

**ORDINANCE:  
WINDHAM STORM WATER MANAGEMENT PROGRAM:**

**SECTION I: PURPOSE:**

The purpose of this Ordinance is to mandate a storm water management program to reduce the discharge of pollutants from municipal storm water collection systems within the urbanized area of the Town of Windham, NH as mandated by the U.S. EPA Phase II National Pollutant Discharge Elimination System (NPDES) Storm Water Program.

**SECTION II: AUTHORITY:**

This Ordinance has been enacted pursuant to the statutory authority granted to the Town of Windham by provisions of the Clean Water Act, 33 USC 1251, under 40 CFR part 122 EPA Administered Permit Programs: The National Pollutant Discharge Elimination System.

**SECTION III: DEFINITIONS:**

*“Regulated Storm Water”*: Water from rain and/or melting snow or ice, which flows over paved or unpaved surfaces to a Town of Windham storm water collection system and migrates to a State of New Hampshire water resource.

*“Storm Water Conveyance System”*: A storm water collection mechanism and discharge point for storm water runoff.

*“Impaired Waters”*: Waters of the State of New Hampshire that are adversely affected by non-natural impacts of contamination and have been designated as such by the State.

*“Illicit Discharge”*: Non-storm water discharge or contaminated storm water, which is not authorized for discharge to a Windham storm water collection system.

*“MS4 Plan”*: Municipal separate storm water sewer systems plan to control storm water pollution.

*“Control Measures”*: Required elements within the MS4 Plan.

**SECTION IV: PROGRAM CONTROL MEASURES:**

Each of the six mandated Control Measures, listed below, have associated goals or “Best Management Practices (BMPs)”, which shall be implemented during the term of the NPDES Permit and presented in detail in the Town’s mandated MS4 Plan.

- A) Public Education and Outreach.
- B) Public Participation/Involvement.
- C) Illicit Discharge Detection and Elimination.
- D) Construction Site Runoff Control.
- E) Post-Construction Runoff Control.

F) Pollution Prevention/Good Housekeeping.

**SECTION V: RECORD KEEPING:**

Records will be kept public for period of 5 years. Records will be only submitted when requested by the permitting authority.

**SECTION VI: ENFORCEMENT:**

The Board of Selectmen is hereby charged to carry out the enforcement of the provisions within this Ordinance and the provisions within the MS4 Plan this Ordinance represents by statute. The Board of Selectmen may delegate such powers to one or more designees with authority to bring actions to force compliance with this Ordinance and the MS4 Plan.

**SECTION VII: PENALTIES:**

Any person(s) (including individuals, corporations, associations, etc.) who knowingly violate the provisions of this Ordinance and its referenced MS4 Plan shall be subject to imposition of the following:

- A) Windham procedural rules regulating planning & development, construction, post-construction, and road maintenance are used in conjunction with the MS4 Plan. These rules include, but not limited to, Site Plan Regulations, Subdivision Regulations, and Zoning & Land Use Ordinance. Violations and penalties of the above regulations are levied through designated Town authorities.
- B) Penalties relating to illicit discharges or improper run-off controls as referenced in the Storm Water Plan and not under the jurisdiction of Windham's Community Development Department or other regulating authority shall be levied by an agent of the Board of Selectmen. Penalties are as follows:
  - 1. Aforesaid persons shall receive a written notification to cease and desist discharging into Windham's storm water conveyance system and shall be required to take corrective measures to permanently eliminate the illicit discharge from entering Windham's storm water conveyance system and/or correct the run-off controls within 10 days of the notification.
  - 2. Upon non-compliance of the cease and desist notification, aforesaid persons shall be fined \$1000/day until illicit discharge is eliminated from the Windham storm water conveyance system.
  - 3. Upon 30 days of non-compliance, the New Hampshire Department of Environmental Services (NH DES) and the US EPA shall be notified for further enforcement actions.
  - 4. In addition to the monetary fines established by this policy, the Town further reserves the right to require, with the assistance of NH DES and US EPA, aforesaid persons to remediate any infrastructure and/or environmental damages caused by the illicit discharge.

**SECTION VIII : WAIVERS:**

The Windham Board of Selectmen reserves the right, for good cause shown, to make special exceptions and/or waive any portion of the regulations.

**SECTION IX : SEVERABILITY:**

If any provision of these Regulations is held to be invalid, other provisions and sections shall not be affected, and to this end, the provisions and sections hereof are declared to be severable.

**SECTION X - AMENDMENTS:**

These Regulations shall be adopted, and subsequent amendments shall be adopted from time to time by the Board of Selectmen, following a public hearing, notice of which shall be posted pursuant to State and local laws in two (2) or more public places, or published in a newspaper of general circulation not less than ten (10) days prior to the public hearing.

**SECTION XII - ADOPTION:**

These Regulations shall take effect immediately upon adoption of the Board of Selectmen.

**Approved by the Board of Selectmen this 28th day of March, 2011.**

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Board of Selectmen