

Barnstable's Stormwater Management Ordinance

April 4, 2024
Town Hall Hearing Room



Town of Barnstable
Department of Public Works



Overview

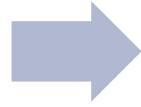
- Background
- Status of MS4 Permit Requirements
- Overview of Proposed Ordinance
 - Regulatory Components
- Process for Adoption to Town Code
- Next steps

Background

- History of the MS4 Permit

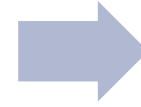
EPA Clean Water Act (1972)

- Prohibits discharge of pollutants through a point source into a water of the U.S. unless permitted



Massachusetts General Small Municipal Separate Storm Sewer System (MS4) Permit

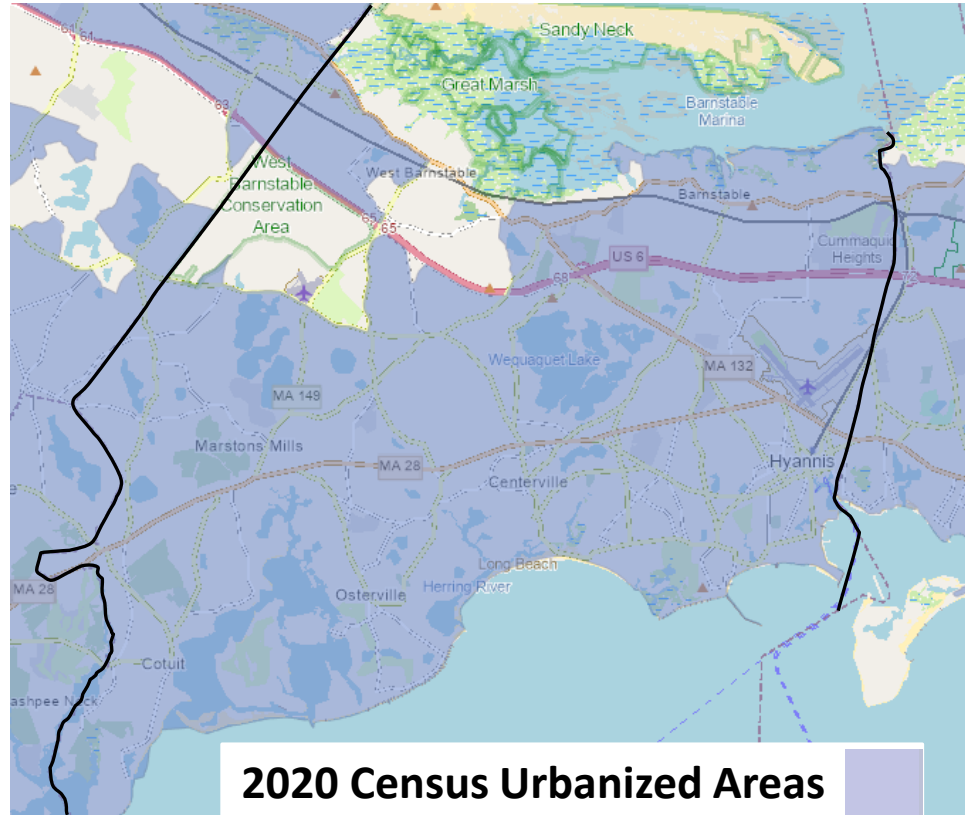
- Issued by EPA in 2003 and updated in 2016
- Towns with MS4 regulated areas are required to submit a Notice of Intent to EPA / Mass DEP to continue discharging to waterbodies



