

Draft 11.28.010

11.28.010 MUNICIPAL STORM DRAINAGE SYSTEM

A. In General:

1. This ordinance shall apply to all water generated on any developed or undeveloped lands and entering Malden's storm drainage, except as explicitly exempted in this ordinance.
2. The city shall maintain and, under the direction of the City Engineer, regulate use of a stormwater drainage system for the collection and dispersion of storm water runoff, snow melt runoff and surface water runoff and drainage. The City Engineer may promulgate rules and regulations to effectuate the provisions of this ordinance and may issue permits for use of the storm drainage system upon such terms and conditions as deemed appropriate.
3. The City Engineer may suspend access to the municipal storm drainage system to any person or property without notice whenever necessary to prevent the actual or threatened discharge of prohibited substances into the storm drainage system and, upon failure of any party to comply with such suspension order, may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

B. Prohibited Activities:

1. Other than the exemptions identified in Part C of this Ordinance, no person shall dump, discharge, cause or allow to be discharged any non-stormwater discharge or pollutant into the municipal storm water drainage system or, onto an impervious surface directly draining to the MS4. Pollutants shall include but are not limited to, paints, varnishes, solvents, automotive fluids, pesticides, herbicides, fertilizers, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal waste, rock, sand, salt, soils, construction wastes and residues, refuse, rubbish, garbage, litter, and other noxious or offensive matter of any kind. For the purposes of this ordinance, application of salt, sand, and/or other equivalent materials of reasonable quantities for winter road maintenance shall not be considered a prohibited activity.
2. No person shall construct, use, allow, maintain or continue any connection to the municipal storm water drainage system from indoor drains, sinks or toilets or which allows discharge of wastewater or wash water, whether or not said connection was approved before the effective date of this ordinance.
3. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the City Engineer.

4. No person shall connect roof drains or other discrete conveyances from private property or structures into the municipal storm drain system without prior written approval from the City Engineer.
- C. **Exemptions:** Discharge into the municipal storm water system resulting from the following sources shall be exempt from the prohibited activities set forth in Paragraph B, unless the City Engineer deems them to be a significant contributor of pollutants:
1. municipal activities, including but not limited to firefighting, waterline flushing, winter road maintenance (i.e., application of salt, sand, and/or other equivalent materials);
 2. Discharge or flow from potable water sources, springs, riparian habitats and wetlands, diverted stream flow and rising groundwater;
 3. uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), uncontaminated pumped groundwater, water from approved exterior foundation drains, crawl space pumps, air conditioning condensations and footing drains, but not including active groundwater dewatering systems;
 4. discharge from landscape irrigation, lawn watering or individual residential car washing;
 5. discharge from dechlorinated swimming pools which contains one part per million or less of chlorine;
 6. dye-testing, provided that prior verbal notification has been given to the City Engineer;
 7. discharge for which prior written approval has been obtained from the City Engineer as necessary to protect public health, safety and welfare or the environment; and
 8. discharge permitted under a permit, waiver or order issued by any state or federal environmental agency, provided that said discharge is in full compliance with the requirements of permit, waiver or order and applicable laws and regulations.
- D. **Notification of Spills:** Any person in control, or in charge of emergency response, at any facility or operation in the city shall immediately, upon becoming aware of a release or threatened release of materials at the facility or operation which could result in discharge of pollutants to the municipal drainage system, take all necessary steps to insure containment and cleanup of the release.
1. Said person shall immediately notify the police and fire departments of the release of oil or hazardous materials.
 2. The release of non-hazardous materials shall be reported to the City Engineer no later than the following business day.
 3. The person charged with reporting discharge shall provide the City Engineer with written confirmation of all notifications within three business days of the discharge and shall retain, on site, a written record of the discharge and actions taken to prevent its recurrence. Said records shall be retained for no fewer than three years.
- E. **Enforcement:**

1. The City Engineer may pursue civil and criminal remedies for violation of this ordinance, or any permit or order issued pursuant thereto and may seek injunctive relief to restrain further violations or compel remediation of violations.
2. The City Engineer may issue written orders to compel compliance with the provisions of this ordinance and may require:
 - a. performance of monitoring, analyses and reporting to assure compliance; and
 - b. remediation of contamination resulting from violations.
3. Where remediation is ordered, the City Engineer shall specify the time within which such remediation shall be complete. Said order shall state that, failure to abate the violation or perform the required remediation within the specified time, may result in the city undertaking such work at the expense of the owner.
4. The city shall, within 30 days of completing abatement or remediation of a violation, notify the property owner of cost incurred in remediation, including administrative costs. If the amount due is not received within 30 days of notification or within thirty days following a final decision of a court of competent jurisdiction affirming or reducing the costs, the costs shall become a special assessment and shall constitute a lien on the owners property for the amount of said costs. Costs remaining unpaid more than 31 days after becoming due shall accrue interest at the rate provided by law.