

Water Resources Advisory Committee
Bylaw Subcommittee
Minutes of Meeting
September 30, 2009
Town Hall Room 121

Members present: Ron Beck, Barry Rosen, Carol Holley
Staff present: Justin Snair

Mr. Snair presented the group with a letter received that day from the EPA regarding NPDES permits and upcoming more stringent regulations. Given the apparent emphasis of the letter, the subcommittee decided to shift immediate focus from construction and development related stormwater matters to pollution prevention, and reviewed the proposed Chapter U of Acton by-laws.

Mr. Snair, when asked, opined that he could generate a map of stormwater outfalls in water protection zones 1 and 2. He said it depended on the way the data had been recorded. He said he would try to do this, and assumed it wouldn't take much more than half an hour if the data were formatted correctly.

Several comments, suggestions and questions were generated by the review of Article, U, including:

- Should the enforcement body be the Board of Health? Given the nature of this bylaw, it was felt that it should.
- In the definitions section, the words "or management" should be inserted after "or other stormwater treatment" on the 5th line of the definition of "Stormwater Best Management Practice"
- The definition of "groundwater" was noted to be rather vague, and could be interpreted to mean water in cisterns or other containment devices.
- The definition of "impervious surface" raised some concerns.
- The definition of "pollutant" raised concerns because it includes "sewage treatment works" – this should be changed to MS4 (spelled out) or groundwater or surface water
- There was a question as to what a "non-hazardous liquid" was, exactly
- A definition for "obstruction" should be added
- A good deal of discussion revolved around lawn maintenance chemicals and how they could be regulated
- "Dissolved and particulate metals" could occur naturally and this definition needs to be tweaked to indicate only not naturally occurring dissolved particulates and metals
- A good deal of discussion revolved around animals wastes, particularly dog waste
- Concerns were raised regarding "rock, sand, salt, soils" because of winter road maintenance
- Section 6, "Regulations" needs a section B that addresses sump pumps
- Section 7, "Prohibited activities", should have "non-permitted" inserted between "pollutant or" and "non-stormwater discharge" or something along those lines
- Section 7B indicates a need for a section with a mechanism for legal connections
- Section 8B – what is meant by "not a significant contributor"? It was agreed that this sounded like it had litigation potential
- Section 8B5 – when is diverted stream flow allowed?
- Section 8B7 – Mr. Snair agreed to check into 40CFR 35.2005(20)
- Section 8B8 – what should be done about sump pumps? Can new construction be limited to slab or crawl space in high groundwater areas?

- Section 8B10 – there needs to be a provision for temporary, fund-raiser car washes
- Section 8B11 – there were a lot of concerns about dechlorination of swimming pool water, and whether this should be limited to single family residential pools, or if a volume limit should be imposed
- Section 8B13 – dye testing perhaps should require Board of Health approval as well as notification to the Health Dept.

The committee agreed to meet again on October 15, same time, same room. Ms Holley will reserve space and post the meeting.

Per motion of Ms Holley seconded by Mr. Rosen and unanimously voted, the meeting was adjourned at 6:08 p.m.

Respectfully submitted,

Carol Holley, Clerk