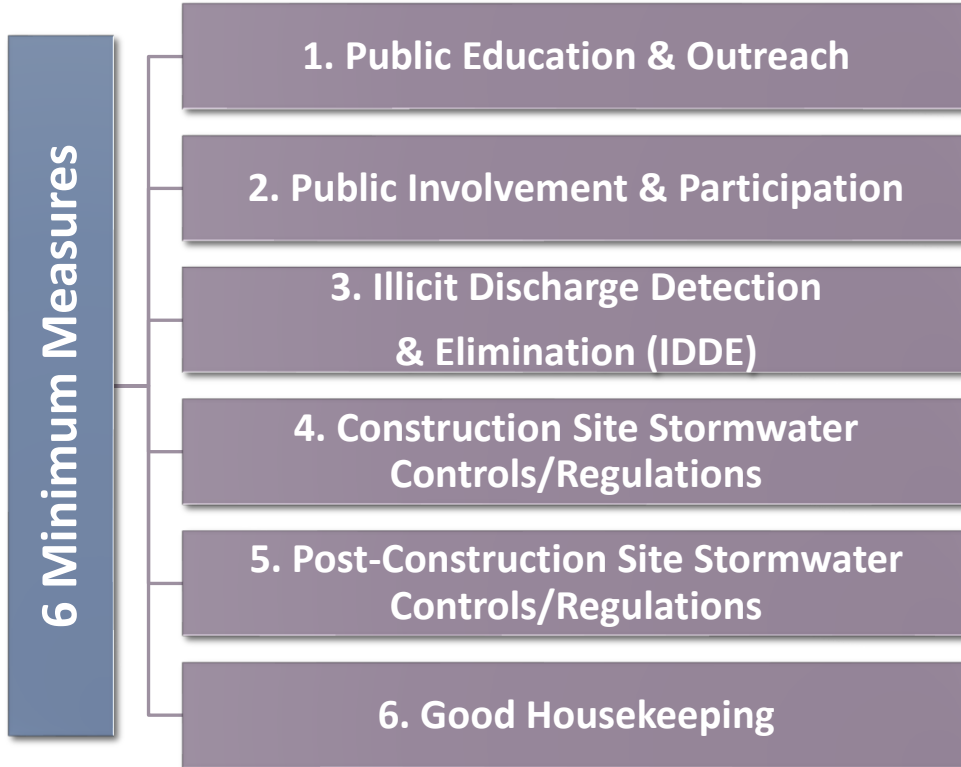
Barnstable MS4 Permit

- Approved by EPA in 2003 and 2016
- Authorizes discharge of stormwater to waterbodies in accordance with the requirements of the Permit

