

Chapter XXXIX
STORMWATER MANAGEMENT AND LAND DISTURBANCE BY-LAW

Section 1. Purpose: This by-law provides the controls to ensure the safeguarding of public health and safety, public and private property, surface water, public drinking water, groundwater resources, recreational areas, aquatic habitats and life and the environment as a whole. This by-law establishes minimum requirements and procedures to control the adverse effects of increased stormwater runoff, non-point source pollution associated with development and redevelopment, and erosion and sedimentation associated with construction. Stormwater can be a major cause of:

- A. Impairment of water quality and flow in lakes, ponds, streams, rivers, coastal waters, wetlands, groundwater and drinking water supplies;
- B. Contamination of drinking water supplies;
- C. Contamination of downstream coastal areas;
- D. Alteration or destruction of aquatic and wildlife habitat;
- E. Overloading or clogging of municipal stormwater management systems; and
- F. Flooding.

The purpose of this by-law is to establish regulations and enforcement procedures by which the Town can monitor and ensure compliance with its National Pollutant Discharge Elimination System Program (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) and other applicable State and Federal statutes, regulations and permit procedures. This by-law seeks to meet that purpose by:

- A. Preventing flooding;
- B. Protecting groundwater and surface water from degradation;
- C. Promoting infiltration and groundwater recharge to maintain the natural hydraulic regime in streams, rivers, wetlands, ponds, and groundwater;
- D. Minimizing damage to public and private property and infrastructure;
- E. Preventing pollutants from entering and discharging from the Town of Danvers MS4;
- F. Requiring practices to control waste such as but not limited to discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste at construction sites;
- G. Establishing minimum construction and post construction stormwater management standards and design criteria for the regulation and control of soil erosion and sedimentation control and for stormwater runoff quantity and quality;
- H. Establishing provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and non-structural stormwater best management practices for new and redeveloped sites to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;
- I. Compliance with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load and total

suspended solids requirements.

- J. Establishing the Town of Danvers' legal authority and capacity to ensure compliance with the provisions of this by-law through permitting, inspection, monitoring, reporting, and enforcement.

Section 2. Definitions: The following definitions shall apply in the interpretation and enforcement of this by-law. Additional terms that apply to the issuance of a Stormwater Management Permit established by this by-law shall be defined and included as part of the regulations promulgated and, from time to time, amended under this by-law, a copy of which is available at the offices of the Stormwater Authority and the Town Clerk. Terms not defined in said regulations or pertinent statutes shall be construed according to their customary and usual meaning.

The following terms are defined in the Massachusetts Wetlands Regulations (310 CMR 10.00): cold-water fishery, critical areas, environmentally sensitive site design, flood control, ground water, Illicit discharge, land uses with higher potential pollutant loads, low impact development (LID) techniques, maintenance of a stormwater management system, redevelopment, stormwater best management practice, stormwater management system, and surface water.

ALTER: Any activity that will measurably change the ability of a ground surface to absorb water or will change existing surface drainage patterns. "Alter" may be similarly represented as "alteration of drainage characteristics" and "conducting land disturbance activities."

APPLICANT: Any person, 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 requesting authorization to connect to the Danvers Municipal Separate Storm Sewer System (MS4) or for a proposed land-disturbance activity.

APPROVAL NOT REQUIRED (ANR) PLAN: A plan of land that does not require approval under the Subdivision Control Law of Massachusetts (Massachusetts General Laws, Chapter 41, §§81 K through 81GG).

BEST MANAGEMENT PRACTICE (BMP): A structural or nonstructural technique for managing stormwater to prevent or reduce pollutants from entering surface waters or ground waters. A structural stormwater best management practice includes a basin, discharge outlet, swale, rain garden, filter or other stormwater treatment practice or measure either alone or in combination including without limitation any overflow pipe, conduit, weir control structure that: (a) is not naturally occurring; (b) is not designed as a wetland replication area; and (c) has been designed, constructed, and installed for the purpose of conveying, collecting, storing, discharging, recharging or treating stormwater. Nonstructural stormwater best management practices include source control and pollution prevention measures.

