

18-20-6



**ORDER # 941**

**AN ORDINANCE GOVERNING STORMWATER MANAGEMENT AND EROSION CONTROL**

**WHEREAS**, Stormwater runoff from municipal drainage systems is a significant cause of water pollution and flow in lakes, ponds, streams, rivers, wetlands and groundwater aquifers and thereby poses a potential hazard for public drinking water supplies, environmental habitat and flood control management; and

**WHEREAS**, The City of Methuen, as outlined in the National Pollutant Discharge Elimination System (NPDES) Small MS4 Permit issued for Massachusetts urbanized communities by the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection, is obligated to undertake a series of minimum control measures to protect water resources in managing its municipal stormwater system; and

**WHEREAS**, Among the minimum control measures specified under the MS4 Permit is the requirement for municipalities to enact and enforce appropriate regulatory measures and standards in Construction Site Stormwater Runoff Control and in Post Construction Stormwater Management in New Development and Redevelopment; and

**WHEREAS**, The City of Methuen has received from the U.S. Environmental Protection Agency an Order for Compliance under Section 309 of the Clean Water Act mandating that Methuen by June 30, 2020 adopt the required legal mechanisms, including an ordinance establishing a regulatory structure for establishing and enforcing stormwater controls and standards during Construction and in Post Construction for New Development and Redevelopment sites.

**NOW THEREFORE, BE IT ORDAINED** By the City Council of the City of Methuen that the Methuen Municipal Code is hereby amended by adoption of Chapter 30 "Ordinance Governing Stormwater Management and Erosion Control" and attached hereto.

**FURTHER**, The City Council amends Chapter 9A-2 and Chapter 17 of the Methuen Municipal Code to incorporate enforcement and non-criminal disposition (ticketing) provisions referenced in Chapter 30 as adopted.

Order #941

RECEIVED  
CITY CLERK'S OFFICE  
METHUEN, MA

2020 JUN 13 AM 10:31

First Read: April 21, 2020

Adopted: May 19, 2020

Effective: June 18, 2020

I do hereby certify that at a meeting of which a quorum was present, the foregoing ordinance was adopted by the Methuen City Council by an 8 to 1 vote on May 19, 2020.



\_\_\_\_\_  
Council Clerk



\_\_\_\_\_  
James McCarty, Council Chair

Approved under MHRC Sec. 3-6

Date: \_\_\_\_\_

Approved: \_\_\_\_\_



Neil Perry, Mayor

**THE MUNICIPAL CODE**  
**OF**  
**METHUEN, MASSACHUSETTS**

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**CHAPTER 30**

**ORDINANCE GOVERNING STORMWATER MANAGEMENT AND EROSION CONTROL**

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**Section 30-1. Purpose**

- A. The purpose of this Ordinance is to protect public health, safety, general welfare, and environment by regulating illicit connections and discharges to the storm drain system or, directly or indirectly, to a watercourse or into the waters of the Commonwealth, as well as to control the adverse effects of construction site stormwater runoff and post-construction runoff. Stormwater runoff can be a major cause of:
1. Impairment of water quality and flow in lakes, ponds, streams, rivers, coastal waters, 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.
- B. The objectives of this Ordinance are to:
1. Protect water resources;
  2. Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;
  3. Prevent and reduce pollutants from entering the City's municipal separate storm sewer system (MS4);
  4. Prohibit illicit connections and unauthorized discharges to the MS4 and require their removal;
  5. Establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
  6. Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater best management practices to ensure that they continue to function as designed are maintained, and pose no threat to public safety; and
  7. Recognize the City's legal authority to ensure compliance with the provisions of this Ordinance through inspection, monitoring, and enforcement.
- C. Nothing in this Ordinance is intended to replace the requirements of the City of Methuen Zoning Ordinance, the Massachusetts Wetlands Protection Act, the City of Methuen General Ordinance, any other ordinance that may be adopted by the City of Methuen, or any rules and regulations adopted there under.

