

Chapter 354

STORMWATER MANAGEMENT

ARTICLE I
General Provisions

§ 354-1. Purpose.

- A. The purpose of this bylaw is to protect natural resources, municipal facilities and maintain and enhance public health, safety, welfare, and environment by regulating illicit connections and discharges to the Town of Hull's MS4 system and controlling the adverse effects of construction site stormwater runoff and post-construction runoff. Stormwater runoff is potentially a major cause of:
- (1) Impairment of water quality and flow in oceans, lakes, ponds, streams, rivers, wetlands, groundwater and drinking water supplies;
 - (2) Contamination of drinking water supplies;
 - (3) Contamination of downstream coastal areas;
 - (4) Alteration or destruction of aquatic and wildlife habitat;
 - (5) Overloading or clogging of municipal stormwater management systems; and
 - (6) Flooding.
 - (7) And other adverse effects on the environment, public health, safety and welfare and the orderly and effective operation of the Town.
- B. The objectives of this bylaw are:
- (1) Protect water resources;
 - (2) Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;
 - (3) To prevent pollutants from entering the Town's municipal separate storm sewer system (MS4) and reduce or eliminate pollutants entering the Town's MS4 from existing uses;
 - (4) To prohibit illicit connections and unauthorized discharges to the MS4 and require their removal;
 - (5) To establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
 - (6) To establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
 - (7) To ensure the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.
- C. In the event of a conflict between this Bylaw and/or the regulations promulgated and any other applicable law, rule or regulation, the more stringent shall apply

unless a variance or exception is granted by the Stormwater Authority upon application to it.

- D. Nothing contained herein or in any regulations promulgated or in any permit or authorization issued shall be construed to be a specific assurance of safety or assistance.

§ 354-2. Definitions.

Unless otherwise specified in this bylaw or regulations adopted, the following words shall have the following meanings. For terms used in this bylaw and regulations not defined hereunder, other definitions derived from relevant laws, codes, rules and regulations shall apply.

APPLICANT — Any person, group of persons, individual, partnership, association, firm, company, corporation, trust, entity, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a Land Disturbance Permit for proposed land-disturbance activity.

BEST MANAGEMENT PRACTICE (BMP) — An activity, procedure, restraint, or structural improvement that helps reduce the quantity or improve the quality of stormwater runoff.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as and as it is amended from time to time.

DEVELOPMENT — The modification of land to accommodate a new use or expansion of use, usually involving construction or improvements.

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, Commonwealth or Town from any source.

DISTURBANCE OF LAND — Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

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

EROSION AND SEDIMENTATION CONTROL PLAN — A document containing a narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff and erosion and sedimentation during pre-construction and construction related land disturbance activities.

GROUNDWATER — Water beneath the surface of the ground.

ILLICIT CONNECTION — 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 the Stormwater Management Bylaw.

ILLICIT DISCHARGE — Direct or indirect discharge to the municipal storm drain

system that is not composed entirely of stormwater, except as exempted in Article II, § 354-11. The term does not include a discharge in compliance with a National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit or resulting from fire-fighting activities and other maintenance related activities performed by the Town exempted pursuant to Article II, § 354-11A of the Stormwater Management Bylaw.

IMPERVIOUS SURFACE — Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. "Impervious surface" includes without limitation roads, paved parking lots, sidewalks, and rooftops.

IMPOUNDMENT — A stormwater pond created by either constructing an embankment or excavating a pit which retains a temporary or permanent pool of water.

INFILTRATION — The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LAND USE OF HIGHER POTENTIAL POLLUTANT LOAD (LUHPPL) — Land uses or activities with higher potential pollutant loadings, as defined in the Massachusetts Stormwater Management Standards such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances or marinas.

LAND-DISTURBING ACTIVITY — Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS — The Standards issued by the Department of Environmental Protection, 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 Standards address stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity and quality of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, 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 Hull.

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

NONSTORMWATER DISCHARGE — Discharge to the municipal storm drain system not composed entirely of stormwater.

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

OUTFALL — The point at which stormwater flows out from a point source into waters of the Commonwealth.

OWNER — A person with a legal or equitable interest in property.