BETTER SITE DESIGN: Site design approaches and techniques that can reduce a site's impact on watershed practices. Better site design includes (without limitations) conserving and protecting natural areas and green spaces, providing substantial buffer zones for

sensitive resources, reducing impervious cover, and using natural features for stormwater management.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

COMMON PLAN OF DEVELOPMENT: Any announcement or piece of documentation (including a contract, public notice or hearing, advertisement, drawing, plan, or permit application, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor marking, etc.) indicating imminent or future plans to disturb earth regardless of how many phases or how long it will take to complete. Under this by-law, a facility is no longer considered a common plan if the following criteria are met: (a) The original plan, including modifications, was substantially completed with less than one acre of the original common plan remaining (i.e., less than 1 acre of the common plan was not built out at the time); and (b) There was a clearly identifiable period of time (2 years or more) where there was no ongoing construction, including meeting the criteria for final stabilization.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use.

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.

LAND DISTURBANCE: Any action that causes a change in the position, location or arrangement of soil, sand, rock, gravel, or similar earth material. See also **ALTER**.

MASSACHUSETTS STORMWATER MANAGEMENT HANDBOOK: The policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by State laws promulgated under the authority of the Massachusetts Wetlands Protection Act M.G.L. c. 131 §40 and Massachusetts Clean Waters Act M.G.L. c. 21, §§23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS: The requirements described in the Massachusetts Stormwater Handbook, as they may be amended from time to time, that address water quality (pollutants) and water quantity (flooding, low base flow and recharge) by establishing standards that require the implementation of a wide variety of stormwater management strategies. These strategies include environmentally sensitive site design and LID techniques to minimize impervious surface and land disturbance, source control and pollution prevention, structural Best Management Practices, construction period erosion and sedimentation control, and the long-term operation and maintenance of stormwater

management systems. The Stormwater Management Standards have been 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).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed, constructed, and used for collecting or conveying stormwater, including any street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Danvers.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): Stormwater Discharge Permit shall mean a permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-POINT SOURCE POLLUTION: Pollution from many different sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, depositing them into water resources areas. Non-point sources include, but are not limited to, urban, agricultural, or silvicultural runoff.

OWNER: A person with a legal or equitable interest in property.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete, fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

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 of Massachusetts. Pollutants shall include without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Non-hazardous liquid, solid wastes, and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes;
- G. Sewage, fecal coliform, and pathogens;
- H. Dissolved and particulate metals;

- I. Animal wastes;
- J. Rock, sand, salt, soils;
- K. Construction wastes and residues; and
- L. Noxious or offensive matter of any kind.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT: Development, replacement, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites. Redevelopment is further defined by Massachusetts Stormwater Management Standard 7.

STORMWATER AUTHORITY: The Town of Danvers Department of Public Works or its designee is the entity with the power to enforce this by-law and responsible for adopting regulations pursuant to this by-law.

SITE: Any parcel of land or area of property where land-disturbing activities are, were, or will be performed.

STORMWATER MANAGEMENT: The use of structural or non-structural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes and/or peak flow discharge rates.

STORMWATER MANAGEMENT PERMIT: A major or minor permit, as defined in Section 4 Scope and Applicability, issued by the Stormwater Authority, after review of an application, plans, calculations, and other supporting documents approving a system that is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

STORMWATER UTILITY: A special assessment set up to generate funding specifically for stormwater management. Users pay a stormwater fee and the revenue generated directly supports operation, maintenance, and upgrade or expansion of existing storm drain systems; development of drainage studies, plans, flood control measures, and water-quality programs; administrative costs; and construction of capital improvement projects, and purchase of all equipment necessary for the installation, operation and maintenance of the system.

