

Section 51. Regulations for New Dwellings.

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Article XV Wetlands Protection By-law

Article XVI Miscellaneous, Section 3. Soil Removal

Zoning By-law, Section E, Article 5.2, Groundwater Protection District

Article XVII Hazardous Materials Regulations of the Board of Health

Subsection 5. Responsibility For Administration The Department of Public Works shall administer, implement, and enforce the provisions of this by-law. Any powers granted or duties imposed upon the 135

authorized enforcement agency may be delegated in writing by the Superintendent of Public Works to persons or entities acting in the beneficial interest of or in the employ of the agency.

Subsection 6. Severability The provisions of this by-law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this by-law 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 by-law.

Subsection 7. Ultimate Responsibility The standards set forth herein and promulgated pursuant to this by-law are minimum standards; therefore this by-law does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Subsection 8. Prohibited Activities Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any non-storm water discharge to the storm drain system is prohibited except as described as follows:

The following discharges are exempt from discharge prohibitions established by this by-law: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm

drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and

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provided that written approval has been granted by the DPW for any discharge to the storm drain system.

Prohibition of Illicit Connections. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

This prohibition expressly includes, without limitation; illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

A person is considered to be in violation of this by-law if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

No person shall block, cause to be filled or in any way obstruct the normal flow of storm water into or out of the storm water disposal system.

No person shall dump or dispose of yard waste (leaves, grass clippings, etc.) into the open watercourses (swales, brooks and streams), that make up the storm water system.

No person shall discharge, or cause to be discharged, water or any other liquid, on to the streets, sidewalks or ways of the town in such a manner as to cause an obstruction of traffic or to endanger travel by freezing or otherwise.

No one shall deliberately direct, or cause to be directed, an increase or change to the flow of storm water from one's own property onto abutting property.

Subsection 9. Other Prohibited Activities Drains - No one shall tie any pump, cellar, yard, roof or area drain directly into the storm water drainage system without a permit from the Department of Public Works.

Catch basins: - No person shall directly or indirectly dump, discharge or cause or allow to be discharged into any catchbasin, 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 and household cleaners, soap, detergent, ammonia, food and food waste, grass or yard waste, animal feces, dirt, sand gravel or other pollutant. Any person determined by the DPW to be responsible for the discharge of any of the above substances to a catchbasin may be held responsible for cleaning the catchbasin and any other portions of the storm water system impacted, paying the cost for such cleaning or for paying any penalties assessed by the Town.

All catch basins constructed shall be equipped with oil interceptors (hoods) approved by the Department of Public Works.

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Pools: - Residents shall drain their pools in such a way as not to cause a nuisance to the neighborhood. Pool water shall be dechlorinated by allowing it to stand for a week prior to draining.

Sanitary Sewer System - It is strictly prohibited by both town and MWRA regulations to tie any type of drain into the sanitary sewer system. This restriction applies to all types of drainage, including roof drains and cellar or basement drains.

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 water drainage system.

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

Private drainage systems: - It is prohibited for anyone with a private drainage system from tying into the public storm water disposal system without a permit from the Department of Public Works. The maintenance of any and all private drainage systems shall be the responsibility of the owners.

Subsection 10. New Construction All new drainage construction in the Town of Canton shall be constructed in accordance with Section 3.6 STORMWATER MANAGEMENT of the Rules and Regulation of the Planning Board.

Any new construction, which shall render impervious 15% or 2,500 square feet of any lot, whichever is greater, shall require a drainage permit from the Department of Public Works.

Subsection 11. Suspension Of MS4 Access Suspension due to Illicit Discharges in Emergency Situations The DPW may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge Any person discharging to the MS4 in violation of this by-law may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. 138

The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

Subsection 12. Industrial Or Construction Activity Discharges Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Department of Public Works prior to the allowing of discharges to the MS4.

Subsection 13. Monitoring Of Discharges Applicability. This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

Access to Facilities. The DPW shall be permitted to enter and inspect facilities subject to regulation under this by-law as often as may be necessary to determine compliance

with this by-law. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

Facility operators shall allow the DPW ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

The DPW shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

The DPW has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the DPW and shall not be replaced. The costs of clearing such access shall be borne by the operator.

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Unreasonable delays in allowing the DPW access to a permitted facility is a violation of a storm water discharge permit and of this by-law. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this by-law.

If the DPW has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this by-law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this by-law or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

Subsection 14. Requirement To Prevent, Control, And Reduce Storm Water Pollutants By The Use Of Best Management Practices The DPW will adopt requirements identifying Best Management Practices for any activity, operation, or facility, which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

Subsection 15. 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, excessive vegetation, 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.

Subsection 16. Notification Of Spills Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or 140

operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the DPW within three business days of the phone notice. If the discharge of

prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Subsection 17. Special Provisions In General For commercial and industrial uses, to the extent feasible, run-off from impervious surfaces shall be recharged on site by diverting runoff toward areas covered with vegetation for surface infiltration. Such run-off shall not be discharged directly to rivers, streams or other surface water bodies. Subsurface infiltration shall be used only where other methods are infeasible and shall be preceded by oil, grease and sediment traps, to facilitate removal of any contaminants. All recharge areas shall be permanently maintained in full working order by the owner(s).

Commercial cleaners: It is prohibited for commercial home cleaners, rug cleaners, car washes, etc., to dispose of their wastewater into the storm water system.

Dumpsters: Areas around dumpsters shall be bermed and drained to a central catchbasin, which shall be equipped with an oil interceptor approved by the Department of Public Works.

Fertilizer storage: The outdoor storage of salt, de-icing material, pesticides or herbicides is prohibited. The commercial storage of fertilizers and other soil conditioners shall be within structures designed to prevent the generation and escape of contaminated run-off or leachate.

Stables, (etc.): Any stable, feedlot, kennel or resident who houses more than four farm animals shall provide for the pretreatment of all run-off from the property as approved by the Select Board. All permanent animal manure storage areas shall be covered and/or contained to prevent the generation and escape of contaminated run-off or leachate. 141

Vehicular storage: Any area where more than six (6) vehicles are stored or parked for a period of more than one week shall be drained to catchbasins equipped with oil interceptors.

Subsection 18. Enforcement Notice of Violation. Whenever the DPW finds that a person has violated a prohibition or failed to meet a requirement of this by-law, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation: (a) The performance of monitoring, analyses, and reporting; (b) The elimination of illicit connections or discharges; (c) That violating discharges, practices, or operations shall cease and desist; (d) The abatement or remediation of storm water pollution or contamination

hazards and the restoration of any affected property; and (e) Payment of a fine to cover administrative and remediation costs; and (f) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required; the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Independent reference excerpt. Consult the official town PDF for authoritative formatting and subsequent amendments.

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