



December 17, 2012

Thelma Murphy, Chief
Stormwater and Construction Permits Section
Water Permits Branch, Office of Ecosystem Protection
U.S. Environmental Protection Agency
5 Post Office Square – Suite 100 (OEP06-1)
Boston, MA 02109-3912

Subject: Request for Waiver for Town of East Kingston from
Municipal Separate Storm Sewer System (MS4) Permitting Requirements

Dear Ms. Murphy:

The purpose of this letter is to formally request that the Town of East Kingston be granted a waiver pursuant to 40CFR122.32(d) from the requirement to obtain coverage under an NPDES permit for the MS4 that we own and operate in the small urbanized area (UA) in town.

The Town of East Kingston is a small community of 2,357 people in southeastern New Hampshire. It is a rural and slowly developing bedroom community. The town does not have sewers, and zoning requires that single-family homes be built on lots of at least 2 acres.

We believe that this request is appropriate for the following reasons:

- Our UA, based on the 2010 Census, shows a population of only 997 people.
- The two small isolated UA's total only 2.1 square miles or only 20.6 percent of the town's total area (10.1 sq. mi.).
- The storm drainage system in the UA is almost totally drainage swales discharging to intermittent streams and the soils in the area allow for significant infiltration. We do not believe that any of the swales are interconnected to a neighboring town's MS4 since the land all slopes toward either Brickyard Brook and York Brook, which are tributaries to Great Brook and the Exeter River, or the Powwow River.



- Neither Brickyard Brook nor York Brook is not on the State's 303(d) list of impaired waters. We believe that the listed impairments for Powwow Pond (DO, P, non-native plants, chlorophyll a, pH), which is located mostly in the neighboring town of Kingston and upstream of the Powwow River (pH impairment only) are due to the fact that the pond originates from several large wetland areas, which have naturally occurring low DO, low pH and phosphorus.
- We discussed this matter with Jeff Andrews of the NH Department of Environmental Services on December 14, 2012, and he supports this request. Mr. Andrews recently evaluated the potential for activities occurring within our UA to affect surface water quality.

A prompt reply to this letter is requested since we do not wish to expend resources unnecessarily on the Notice of Intent if the permit requirement can be waived.

If you have any questions relative to this request please call me at (603) 642-8406.

Sincerely,

Richard Poelaert, Chairman
Board of Selectmen

cc: Jeffrey G. Andrews, P.E., NHDES

RP/da