PERSON — 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.

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 storm sewer, water works or waters of the commonwealth. Pollutants shall include but are not limited to:

- A. Paints, varnishes, and solvents;
- B. Oil, grease, antifreeze, and other automotive (including watercraft) fluids and/or products;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinance, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- G. Metal objects or materials, including dissolved and particulate metals;
- H. Animal wastes;
- I. Rock; sand; salt; soils or other products that mix in surface water runoff;
- J. Construction wastes and residues; and
- K. Noxious or offensive matter of any kind.

PRE-CONSTRUCTION — All activity in preparation for construction.

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

REDEVELOPMENT — Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface on previously developed sites.

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

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

SEDIMENTATION — The process or act of deposition of sediment.

SITE — Any lot or parcel of land or area of property where land-disturbing activities

are, were, or will be performed.

SLOPE — The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL — Any earth, sand, rock, gravel, or similar material.

STABILIZATION — The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER — Surface water from precipitation or snow melt.

STORMWATER AUTHORITY — The local regulatory authority administering this bylaw and other applicable laws, rules and regulations, of a group consisting of one staff member, as designated by the Town Manager, from the Conservation Department, Community Development and Planning Department, Building Department, Public Works, and Sewer Departments. A quorum of the Authority shall consist of three members.

STORMWATER MANAGEMENT PLAN (SWMP) — A plan required as part of the application for a Land Disturbance Permit.

TOXIC OR 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, property, 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 MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

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, by-product or waste product.

WATERCOURSE — 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 — All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, vernal pools, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WETLANDS — As specifically defined in the Massachusetts Wetlands Protection Act but generally include tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

§ 354-3. Authority.

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the home rule statutes, Massachusetts laws, rules and regulations and the laws, rules and regulations of the Federal Clean Water Act found at 40 CFR 122.34.

§ 354-4. Creation of stormwater authority and responsibility for administration.

- A. There is hereby created a Stormwater Authority comprised of one staff member, as designated by the Town Manager, from the Conservation Department, Community Development and Planning Department, Building Department, Public Works and Sewer Departments, which shall administer this bylaw and any regulations promulgated, as well as perform such other duties assigned to it by law, the Board of Selectmen or the Town Manager. A quorum of the Authority shall consist of three members. The Stormwater Authority shall organize by electing a Chair, Vice-Chair and Clerk. The Stormwater Authority may delegate and authorize any member to act as its agent, subject to the approval of the Town Manager.
- B. The Stormwater Authority shall administer, implement and enforce this bylaw and adopt regulations and amend same, subject to the approval of the Board of Selectmen. Any powers granted to or duties imposed upon the Stormwater Authority to promulgate such rules and regulations shall not have the effect of suspending or invalidating this chapter. The Stormwater Authority may from time to time appoint agents to act on its behalf, subject to the approval of the Town manager.

§ 354-5. Waivers.

- A. Following a public hearing in accordance with the Stormwater Regulations on a waiver request, the Stormwater Authority may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder, where:
 - (1) such action is allowed by federal, state and local statutes and/or regulations; and
 - (2) is in the public interest; and
 - (3) is not inconsistent with the purpose and intent of this bylaw.
- B. Any applicant may submit a written request to be granted such a waiver pursuant to the procedure set forth in the applicable regulations, on such forms as the Stormwater Authority may adopt. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purposes or objective of this bylaw. The Stormwater Authority may request additional information at any time in the waiver or application process.
- C. If in the Stormwater Authority's opinion, additional time or information is required for review of a waiver request, the Stormwater Authority may continue a meeting or hearing to one or more certain date(s) announced at the meeting or hearing. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

§ 354-6. Compliance with EPAs general permit for MS4s in Massachusetts.

This bylaw is intended to further the objectives of and to act in concert with any applicable federal, state or local laws concerning storm water discharges in the Town of

Hull, including but not limited to the requirements of the United States Environmental Protection Agency's most recent General Permit for MS4s, and nothing in this bylaw is intended to limit or restrict the authority of any board, commission or officer of the Town to act in accordance with any federal, state and local laws within their jurisdiction, and in the event of a conflict, the more stringent requirements will control.

