

Municipal Separate Storm Sewer System Connection and Discharge (MS4CD) Permit

Rules & Regulations



January 2020

Revised October 2020

I. Purpose

The purpose of these rules and regulations is to clearly present the administrative procedures and performance standards required by the Medway Department of Public Works (DPW) in order to either authorize or eliminate connections and discharges to the Town's municipal separate storm sewer system (MS4).

II. Authority

A. Section 26.4.2.a. of the Medway Stormwater Management and Land Disturbance Bylaw (the "Bylaw") states that illicit discharges, illicit connections, and unauthorized connections in existence prior to the adoption of the Bylaw shall be discontinued in compliance with the Town's Illicit Discharge Detection and Elimination (IDDE) program.

B. The DPW is charged with implementation of the IDDE program.

C. Section 26.4.2.b. of the Stormwater Management and Land Disturbance Bylaw states that unauthorized connections that discharge only stormwater to the Town MS4 may be allowed to continue only with a MS4CD Permit from the DPW following an examination of potential alternatives and a finding by the DPW that there is no viable alternative.

D. The DPW Director or the DPW Director's designee shall enforce section 26.4 of the Bylaw, including associated regulations, and may issue orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

III. General Provisions

A. Applicability

The MS4CD Permit shall apply to

1. All direct or indirect connections to the Town's MS4 regardless if they were in existence prior to the adoption of the Stormwater Management and Land Disturbance Bylaw.
2. A property owner requesting to connect and discharge to the MS4 for stormwater and allowed non-stormwater sources as a part of a new or redevelopment project.
3. An existing site making an alteration to the property including, but not limited to:
 - a. Maintenance and improvement of existing roadways, including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving;
 - b. Development rehabilitations, expansion and phased projects on previously developed sites, provided the redevelopment results in no net increase in impervious surface area; and
 - c. Remedial projects specifically designed to provide improved stormwater management, such as projects to separate storm drains and sanitary sewers, and stormwater retrofit projects.

B. Definitions

Illicit Connection - A direct or indirect connection, which allows an illicit discharge into the 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 or approved before the effective date of this Bylaw.

Illicit Discharge – Any discharge to a MS4 that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than NPDES permit for discharges from the MS4) and discharges from firefighting activities.

Illicit Discharge Detection and Elimination Program (IDDE) – The Town’s systematic procedure for locating and removing illicit discharges via catchment investigations and dry and wet weather outfall screening and sampling as administered and enforced by the Town’s Department of Public Works (DPW).

Direct Connection – A discharge that is connected to the MS4 through a pipe.

Indirect Connection – A flow generated outside the MS4 that enters through storm drain inlets or by infiltrating through the joints of the pipe.

Municipal Separate Storm Sewer System (MS4)

Total Suspended Solids (TSS) – The entire amount of organic and inorganic particles dispersed in water. TSS is a water quality metric used to assess the quality of a water sample.

Unauthorized Connection – A connection that discharges to the Towns MS4 without written permit from the Town.

IV. MS4CD Permit Application Requirements

- A. Eligible Applicants - The Applicant for the MS4CD Permit shall be the person completing the electronic MS4CD Permit application on the Town’s permitting platform and shall be presumed to be the property owner. In the case where the Applicant is a person other than the property owner, the Applicant shall have the property owner sign the signature page found on the Town’s permitting platform.
- B. Application – The application must be fully completed and submitted online using the Town’s on-line permitting platform. First time users will need to create an account username and login. The following documents must be submitted as a PDF with the application:
 - 1. As-Built Plan or equivalent;
 - 2. Topographical map that includes the applicant’s property and abutters;
 - 3. Existing drainage system plan;
 - 4. Proposed drainage system plan;
 - 5. Stormwater calculations;
 - 6. Soil evaluation;
 - 7. Percolation test;
 - 8. Stamped plans from a licensed surveyor;
 - 9. Long term Operations and Maintenance Plans for stormwater BMPs;
 - 10. Waivers.
- C. All applications include a non-refundable MS4CD Permit Filing fee of \$50 due at the time of application submission.

V. Submission and Review Procedures

- A. Submission Date - The official submission date shall be the date the DPW deems the application is complete in accordance with these Rules and Regulations.

- B. Completeness Review - The DPW may, within twenty-one days of the date of receipt of a MS4CD Permit application, reject the application upon a determination that it does not satisfy the submission requirements of these Rules and Regulations. The DPW shall provide the Applicant with a written explanation as to the specific reasons for the determination of incompleteness with a citation of the specific provisions of these Rules and Regulations where the application is lacking. When brought into conformity with the requirements of these Rules and Regulations, a MS4CD Permit application previously deemed incomplete may be resubmitted for consideration by the DPW without prejudice. Upon receipt of all required items, the application shall be deemed complete.
- C. Use of Outside Consultants - The DPW may determine that the assistance of outside consultants such as engineers, lawyers, landscape design professionals, environmental consultants or other appropriate professionals is warranted to assist in reviewing the application and associated project documents to ensure compliance with all relevant laws, bylaws, and regulations and to address technical, legal or other issues. The DPW shall have full authority to select the outside consultants.
 - 1. If the DPW determines that such services are required, the Applicant shall pay the MS4CD Permit Application Review Fee as authorized in section X of these Rules and Regulations.
- D. Decisions
 - 1. Following the DPW or Outside Consultant review, the DPW shall prepare its decision within ninety calendar days from the official submission date of MS4CD Permit application. Failure of the DPW to make its decision within the prescribed time period shall be deemed constructive approval of the application.
 - 2. Decision Extension - The deadline by which the DPW shall make its decision may be extended upon mutual agreement of the DPW and Applicant when the Applicant requests such an extension in writing and the DPW agrees thereto.
 - 3. Decision Options - The DPW may approve, approve with conditions, limitations, safeguards and mitigation measures, or disapprove a MS4CD Permit application in accordance with Section 26.4.5. of the Stormwater Management and Land Disturbance Bylaw. The DPW's decision to disapprove a MS4CD Permit shall state the reasons for such disapproval.