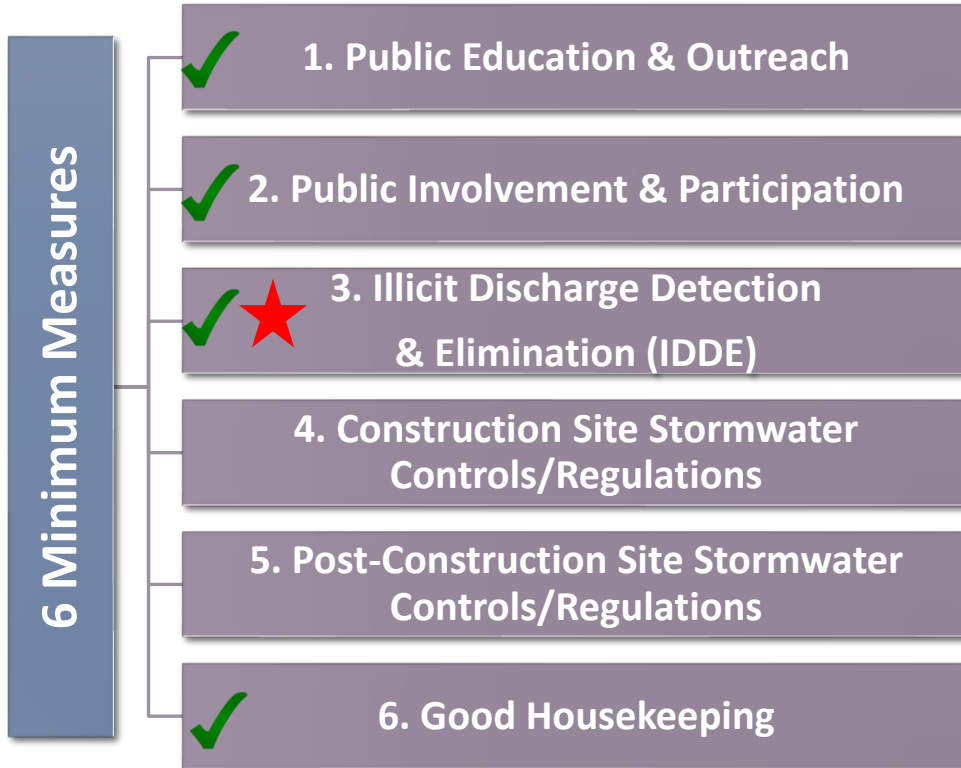
Barnstable MS4 Regulated Areas



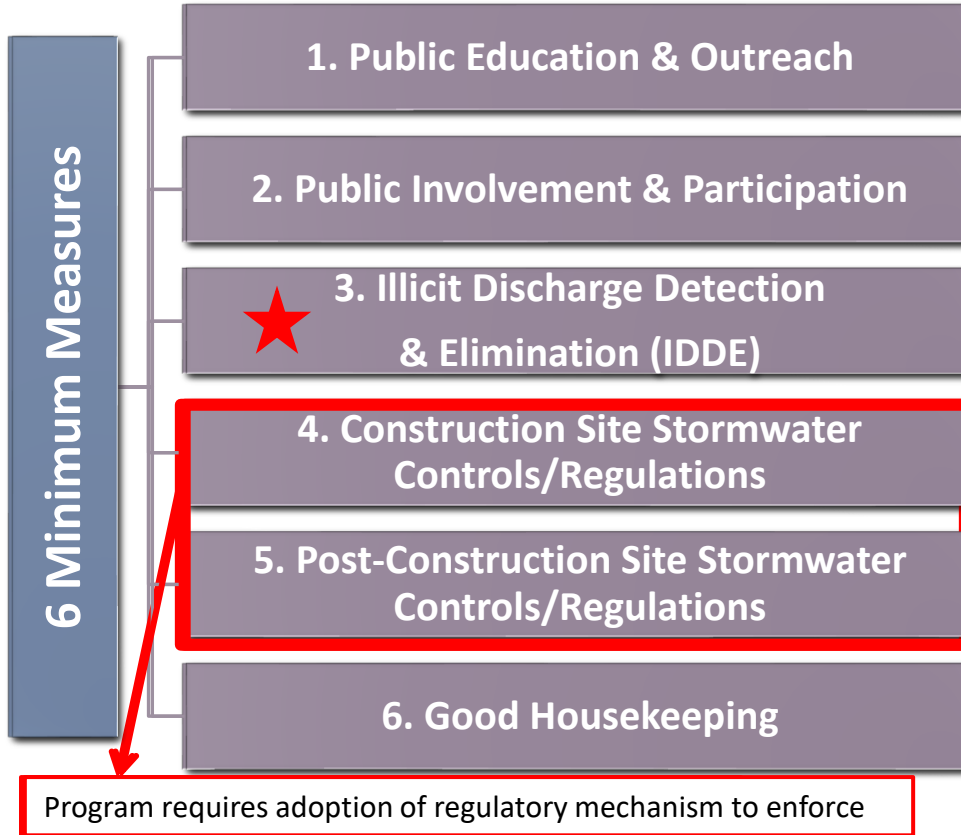
MS4 Requirements



MS4 Completed Requirements



MS4 Outstanding Requirements



MS4 Program Regulatory Components

- Municipalities must adopt a regulatory mechanism to:
 1. Eliminate Illicit Discharges
 2. Require Stormwater Management during Construction
 3. Require Stormwater Management for Post Construction Stormwater Site Controls
- **Right Now** – These regulations are not within existing Town regulations



#1 Illicit Discharge Detection & Elimination

- An illicit discharge is any discharge, dumping or spill into an MS4 that is not composed entirely of stormwater, except for allowable non-stormwater discharges and discharges resulting from firefighting activities.
- Proposed Ordinance will:
 - Prohibit illicit discharges throughout Barnstable
 - Investigate suspected ones
 - Eliminate illicit discharges or connections, even if they existed prior to this adoption
 - Establish enforcement procedures/actions