### **Section 30-2. Authority**

This Ordinance is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

### **Section 30-3. Definitions**

For the purposes of this Ordinance, the following shall mean:

- A. Applicant: Any person requesting a Stormwater Management Permit.
- B. Administrative Land Disturbance Review: Approval by the Stormwater Authority of a land disturbing activity that does not require a Stormwater Management Permit because of its size (greater than 5,000 square feet but less than one (1) acre land disturbance) and/or scope.
- C. Authorized Enforcement Agency: Methuen Conservation Commission, its employees or agents designated to enforce this Ordinance.
- D. Best Management Practice (BMP): an activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.
- E. City: The City of Methuen, Massachusetts, including its employees and designees.
- F. Clearing: Any activity that removes the vegetative surface cover.
- G. Common Plan of Development: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan. A “common plan” of development or sale is broadly defined as any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometime in the future, this would be considered a larger common plan of development or sale. If the land is parceled off or sold, and construction occurs on plots that are less than one acre by separate, independent builders, this activity still would be subject to stormwater permitting requirements if the smaller plots were included on the original site plan.

- H. Construction and Waste Materials: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter, and sanitary waste, at a construction site that may adversely impact water quality.
- I. 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.
- J. Grading: Excavation or fill of material, including the resulting conditions thereof.
- K. Impervious Cover, Impervious Area, or Impervious Surface: Any material or structure on, above or below the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: roads, paved surfaces (parking lots, sidewalks, and driveways), concrete, brick, stone, and roof tops.
- L. Land Disturbance or Land Disturbing Activity (or Alteration): Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading; or results in an alteration of drainage characteristics.
- M. Massachusetts Stormwater Management Standards: The latest version as may be amended from time to time of the stormwater management standards issued by the Massachusetts Department of Environmental Protection Agency pursuant to authority under the Wetlands Protection Act, M.G.L. c. 131, § 40, and the Massachusetts Clean Waters Act, M.G.L. c. 21, § 26-53. The Stormwater Management Standards are incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k) and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a). These Standards were first adopted by the Department in 1996 and are more fully set forth in the Massachusetts Stormwater Handbook (as amended).
- N. Municipal Separate Stormwater System (MS4) or Municipal Storm Drain System: Any drainage system that collects, conveys, and/or manages stormwater owned or operated by the City of Methuen. The municipal storm drain system includes but is not limited to municipal roads, catch basins, manholes, gutters, curbs, sidewalks, inlets, piped storm drains, outfalls, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other drainage structures.
- O. New Development: Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.
- P. NPDES Small MS4 General Permit: The National Pollutant Discharge Elimination System (NPDES) General Permit issued by the United States Environmental

Protection Agency Region 1 for Stormwater Discharges from MS4s in Massachusetts, as may be amended from time to time. This permit authorizes the City of Methuen to discharge stormwater from its MS4 into waters of the Commonwealth.

- Q. Operation and Maintenance (O&M) Plan: A plan setting up the functional, financial and organizational mechanisms for the ongoing O&M of a stormwater management system to ensure that it continues to function as designed.
- R. 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.
- S. 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 sewage treatment works or waters of the Commonwealth.

Pollutants shall include without limitation:

1. paints, varnishes, and solvents;
  2. oil and other automotive fluids;
  3. non-hazardous liquid and solid wastes and yard wastes;
  4. refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
  5. pesticides, herbicides, and fertilizers;
  6. hazardous materials and wastes;
  7. sewage, fecal coliform and pathogens;
  8. dissolved and particulate metals;
  9. animal wastes;
  10. rock, sand, salt, soils, with the exception of winter salting and sanding in quantities that will not clog or otherwise impair the performance of the municipal storm drain system;
  11. construction wastes and residues; and
  12. noxious or offensive matter of any kind.
- T. Redevelopment: Development, rehabilitation, expansion, demolition, construction, land alteration, or phased projects that disturb the ground surface, including impervious surfaces, on previously developed sites. The creation of new areas of impervious surface or new areas of land disturbance on a site constitutes development, not redevelopment, even where such activities are part of a common

plan which also involves redevelopment. Redevelopment includes maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems and repaving; and remedial projects specifically designed to provide improved stormwater management such as projects to separate storm drains and sanitary sewers and stormwater retrofit projects.

- U. Runoff: Rainfall, snowmelt, or irrigation water flowing over the ground surface.
- V. Sediment: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.
- W. Site: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.
- X. Soil: Any earth, dirt, sand, rock, gravel, clay or similar material.
- Y. Stormwater: Any surface flow, runoff or drainage resulting entirely from any form of natural precipitation.
- Z. Stormwater Authority: Methuen Conservation Commission or its authorized agent(s).
- AA. Stormwater Management Permit: A permit issued by the Stormwater Authority, after public process review of an application, plans, calculations and other supporting documents, for land disturbance activity of size equal to or greater than one (1) acre . The permit is designed to protect the environment or the City from the deleterious effects of uncontrolled and untreated stormwater runoff.
- BB. Stormwater Management Plan: A plan containing sufficient information for the DPW to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater, including controlling stormwater and promoting infiltration.