§ 354-7. Regulations.

The Stormwater Authority may adopt, and periodically amend, regulations, rules and/or written guidance relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of this Stormwater Bylaw by majority vote after conducting a public hearing to receive comments. Such hearing shall be advertised in a newspaper of general local circulation, once in each of two successive weeks, the first publication being at least 14 days prior to the hearing date. Upon adoption, the Regulations shall be provided to the Board of Selectmen for their approval. The Board of Selectmen shall review said regulations and either adopt them as presented and as may be amended by the Board of Selectmen or may disapprove them, said action to be taken within 30 days of presentation to the Board of Selectmen. Failure of the Stormwater Authority to issue such rules, or regulations, or a legal declaration of their invalidity by a court or authority of competent jurisdiction, shall not act to suspend or invalidate the effect of this Bylaw.

§ 354-8. Severability.

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.

ARTICLE II

Discharges to the Municipal Separate Storm Sewer System (MS4)**§ 354-9. Applicability.**

Article II of this bylaw shall apply to all discharges of water entering the MS4 System or going, directly or indirectly, into a watercourse, or into the waters of the Commonwealth, that is generated on any developed or undeveloped lands except as explicitly exempted in this bylaw or where the Stormwater Authority has issued a waiver in accordance with Article I § 354-5.

§ 354-10. Prohibited activities.

- A. Illicit discharges. No person shall directly or indirectly dump, discharge, spill, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), onto an impervious surface directly connected to the MS4, or, directly or indirectly, 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. Obstructions of municipal storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written consent from the Stormwater Authority.
- D. Discharge of swimming pools and/or hot tubs to the municipal storm drain system.
- E. Pet Waste. Pet feces is a major component of stormwater pollution; it shall be the duty of each person who owns, possesses, or controls a pet to remove and properly dispose of any feces left by the pet on any public or private property. It is prohibited to dispose of pet feces in any public or private storm drain, catch basin, wetland, or water body or on any paved or impervious surface. For specific requirements and penalties for violations see Chapter 213, Section 13 (Animal Control) of the Code of the Town of Hull.
- F. Non-approved sedimentation barriers and/or erosion controls.

§ 354-11. Exemptions.

Exemptions.

- A. Discharge or flow resulting from fire-fighting activities and DPW ice and snow control, and other clean-up operations.
- 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 or, directly or indirectly, into a watercourse, or into the waters of the Commonwealth:
 - (1) Waterline flushing;

- (2) Flow from potable water sources including landscape irrigation and lawn and landscaping watering;
- (3) Water from washing non-commercial vehicles, including emergency and public vehicles.
- (4) Springs;
- (5) Natural flow from riparian habitats and wetlands;
- (6) Diverted stream flow;
- (7) Rising groundwater;
- (8) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (e.g. sump pump), provided that where a pump intake exists inside a structure, the operator seeks a permit from the Stormwater Authority prior to discharge and thereafter discharges in accordance with the requirements of the permit and applicable laws, rules and regulations to be issued by the Stormwater Authority;
- (9) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air-conditioning condensation;
- (10) Discharge from street sweeping and cleaning;
- (11) Dye testing, provided verbal notification is given to the Stormwater Authority prior to the time of the test;
- (12) Non-stormwater discharge managed under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, and
- (13) Discharge for which advanced written approval has been received from the Stormwater Authority as necessary to protect public health, safety, welfare or the environment.
- (14) Emergency work associate with accidents, spills or releases of oil or hazardous wastes or natural or manmade disasters, provided the work is done with the approval of the Stormwater Authority and/or any other local, state and federal agencies, as applicable.
- (15) Drain line flushing, under emergency circumstances.

§ 354-12. Emergency work.

- A. Authorization by a member of the Stormwater Authority is required in order to perform work constituted as an emergency. The Stormwater Authority has the ability to issue conditions as necessary for emergency work.
- B. Under any emergency work that is waived as part of this Bylaw, a report of the work shall be provided to the Stormwater Authority within 72 hours, excluding Saturdays, Sundays, and holidays. Upon review of said report, the Stormwater

Authority reserves the right to require any additional work.