Illicit Discharge - Exceptions

1. Discharge allowed under a Stormwater Management Permit
2. Discharge resulting from firefighting activities
3. Allowable Non-Stormwater Discharges
 - Water line flushing;
 - Flow from potable water sources;
 - Natural Springs;
 - Flows from riparian habitats and wetlands;
 - Lawfully diverted stream flow;
 - Rising groundwater;
 - Uncontaminated ground water infiltration or uncontaminated pumped groundwater;
 - Lawn watering;
 - Landscape Irrigation;
 - Individual resident car washing;
 - Street wash waters;
 - Dye testing, provided pre-approval from DPW
 - Non-Stormwater discharge permitted and in compliance with NPDES or Surface Water Discharge Permit
 - Any discharge with pre-approval of BOH or Con Comm
 - Any discharge that results from urgent conditions and occurs during a State of Emergency

#2 Require a Stormwater Management Permit During Construction

- Applies to **Total** Land Disturbance greater than 1-acre
- The proposed Ordinance would require:
 - A Stormwater Management Permit
 - Use of Erosion and Sediment Control Measures to reduce pollutants from Construction Sites
 - Site inspections to be conducted throughout the construction and at project completion



#3 Require a Stormwater Management Permit for Post-Construction Stormwater Controls

- Applies to **Total** Land Disturbance greater than 1-acres
- Use of Low Impact Development design strategies
- Follow Massachusetts Stormwater Handbook
- New Development – design Best Management Practices (BMPs) to:
 - Remove 90% of Total Suspended Solids load and 60% of Phosphorus load from Impervious Area
- Re-Development – design BMPs to:
 - Remove 80% of Total Suspended Solids load and 50% of Phosphorus load from Impervious Area
- Optimize for Nitrogen Removal
- Submittal of as-builts
- Establish long-term Operation & Maintenance Plan
- Submission of annual inspection reports to DPW



Gravel Wetland General Maintenance Schedule												
	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec
Task	Frequency & Time of the Year											
Site Inspection				X								X
Debris & Trash Removal				X	x	x	x	x	x	x	X	
Sediment Removal				X	x	x	x	x	x	x	X	

should **also** be completed after major storm events.

Two Step Process

1. Ordinance

- Covers Illicit Discharge Detection and Elimination and Stormwater Management
- Establishes legal authority and enforcement – DPW Director or their designee
- Allows adoption of regulations
- Ordinance proposed for adoption at Town Council Meeting

2. Rules and Regulations

- Establishes administrative procedure
- Details requirements for applicants
- Regulations to be Adopted by DPW after public hearing



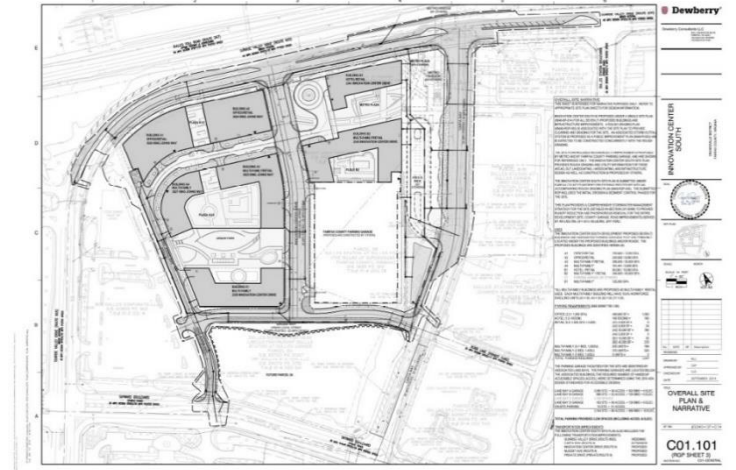
Before Town Council Tonight - Proposed Town Ordinance: Illicit Discharge Control and Stormwater Management

- Proposed as Chapter 185 of the Barnstable Town Code
- Purpose – regulate stormwater discharges for the protection of water bodies and groundwater resources, safeguard public health, and welfare of natural resources
- Administered and Enforced by: Department of Public Works Director and their designees
- First Violation: \$100
- Second Violation: \$300 (each day)
- Why Do This?
 - If not adopted, Town is in non-compliance with the MS4 General Permit
 - Fines/**consent order** will require the Town comply



What's Next – Rules and Regulations

- Proposed as Chapter 903 of Barnstable Town Code
- Purpose – provide a framework for applying for, receiving, and complying with a Stormwater Management Permit
- Administered and Enforced by: Department of Public Works Director and their designees
- To be advertised at one public meeting prior to adoption by DPW





Questions?