#### **Section 30-4. Applicability**

- A. No person may undertake a construction activity or land disturbance, including clearing, grading excavation or redevelopment that will disturb land within the City of Methuen equal to or greater than 5,000 square feet but less than one (1) acre without an Administrative Land Disturbance Review. A Stormwater Management Permit is required for land disturbance activity of one (1) acre or greater within the City of Methuen. Issuance of a Stormwater Management Permit requires approval by a majority of Stormwater Authority members or as otherwise provided in this ordinance.
- B. Administrative Land Disturbance Review or Stormwater Management Permit must be obtained prior to the commencement of Land Disturbing Activity or Redevelopment based on thresholds established in the Stormwater Management



Regulations. 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 ordinance and in Stormwater Management Regulations adopted by the Stormwater Authority.

- C. This Ordinance shall apply to any Common Plan of Development as of the effective date of this Ordinance, if the total land-disturbing activities on said land or parcels, considered as a whole, would presently or ultimately exceed the minimum thresholds in this Ordinance. A development shall not be segmented or phased in a manner to avoid compliance with this Ordinance. The building department shall review all building permits to determine if a Stormwater Management Permit will be required, and, if required, will direct the applicant or potential applicant to the designated contact person at the Conservation Commission and Department of Public Works.

### **Section 30-5. Exemptions**

The following uses and activities are exempt from compliance with this Ordinance:

- A. Normal maintenance of lawns and landscaping;
- B. Normal maintenance and improvement of land in agricultural use, as defined by the Massachusetts Wetlands Protection Act (M.G.L. c. 131 § 40) and its implementing regulations (310 CMR 10.00);
- C. Logging which is in compliance with a timber management plan approved under the Forest Cutting Practices Act by Massachusetts Department of Conservation and Recreation;
- D. Construction and/or maintenance of municipal utilities (including but not limited to gas, water, electric, telephone, or cable television), which will not alter terrain, ground cover, or drainage patterns;
- E. An emergency activity that is immediately necessary for the protection of life, property or the environment, as determined by the Stormwater Authority. Stormwater erosion controls must be used in all emergency repairs.
- F. Any work or projects for which all necessary approvals and permits have been issued before the effective date of this ordinance.
- G. In-kind repair or replacement of septic systems or stormwater systems deemed necessary by the City of Methuen Board of Health or DPW. Stormwater erosion controls must be used.

### **Section 30-6. Administration**

- A. Methuen Conservation Commission shall administer, implement and enforce this Ordinance, with assistance from the Department of Public Works. Any powers granted to or duties imposed upon the Conservation Commission as Stormwater Authority, except the power to hear appeals, may be delegated in writing by the Conservation Commission to its employees or agents of the City.
- B. Waivers. The Stormwater Authority may waive strict compliance with any of the requirements of this Ordinance or the rules and regulations promulgated hereunder, if it determines that some of the application requirements are unnecessary because of the size or character of the development project or because of the natural conditions at the site and where such action is:
  - 1. allowed by federal, state and local statutes and/or regulations,
  - 2. in the public interest, and
  - 3. not inconsistent with the purpose and intent of this Ordinance.
- C. Rules & Regulations. Methuen Conservation Commission may adopt, and periodically amend, rules and regulations to effectuate the purposes of this Ordinance. Failure of the Conservation Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Ordinance.
- D. A decision by the stormwater authority made under this Ordinance shall be final. Further relief shall be to the Superior Court in accordance with the provisions of M.G.L.A c. 249, § 4.

### **Section 30-7. Permitting Procedures**

- A. Methuen Conservation Commission shall have the authority to issue a Stormwater Management Permit for projects exceeding the thresholds defined in this Ordinance. Requirements of the Stormwater Management Permit may be defined and included within the regulations promulgated pursuant to this Ordinance.
- B. Administrative Land Disturbance Review. Stormwater Management regulations may identify one or more categories of projects requiring an Administrative Land Disturbance Review that, because of their size, scope and common features or characteristics, may be approved by one or more agents of the Stormwater Authority rather than by a majority of Stormwater Authority members pursuant to this Ordinance. For such projects, the Stormwater Authority will identify minimum erosion control and stormwater management standards pursuant to this ordinance, compliance with which is required before land disturbing activity may commence.
- C. Administrative Land Disturbance Review and Stormwater Management Permit application procedures and requirements, including application fees, coordination

with other city departments, and public hearing process, shall be defined and included as part of the Regulations promulgated under this Ordinance.

