

# TOWN OF MADBURY

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Madbury, New Hampshire 03823  
Telephone: (603) 742-5131 • Fax: (603) 742-2505

December 28, 2012

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

Subject: Request for Waiver for Town of Madbury 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 Madbury 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 Madbury is a small community of 1,771 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 1.83 acres with 200 ft frontage.

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

- >Our UA, based on the 2010 Census, shows a population of only 289 people.
- >The four small isolated UA's total only 0.53 square miles or only 4.3 percent of the town's total area (12.3 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 the Bellamy Reservoir, Barbadoes Pond, Bellamy River/Kelly Brook/Knox Marsh Brook, Johnson Creek or the Bellamy River Estuary.
- >Neither Barbadoes Pond nor the Bellamy River Estuary is on the state's 303(d) list of impaired waters. There are listed impairments for the Bellamy Reservoir (pH), Bellamy River/Kelly Brook/Knox Marsh Brook (pH, benthic/habitat) and Johnson Creek (pH bacteria). We believe that the pH impairments are due to acid rain and that the benthic/habitat impairment is due to the periodic low flow in the outlet of Bellamy Reservoir, which is the water supply for both Portsmouth and Dover. We also believe that since there are very few homes in Madbury along Johnson Creek (also another town water supply) that the bacteria impairments are due to wildlife or sources upstream in another town.

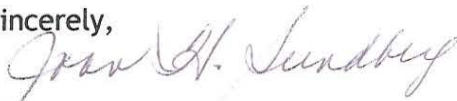
Thelma Murphy, Chief  
US Environmental Protection Agency  
December 28, 2012  
Page 2

>Mr. Andrews recently evaluated the potential for activities occurring within our UA to effect surface water quality and supports this request.

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 the town office at (603) 742-5131.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joan H. Sundberg".

Joan H. Sundberg, Chair  
On behalf of the Board of Selectmen

c Jeffrey G Andrews, PE, NHDES