§ 354-13. Emergency suspension of storm drainage system access.

The Stormwater Authority may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that 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 Stormwater Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

§ 354-14. 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 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 Fire and Police Departments. In the event of a release of nonhazardous material, the reporting person shall notify the authorized enforcement agency no later than the next business day. The reporting person shall provide to the Stormwater Authority written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Nothing contained herein shall operate to excuse compliance with all other applicable laws, rules and regulations.

§ 354-15. Transitional provisions.

Residential property owners with illicit discharges, connections and/or obstructions to the MS4 shall have a period of 60 days from the effective date of this bylaw to remove such discharges, connections and/or obstructions, unless immediate removal is required for the protection of public health, safety, welfare or the environment. The Stormwater Authority may extend the time for compliance by decision, regulation or by waiver in accordance with Section 6 of this Bylaw.

ARTICLE III
Stormwater Management and Land Disturbance

§ 354-16. Applicability.

- A. This Bylaw shall apply to all activities that result in disturbance of 12,500 square feet or more of land or more that drains to the Town's MS4 System. Except as authorized by the Stormwater Authority or as otherwise provided in this Bylaw, no person shall perform any activity that results in disturbance of 12,500 square feet of land or more. There is one level of review based on the amount of proposed land to be disturbed as part of a single project and it is as follows:
- (1) A Land Disturbance Permit is required for disturbance of greater than 12,500 square feet of land or for a proposed use that is listed as a land use of higher potential pollutant loads as defined in the Massachusetts Stormwater Management Standards. A Land Disturbance Permit is required for all commercial developments.
- B. Exemptions.
- (1) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling conducted in such a way as not to cause a nuisance;
 - (2) Construction of fencing that will not substantially alter existing terrain or drainage patterns. Fencing that does not allow water to flow through (i.e. is 50% flow through or elevated a minimum of 6" off of the ground) can be determined to be a substantial alteration;
 - (3) Construction of utilities other than drainage, such as gas, water, sewer, electric, telephone, etc., which will not alter terrain or drainage patterns or result in discharge of sediment to the MS4;
 - (4) Normal maintenance and improvement of land in agricultural or aquacultural use; and
- C. The Stormwater Authority is authorized to enact regulations to effectuate the purposes of this bylaw, including but not limited to regulations outlining the application requirements for the different levels of review specified in Section A hereof. Any person that fails to follow the requirements of a Land Disturbance Permit and the related Erosion and Sedimentation Control Plan, and Operations and Maintenance Plan issued under the Stormwater Management Regulations or other orders of the Stormwater Authority shall be in violation of the Town of Hull Bylaws.

§ 354-17. Approval and/or permit.

- A. An applicant seeking an approval and/or permit shall file an appropriate application with the Stormwater Authority in a form and containing information as specified in this bylaw in regulations adopted by the Stormwater Authority and as may be required by the Stormwater Authority. Approval or permit must be obtained prior to the commencement of land disturbing or redevelopment activity based on thresholds described in the Stormwater Management Regulations. Decisions are

valid for three years from the date of issuance unless an Extension, as outlined in the Stormwater Management Regulations, is granted.

- B. Determinations and requirements that the Stormwater Authority imposes in accordance with this bylaw and its Regulations shall be incorporated to the extent necessary into any and all local permits and decisions.

§ 354-18. Entry.

Entry to perform duties under this bylaw. To the extent permitted by law, or if authorized by the owner or other party in control of the property or pursuant to court rule or order, the Stormwater Authority, 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 Stormwater Authority deems reasonably necessary.

§ 354-19. Inspection and site supervision.

The Stormwater Authority or its designee shall make inspections of the work subject to this Bylaw to determine compliance with the Bylaw and regulations and orders of the Stormwater Authority.

§ 354-20. Surety.

The Stormwater Authority may require the applicant to post before the start of land disturbance or construction activity or at a specific time, a surety bond, irrevocable letter of credit, cash, or other surety acceptable to the Stormwater Authority. The form of the surety shall be as required and approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit.

§ 354-21. Final reports.