1. A completed Administrative Land Disturbance Review Application Form with original signatures of all owners shall be filed with the Department of Public Works prior to the commencement of land disturbing activity regulated by this Ordinance.
2. A completed application for a Stormwater Management Permit shall be filed with the Methuen Conservation Commission. A permit must be obtained prior to the commencement of land disturbing activity regulated by this Ordinance.

The Stormwater Management Permit application package shall include:

- a. A completed Application Form with original signatures of all owners;
  - b. Documentation of compliance with this Ordinance and Regulations promulgated under this Ordinance including Performance Standards.
  - c. Payment of the application and review fees.
3. Methuen Conservation Commission shall review the application submission and issue a determination stating whether the application is complete and whether it complies with the Performance Standards established in the Regulations promulgated under this Ordinance, as may be waived in accordance with this Ordinance.
  4. If the Stormwater Authority determines the application is incomplete, including insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the stormwater authority may require the submission of additional information and/or disapprove the application and deny the permit.
  5. Each application for a Stormwater Management Permit that complies with the Performance Standards, and is determined to be a complete application by the stormwater authority, shall be acted upon within thirty days of the date of filing with the stormwater authority, unless such application has been withdrawn from consideration. The stormwater authority may:
    - a. Approve the permit application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this Ordinance;
    - b. Approve the permit application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this Ordinance; or
    - c. Disapprove the permit application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this Ordinance.

6. A fee schedule shall be established in the Regulations and reviewed annually by the Stormwater Authority.
- D. Filing an application for a permit grants the Methuen Conservation Commission and the Department of Public Works or its agents permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- E. The permittee, or the permittee's agent, must notify the Stormwater Authority of any change or alteration of a land-disturbing activity authorized in a Stormwater Permit before any change or alteration occurs. If the Stormwater Authority determines that the change or alteration is significant, the Stormwater Authority may require that an amended Stormwater Management Permit application be filed.

### **Section 30-8. Performance Standards**

- A. All projects shall meet the Massachusetts Stormwater Management Standards to the maximum extent practicable as determined by the Stormwater Authority. Additional guidance on applying the Massachusetts Stormwater Management Standards to applicable projects may be defined and included as part of any rules and regulations promulgated under Section 30-6 of this Ordinance.
- B. All projects must also address additional performance standards and documentation of compliance imposed upon the City of Methuen through EPA's NPDES Small MS4 General Permit related to Construction Site Stormwater Runoff Control (Section 2.3.5), Stormwater Management in New Development and Redevelopment (Section 2.3.6), and Discharges to Certain Impaired Waters (Section 2.2), as applicable. Additional guidance on applying these requirements may be defined and included as part of any rules and regulations promulgated under Section 30-6 of this Ordinance.
- C. The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls and other pollution prevention measures. A Stormwater Pollution Prevention Plan that meets the requirements of the U.S. Environmental Protection Agency Construction General Permit and the design requirements set forth in regulations to be promulgated by the Stormwater Authority shall be considered to meet this requirement, and the EPA-approved Notice of Intent must be submitted to the Stormwater Authority prior to commencement of land disturbing activity.
  1. The erosion and sediment control and pollution prevention measures set forth in the Erosion and Sediment Control Plan shall be designed to meet Standard 8 of the Massachusetts Stormwater Standards, minimize the total area of disturbance, and properly manage construction and waste materials.
  2. The Erosion and Sediment Control Plan shall include a site plan, stamped and

certified by a qualified Professional Civil Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control, containing such information as specified in regulations promulgated by the Stormwater Authority

