

Received 1/8/13

TOWN OF HAMPTON FALLS

TOWN OFFICES, 1 DRINKWATER ROAD 603-926-4618



NEW HAMPSHIRE 03844

December 18, 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, Massachusetts 02109-3912

Subject: Request for Waiver for Town of Hampton Falls 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 Hampton Falls 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 Hampton Falls is a small community of 2,231 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 two acres.

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

- Our UA, based on the 2010 Census, shows a population of only 696 people.
- The UA is only 3.1 square miles or only 24.8 percent of the town's total area (12.5 sq. mi.). Conservation land and unbuildable salt marsh covers almost one square mile of the UA.
- 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 Dodge Ponds, the Hampton Falls River or the Hampton/Seabrook Harbor Estuary.
- Neither Dodge Ponds nor the Hampton Falls River is on the State's 303(d) list of impaired waters. We

believe that the listed impairments for the Hampton/Seabrook Harbor Estuary (PCB, dioxin, fecal coliform) are due to global sources of PCB and dioxin and wildlife sources of bacteria (since there is no impairment listed for enterococci).

- 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 effect 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) 926-4618, ext. 3.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard P. McDermott". The signature is fluid and cursive, with the first name "Richard" being the most prominent.

Richard P. McDermott, Chairman
Board of Selectmen

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

T:\LAR DOCUMENTS\HIGHWAY\waiver - epa - munic separate storm sewer system general permit (MS4GP).docx