Land disturbance permit. Upon completion of work, the applicant shall submit a Final Report, including a topographical as-built plan stamped by a MA Professional Land Surveyor (PLS) and a MA Registered Professional Engineer (P.E.) as applicable, certifying that the site has been developed in substantial compliance with the approved plan including all permanent erosion control devices, stormwater management facilities and, and any approved changes and modifications. Any discrepancies from the approved plan should be noted in the cover letter. The final report shall also include documentation to verify the stormwater management system has been properly operated and maintained in accordance with the approved O&M Plan. Discrepancies shall be noted in the cover letter. The Stormwater Authority may accept said Final Report with or without conditions or may reject same or may require additional information before approving said report.

ARTICLE IV
Enforcement

§ 354-22. [Violations and penalties.]

The Stormwater Authority or its authorized agent shall enforce this bylaw, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil, administrative and criminal remedies for such violations. The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

- A. Civil relief. If a person violates the provisions of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, the Stormwater Authority may seek injunctive and or other appropriate 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, as well as any other relief appropriate.
- B. Orders.
- (1) The Stormwater Authority or its authorized agent may issue a written order to enforce the provisions of this bylaw or any regulations thereunder, which may include but are not limited to:
 - (a) Elimination of illicit connections or discharges to the MS4;
 - (b) Performance of monitoring, analyses, and reporting;
 - (c) That unlawful discharges, practices, or operations shall cease and desist;
 - (d) That measures shall be taken to minimize the discharge of pollutants until such time as the illicit connection shall be eliminated; and
 - (e) Remediation of contamination in connection therewith.
 - (f) A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the Land Disturbance Permit;
 - (g) Maintenance, installation or performance of additional erosion and sediment control measures;
 - (h) Monitoring, analyses, and reporting;
 - (i) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
 - (2) If the enforcing agent determines that abatement or remediation of contaminations is required and is the responsibility of the property owner and/or person causing the need for such an order, 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 Hull may, at

its option, undertake such work, at the owner and/or violator's sole cost and expense, that it deems necessary to protect public health, safety and welfare. Such expenses will include staff, administrative, legal and contracted work, shall be charged to the property owner and violator and shall become a special assessment and lien on the property and a debt due the Town. 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 Town, including administrative costs.

- (3) 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. 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. In addition to said costs remaining a special assessment or lien against the property owner and/or a debt due the Town, the Town may collect said costs by any legal means. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL c. 59, § 57 or other applicable law after the 31st day at which the costs first become due.
- C. Criminal penalty. Any person who violates any provision of this bylaw, regulation, order, approval or permit issued thereunder may be penalized by indictment or on complaint brought in a court of competent jurisdiction. Except as may be otherwise provided by law and as the court may see fit to impose, the maximum penalty for each violation or offense shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
 - D. Non-criminal disposition. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder may be penalized by non-criminal disposition as set forth in MGL c. 40, § 21D and in the revised Bylaws of the Town of Hull Chapter 1 Article I. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense. The Enforcing Agent shall be the Stormwater Authority or its designee. The amount of the penalty shall be as set forth in the Town's Non-Criminal Disposition Bylaw, or if no penalty is set forth there, the first violation shall be subject to a penalty of \$100; a second violation shall be subject to a penalty of \$200; and a third and subsequent violation shall be subject to a penalty of \$300.
 - E. Entry to perform duties under this bylaw. To the extent permitted by law, or if authorized by the owner or other party in control of the property or pursuant to court rule or order, the Stormwater Authority, 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 Stormwater Authority deems reasonably necessary.

§ 354-23. Appeals.

The decisions or orders of the Stormwater Authority or their designee shall be final. Further relief shall be to a court of competent jurisdiction. Such relief can only be sought within 21 days, or such greater time as may be permitted under applicable law, after the date of issuance of the decision or order by 1) the applicant, 2) the owner if not the applicant, 3) any person aggrieved by the decision or order, 4) any owner of land abutting the land on which the work is to be done, 5) any 10 residents of the city or town where the land is located.

§ 354-24. 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.

§ 354-25. Severability.

The provisions of this chapter are declared to be severable. If any provision, paragraph, sentence, or clause, of this chapter 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 chapter.