TOTAL MAXIMUM DAILY LOAD (TMDL): The greatest amount of a pollutant that a water body can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL is also a plan, adopted under the Clean Water Act, specifying how much of a specific pollutant can come from various sources, including stormwater discharges, and identifies strategies for reducing the pollutant discharges from these sources so as not to violate Massachusetts surface water quality standards. (314 CMR 4.00, et seq.)

TOTAL SUSPENDED SOLIDS (TSS): Undissolved organic or inorganic particles in water.

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetland Protection Act and/or the Town of Danvers Wetlands Protection by-law

WETLANDS: Wet meadows, marshes, swamps, bogs, and other areas where groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrate for a hydrophilic plant community, or emergent and submergent plant communities in inland waters.

Section 3. Authority: This by-law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule Statutes, and pursuant to the rules and regulations of the federal Clean Water Act found at 40 CFR 122.34, and as authorized by the residents of the Town of Danvers at Town Meeting, dated October 26, 2020.

Section 4. Scope and Applicability:

- A. This by-law shall be applicable to any alteration, disturbance, development or redevelopment activity that results in any change in rate, volume, timing, or quality of stormwater runoff flowing from a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to Section 5 of this by-law.
- B. Stormwater Management Permit Thresholds. A Stormwater Management Permit shall be required for any of the following
 - 1. Major Stormwater Management Permit shall be required from the Stormwater Authority for
 - a. Any connection to the Town of Danvers existing stormwater system
 - b. Any alteration, disturbance, development or redevelopment project
 - 1. In the Danvers Town Center, High Street Corridor Mixed Use, and Maple Street Traditional Neighborhood Development Overlay zoning districts;
 - 2. With more than 1 acre of land disturbance; or
 - 3. Requiring Definitive Subdivision Approval.
 - 2. Minor Stormwater Management Permit shall be required from the Stormwater Authority for
 - a. Any alteration, disturbance, development or redevelopment project
 - 1. Less than 1 acre but greater than 20,000 SF;
 - 2. Requiring a special permit;
 - 3. Any residential project with three or more units, new on a vacant lot, replacing an existing dwelling, or reconstruction that is 50% or more of the building footprint;
 - 4. Any commercial properties;
 - 5. In the flood zone; or

6. In an area with "higher potential pollutant loads" as described in Standard 5 of the Massachusetts Stormwater Management Policy
- b. Approval Not Required (ANR) lots that meet the applicability criteria described herein

Section 5. Exemptions: No person who meets the threshold criteria of Section 4 of this by-law shall alter land within the Town of Danvers without having obtained the necessary Stormwater Management Permit for the property, with the following exemptions detailed below in 5.A through 5.J. These exceptions do not exempt any applicant from having to file the necessary required permits with any other applicable regulatory Board or Commission.

- A. Municipal roadway maintenance, when conducted in accordance with an approved Stormwater Pollution Prevention Plan, prepared in accordance with the Stormwater Management regulations promulgated under this by-law;
- B. Ground disturbances in the course of customary cemetery use and regular maintenance;
- C. Maintenance of landscaping, gardens, or lawn areas;
- D. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act 310 CMR 10.04 and Massachusetts General Laws chapter 40A, section 3;
- E. Any projects for which the required permit applications have been submitted to the Planning Board, Zoning Board of Appeals, or the Conservation Commission before the effective date of this by-law. This by-law will not apply to any activities ongoing on its effective date, provided that such activities have been fully compliant with the law.
- F. Emergency repairs to any existing utilities (gas, water, sewer, etc.) and/or stormwater management facility or practice, such that the original design location, size, and technology remain the same, that poses a threat to public health or safety, or as deemed necessary by the Stormwater Authority. Where such activity is subject to the jurisdiction of the Conservation Commission, the work shall not proceed without the issuance of an Emergency Certification by the Commission;
- G. Replacement of existing wells or septic systems on lots having an existing dwelling, with use of BMPs to prevent erosion, sedimentation and release of pollutants;
- H. Construction of utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) other than drainage which will not alter terrain, ground cover, or drainage patterns, when conducted in accordance with an approved Stormwater Pollution Prevention Plan, prepared in accordance with the Stormwater Management regulations promulgated under this by-law;
- I. The construction, reconstruction, or repair of any fence or wall that will not alter the existing terrain or drainage patterns; and
- J. Any agricultural activity which is consistent with an approved soil conservation plan prepared or approved by the Natural Resource Conservation Service.

