



Received 1/17/13

**TOWN OF LEE**  
Board of Selectmen  
7 Mast Road  
Lee, New Hampshire 03861  
(603) 659-5414

January 14, 2013

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 Lee 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 Lee 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 Lee is a small community of 4,330 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 (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 24 people.
- The UA is only 0.03 square miles or only 0.15 percent of the town's total area (20.2 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 Chelsey Brook or the Oyster River.
- We believe that the listed impairments (DO, bacteria) for Chelsey Brook/Oyster River (single assessment unit) are due to the fact that there are a significant number of wetland tributaries to both the brook and the river that have naturally occurring low DO and wildlife sources of bacteria.
- We discussed this matter with Jeff Andrews of the NH Department of Environmental Services on January 11, 2013 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.



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If you have any questions relative to this request please contact our Town Administrator, Julie Glover at 603-659-5414

Sincerely,

John R. LaCourse, Chairman  
Board of Selectmen

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