the soil's capacity contemporaneously to absorb it and which, instead, runs across the surface of the ground as run-off.

V. PROHIBITIONS

a. No person or entity shall do or suffer to be done any Dumping into the MS4, including without limitation implied, the placing or emptying into any catch basin or other portal to the MS4, of any Pollutant.

- b. No Owner shall cause an Illicit Discharge to be made to the MS4 whether from a Direct or Indirect Connection.
- c. No Direct Connections whether from a New or Existing Source shall be installed after the Effective Date of this By-Law.
- d. Direct Connection from an Existing Source shall be allowed to continue after the Effective Date provided that:
- (i) Owner must disclose the Direct Connection and must within 30 days of the effective date of this By-Law apply for and thereafter be granted a Direct Connection License, and
 - (ii) Owner must Discharge only Storm Water which is not Contaminated Water via the Direct Connection.
- e. Indirect Connections from Existing Sources shall be allowed provided that:
- (i) only Storm Water which is not Contaminated Water is Discharged or a Discharge constituting an Exempted Discharge occurs, and
 - (ii) the Discharge does not cause safety problems due to icing or flooding of the Public Ways or cause damage to the Town's property.
- f. Indirect Connections from New Sources shall be allowed provided that:
- (i) sub-surface infiltration trenches are used which comply with criteria established in the Town's Sub-Division Rules and Regulations, and
 - (ii) only Storm Water which is not Contaminated Water is discharged or a Discharge constituting an Exempted Discharge occurs.