VI. Performance Standards

- A. New Development – The applicant has the burden of demonstrating that there is no viable alternative than to connect to the Town's MS4. The Applicant shall be required to mitigate any stormwater discharge by on-site management to the maximum extent practicable. Discharges must be treated to remove any pollutants and remove a minimum of 80% of total suspended solids before entering the MS4. New developments shall be designed so that post-development peak runoff rates do not exceed pre-development peak runoff rates. A Long term operation and maintenance plan is required. All new developments shall be designed so they meet the most recent Massachusetts Stormwater Standards.
- B. Redevelopment - The applicant has the burden of demonstrating that there is no viable alternative than to keep the existing connection to the MS4. The Applicant will be required to mitigate any stormwater discharge by on-site management to the maximum extent practicable. The owner shall also implement practices for source control, pollution prevention and treatment of any stormwater prior to discharge to the Town's MS4. Redevelopments shall be designed so they meet the most recent Massachusetts Stormwater Standards.

- C. Existing Connections – In the event a MS4 connection is discovered through the IDDE program implementation, the DPW shall require the property owner to complete an MS4CD Permit application. The Applicant has the burden of demonstrating that there is no viable alternative than to keep the existing connection to the MS4. The owner of the property will be required to mitigate any stormwater discharge by on-site management to the maximum extent practicable, and by treatment of any stormwater prior to discharge to the Town’s MS4 system to remove any pollutants.

VII. Waivers

- A. The DPW may grant waivers from strict compliance with these rules and regulations at its sole discretion if it determines that:
 - 1. the rule or regulation requested to be waived does not apply to the particular site or situation under review; or
 - 2. that a waiver would permit a superior design; or
 - 3. that a waiver would allow construction which will have no significant detriment to the achievement of any of the purposes of MS4CD Permit and approval as set forth herein; or
 - 4. that a waiver is in the best interests of the Town.
- B. The Applicant shall submit a written request for waivers from the Rules and Regulations at the time of application. The request must clearly state the section of the Bylaw for which the waiver is requested, the nature of the waiver requested, and the reason why a waiver should be granted.

VIII. Permit Terms and Conditions

- A. MS4CD Permit term lengths are indefinite provided:
 - 1. Applicants stay in compliance with the most recent Massachusetts Stormwater Standards,
 - 2. No illicit discharges are detected,
 - 3. Long Term Operation and Maintenance Plans are followed, and documentation of compliance is submitted to the DPW Compliance Coordinator annually.
- B. MS4CD Permits may be subject to review at any time with changes to the Town’s Bylaw or changes to the Town’s MS4 Permit issued by the United States Environmental Protection Agency.
- C. Long Term Operation and Maintenance Plans may be subject for review at any time with changes to the Town’s Bylaw or changes to the Town’s MS4 Permit issued by the United States Environmental Protection Agency.

IX. Enforcement

- A. The MS4CD Permit rules and regulations shall be consistent with the Stormwater Management and Land Disturbance Bylaw.

X. Fee Schedule

- A. MS4CD Permit Filing Fee - A non-refundable *MS4CD Permit Filing Fee* as specified in the *Fee Schedule* shall be remitted to the DPW at the time the application is filed with the DPW.
- B. MS4CD Permit Application Review Fee – The *MS4CD Permit Application Review Fee* shall be established by the DPW. The fee shall be based on the property’s impervious surface area; however, depending on the complexity of the site, additional costs may be incurred to retain outside consultant(s) to assist in the review of the proposed project. The *MS4CD Permit Application Review Fee* will not be a fixed amount but will vary depending on the nature and scale of the project and the expected costs to be incurred.

1. If the expense of the MS4CD Permit Application review exceeds the original estimate, or if the services of additional outside consultants are required after the initial *MS4CD Permit Application Review Fee* has been expended, the Applicant shall be required to pay all additional fees incurred to cover the cost of additional reviews. A new itemized estimate for additional plan review services shall be prepared and remitted to the Applicant. The Applicant's failure to pay plan review fees in their entirety shall constitute grounds for the DPW to deny approval of the MS4CD Permit.
 2. Other Costs and Expenses - All expenses for professional plan reviews, ancillary report reviews, supplemental studies, water sampling, smoke or dye testing, and all other expenses in connection with MS4CD Permit Review shall be borne by the Applicant.
 3. Applications cannot be processed until all initial or revised estimate fees are paid in full.
- C. Connection and Discharge Fee – Residential properties shall be charged \$3,000 per connection. Commercial properties shall be charged \$10,000 per connection.
- D. Payment of Fees
1. All associated fees may be paid by credit card or check made payable to The Town of Medway.
 2. At the permit review completion, any excess funds shall be repaid to the Applicant or their successor in interest.

XI. Recording

The Applicant shall record the Decision, Plans, and Long Term O& M Plan at the Registry of Deeds and submit evidence of such recording to the DPW. No construction shall be allowed to begin at the site until such recording verification is presented.

**Municipal Separate Storm Sewer System Connection and Discharge (MS4CD) Permit
FEE SCHEDULE**

MS4CD Permit Filing Fee (non-refundable)	\$50
MS4CD Permit Application Review Fee	\$500/acre of impervious surface, plus any additional costs associated with the review.
Commercial Connections	\$10,000 each
Residential Connections	\$3,000 each