Section 6. Coordination with Other Town Permits

- A. No Town Street Opening or Excavation and Trench Permit, Order of Conditions from the Conservation Commission, Building Permit, Subdivision approval, Special

Permit, variance or finding shall constitute compliance with this by-law. For a project or activity that meets the Scope and Applicability of this by-law, no work may commence until the site owner or his agent submits a complete Stormwater Management Permit application, the Stormwater Authority issues a Stormwater Management Permit, 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 for all applicable Boards, Commissions, and Divisions.

- B. This by-law is not intended to interfere with, abrogate, or annul any other by-law, rule or regulation, statute, or other provision of law. The requirements of this by-law should be considered minimum requirements, and where any provision of this by-law imposes restrictions different from those imposed by any other by-law, 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 case of conflicting requirements, applicable state statutes and regulations shall be considered the more restrictive or more protective of human health and the environment and shall take precedence over this by-law and the regulations promulgated thereunder. These state statutes and regulations include, but are not limited to, the following documents: the Massachusetts Wetlands Protection Act, the Massachusetts Rivers Act, the Massachusetts Watershed Protection Act, and the Massachusetts Stormwater Management Standards, as amended.

Section 7. Administration

A. The Stormwater Authority

The Department of Public Works (the DPW) or its designee shall administer, implement and enforce this by-law and regulations adopted under this by-law as the Stormwater Authority.

B. Stormwater Management Regulations

The Stormwater Authority may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including but not limited to application, clerical, inspection, and/or consultant fees), procedures and administration of this by-law after conducting a public hearing to receive comments on any proposed regulations or revisions.

Public hearing dates shall be advertised in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date. After public notice and public hearing, the Stormwater Authority may promulgate rules and regulations to effectuate the purposes of this by-law. Failure by the Stormwater Authority to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this

by-law.

Stormwater Management regulations, rules or guidance shall identify thresholds and requirements for Stormwater Management Major and Minor Permits required by this by-law and consistent with or more stringent than the most recent Small Municipal Separate Sewer System Permit (MS4).

C. Delegation of Authority

The Stormwater Authority may choose to delegate their authority, in writing, his/her authority, in whole or in part, to a qualified representative(s).

D. Stormwater Management Permits

The Stormwater Authority shall have the authority to develop and issue a Stormwater Management Permit (SMP) for projects subjected to Section 4 that meet the requirements of this by-law and are not exempted pursuant to Section 5. Any such permit requirements may be defined and included as part of any Stormwater Regulations promulgated as a result of this by-law. The Stormwater Authority shall by regulation establish and collect permit application fees, inspection fees, and in special cases, consultant fees for review of applications.

E. Stormwater Utility

The Stormwater Authority may adopt, through rules and regulations authorized by this by-law, a Stormwater Utility pursuant to G.L. c.83, § 16 G.L. and c.40, § 1A. The Stormwater Authority, or its designee, shall administer, implement, and enforce this Utility. Failure by the Stormwater Authority to promulgate such a Stormwater Utility through rules and regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of this by-law.

F. Stormwater Management Manual

The latest edition of the Massachusetts Stormwater Management Handbook will be upheld by the Town of Danvers in order to keep in place specifications and standards for execution of the provisions of this by-law. This Handbook includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. Unless specifically altered in this by-law and Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with the Massachusetts Stormwater Management Standards and design and sizing criteria in the Stormwater Management Handbook will be presumed to be protective of Massachusetts Water Quality Standards.