- D. The Stormwater Management Plan shall contain sufficient information for the Stormwater Authority to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater post-construction. The Stormwater Management Plan shall fully describe the project in drawings and narrative. The Stormwater Management Plan may (but is not required to) follow the format and content of the “Stormwater Report” specified by the Massachusetts Department of Environmental Protection to document compliance with the Massachusetts Stormwater Standards.
1. The stormwater management measures described in the Stormwater Management Plan shall, at a minimum, be designed to meet Massachusetts Stormwater Management Standards 1-6 (for new development) or 7 (for redevelopment).
  2. The Stormwater Management Plan shall include a site plan, stamped and certified by a qualified Professional Engineer registered in Massachusetts, containing the required information as set forth in the regulations to be promulgated by the Stormwater Authority.
- E. An Operation and Maintenance Plan (O&M Plan) is required at the time of application for all projects requiring a Stormwater Management Permit. The O&M Plan shall be designed to ensure that all aspects of the stormwater management system operate as designed throughout the life of the system. The DPW shall make the final decision regarding what maintenance requirements are appropriate in a given situation. Each parcel must have its own O&M Plan. The O&M Plan shall remain on file with the Stormwater Authority and Methuen DPW and shall be an ongoing requirement, enforceable against the owner of the parcel to which it applies, pursuant to the provisions of this Ordinance. The O&M Plan shall be prepared in accordance with the regulations promulgated by the Stormwater Authority.

### **Section 30-10. Inspections, As-Built Plan, and Access**

- A. The Stormwater Authority or its designated agent may make inspections (before, during, and/or after construction) to assess compliance with the Stormwater Management Permit. The Stormwater Authority may require the applicant to notify the Stormwater Authority before significant site milestones, such as installation of erosion and sediment control measures or completion of site clearing.
- B. The Stormwater Authority may require the permittee or his/her agent to periodically conduct and document inspections of all control measures (before, during, and/or after construction) and submit reports to the Stormwater Authority.
- C. To the extent permitted by state law, or if authorized by the owner or other party in

control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Ordinance and may make or cause to be made such examinations, surveys, or sampling as the Stormwater Authority deems reasonably necessary to determine compliance with the Stormwater Management Permit.

### **Section 30-11. Surety**

Before the start of land disturbance activity, the Stormwater Authority may require the permittee to post a surety bond, irrevocable letter of credit, or other acceptable security. The form of the bond shall be approved by the City Solicitor, and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the Stormwater Management Permit. If the project is phases, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the Stormwater Management Permit, but the bond may not be fully released until the Stormwater Authority has received the final as-built plans.

### **Section 30-12. Enforcement**

- A. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. The Stormwater Authority, and its designated agents, shall enforce this Ordinance and may pursue all civil and criminal remedies available, in accordance with local, state and federal laws and regulations, for violations. Enforcement of this Ordinance shall follow the methods and process set forth in Chapter 9A of the Methuen Municipal Code.
- B. Any person who fails to comply with the provisions of this Ordinance may be penalized through the non-criminal method of disposition as provided by M.G.L. c. 40, § 21D and c. 17 of the Methuen Municipal Code.

### **Section 30-13. Compatibility with other City Laws and Ordinances and with the Provisions of the U.S. EPA MS4 General Permit for Urbanized Areas in Massachusetts**

- A. No building permit, subdivision approval, special permit, variance, Order of Conditions, or finding shall constitute compliance with this Ordinance. For a project or activity that meets the scope and applicability of this section of this Ordinance, no work may commence until the site owner or his agent submits a complete Stormwater Management Permit application, the Stormwater Authority issues a stormwater permit, or completes Administrative Land Disturbance review, and the site owner and responsible parties sign and certify that all land clearing, construction and development will be done pursuant to the approved plans and permit.
- B. The requirements of this Ordinance are in addition to the requirements of any other ordinance, policy, rule, regulation or other provision of law. This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this Ordinance should be

considered minimum requirements, and where any provision of this Ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.

- C. In no instances shall a Stormwater Management Permit constitute authorization for alteration of wetland resources subject to the jurisdiction of the Wetlands Protection Act.
- D. This ordinance and Stormwater Management Regulations as adopted by the Stormwater Authority shall be implemented in accordance with the requirements of the most recent NPDES Small MS4 General Permit relating to illicit connections and discharges, construction site runoff, and post-construction stormwater management, as well as the Massachusetts Stormwater Management Standards. The Stormwater Authority may establish additional requirements by regulation to further the purposes and objectives of this ordinance so long as they are not less stringent than those in the MS4 General Permit for Massachusetts.

#### **Section 30-14. Severability**

The provisions of this Ordinance are severable. If any court of competent jurisdiction determines that any provision is in violation of the laws, constitutions or regulations of the Commonwealth of Massachusetts or the United States of America, the remaining provisions shall not be affected thereby and shall continue in full force and effect.