G. Actions by the Stormwater Authority

The Stormwater Authority shall, within 30 days of the date of receipt of a completed application:

1. Approve the Permit Application upon finding that the proposed plan will protect water resources and meet the objectives and requirements of this

by-law;

2. Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meet the objectives and requirements of this by-law; or
3. Disapprove the Permit Application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.

Failure of the Stormwater Authority to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without Stormwater Authority action, the Stormwater Authority must issue a Stormwater Management Permit.

H. Appeals of Action by the Stormwater Authority

A decision of the Stormwater Authority shall be final. Further relief of a decision by the Stormwater Authority under this by-law shall be reviewable in the Superior Court in and action filed within 60 days thereof, in accordance with M.G.L. Ch 249 § 4.

I. Waivers

The Stormwater Authority, or its authorized agent, may, in its discretion and after due consideration, waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where such action is:

1. Allowed by and does not conflict with federal or state law or any Danvers by-laws or regulations;
2. In the public interest; and
3. Consistent with the purpose and intent of this by-law and its regulations.

Criteria for granting a *waiver* shall be defined and included as part of the regulations promulgated under this by-law. A waiver from this by-law and/or regulations promulgated pursuant to this by-law does not relieve the applicant or landowner of any obligations for compliance with other federal, state or local statutes, by-laws, regulations or permits.

Any person seeking a waiver must submit a written waiver request. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-law does not further the purposes or objectives of this by-law.

If in the opinion of the Stormwater Authority, or its authorized agent, additional time or information is required for review of a waiver request, then the applicant shall provide it within a reasonable timeframe. In the event the applicant objects to or fails to provide requests information, the waiver request shall be denied.

Section 8. Permit Procedures:

Permit procedures and requirements, including permit submittals, right-of-entry, fee schedule, and public hearing process, shall be defined and included as part of the Regulations promulgated under this by-law.

Section 9. Performance Standards:

Criteria for erosion and sediment control and post-construction stormwater management, including stormwater performance standards, shall be defined and included as part of the Regulations promulgated under this by-law.

Section 10. Enforcement

- A. The Stormwater Authority or an authorized agent of the Stormwater Authority shall enforce this by-law and resulting regulations, orders, violation notices, and enforcement orders, and may pursue all criminal and civil and civil remedies, including injunctive relief, monetary damages and costs of litigation and attorney fees, for such violations and for abatement and mitigation and compliance actions taken be the Stormwater Authority.
- B. Any person who violates any provision of this by-law, regulations, order or permit issued there under, may be ordered to correct the violation and/or shall be punished by a fine of not more than \$300 excluding the cost of damages. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

The penalty for violations under this bylaw shall be as follows:

Major Stormwater Management Permit (MSMP)
 1st offense: \$300
 2nd offense: \$300
 3rd offense: \$300
 4th and subsequent offenses: \$300

Minor Stormwater Management Permit (MnSMP)
 1st offense: Warning
 2nd offense: \$100
 3rd offense: \$200
 4th and subsequent offenses: \$300

- C. As an alternative to criminal prosecution or civil action, the Stormwater Authority may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21 D, in which case the Stormwater Authority or its authorized agent shall be the enforcing person.
- D. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Stormwater Authority's officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary to determine compliance with a permit issued under this by-law. Enforcement shall be further defined and included as part of the

Regulations promulgated under this by-law.

Section 11. Emergency Suspension of Municipal Storm Drain System Access

The Stormwater Authority may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Stormwater Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare, or the environment.

Section 12. Notification of Spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of material at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth of Massachusetts, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Department of Public Works and applicable local, state and federal agencies.

In the event of a release of non-hazardous material, the reporting person shall notify the Stormwater Authority no later than the next business day. The reporting person shall provide to the Stormwater Authority written confirmation of all telephone, electronic mail, or in-person notifications within three (3) business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

Section 13. Severability: The invalidity of any section, provision, paragraph, sentence, or clause of this by-law shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.