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Plympton Highway Department

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James M. Mulcahy
Highway Surveyor

January 21, 2014

United States Environmental Protection Agency, Region 1
Stormwater and Construction Permits Section
5 Post Office Square – Suite 100
Mail Code – OEP06-1
Boston, MA 02109-3912
Attn: Thelma Murphy, Manager

Re: NPDES Small MS4 Permit Coverage Waiver Request – Plympton, Massachusetts

Dear Ms. Murphy:

The Town of Plympton received a letter from you dated July 12, 2013 indicating that a portion of Plympton is within the Urbanized Area as defined by the 2000 and 2010 Decennial Census and therefore may be subject to the new National Pollution Discharge Elimination System (NPDES) small Municipal Separate Storm Sewer System (MS4) permit requirements when issued. The Town of Plympton requests a waiver from permit coverage. The town received a waiver from the 2003 permit. We understand that the MS4 permit is currently in draft form and a revised draft is expected soon. We are eager to understand if a waiver will be granted since it will have impacts to our town budgets which must be planned for ahead of time.

According to 40 CFR 122.32 (d), the NPDES permitting authority may waive permit coverage if the MS4 serves a population of less than 1,000 within the urbanized area and the following criteria are met:

The system is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES storm water program; and
If the small MS4 discharges any pollutant(s) that have been identified as a cause of impairment of any water body to which it discharges, storm water controls are not needed based on wasteload allocations that are part of an EPA approved or established "total maximum daily load" (TMDL) that addresses the pollutant(s) of concern.

As indicated on the figure provided with the aforementioned letter, the population within the regulated area is 345. This supports the first requirement of a waiver that the MS4 serves a population of less than 1,000.

Two portions of Plympton are within the regulated Urbanized Area as shown on Figure 1. The first area covers approximately 340 acres in the northernmost section of town near Silver Lake. The urban land area is bound to the south by Oak Street and Lake Street and extends north to the Town boundary and includes Silver Lake. Land uses in this area are residential with a few pastures where horses are kept. Runoff from municipal property in this area includes sheet flow off the roads which then travels via overland flow to the surrounding areas. There are no formal drainage systems for the roads.

A portion of this area discharges to Silver Lake (MA94143) (Figure 2) which is listed as Category 4c water impaired for other flow regime alterations in the MassDEP 2012 Integrated List of Waters. Category 4c includes water bodies impaired solely by "pollution" that do not require TMDLs. Another portion discharges to Harrobs Corner Bog Pond (MA94061) (Figure 2) which is listed as Category 3 water in the MassDEP 2012 Integrated List of Waters. Category 3 contains those waters for which insufficient or no information was available to assess any uses. While a portion of this area is covered by the Final Pathogen TMDL for Taunton River (Figure 2), the 2012 Impaired Water categories illustrate that the impairments for each of these water bodies are not addressed by a TMDL and development of a TMDL for the impairments is not appropriate. The second area, as shown on Figure 1, covers approximately 80 acres of wooded/residential land in the southeastern portion of Plympton. The area is bound to the north by Spring Street, to the west by Annasnappitt Drive and Brook Street, and to the south by the Town boundary. The area is comprised of woods, residential properties and a power line easement. Similar to the first area runoff from the municipal roads travels via overland flow to the surrounding area. The only structural drainage conveyance are three catchbasins which discharge to a single retention pond on MassDOT property, which were installed as part of Spring Street and Route 44 intersection improvements recently. The majority of the area has no formal drainage systems.

The southern area flows to Annasnappet Brook and its tributary (Figure 2). Annasnappet Brook is not listed on the MassDEP 2012 Integrated List of Waters. It flows through Annasnappet Brook Reservoir and eventually to Winnetuxet River (MA62-24) which is listed as a Category 2 water body on the MassDEP 2012 Integrated List of Waters. Waters listed in Category 2 were found to support the uses for which they were assessed, but other designated uses were not assessed. This area is covered by the Final Pathogen TMDL for Taunton River but the Category 2 designation of the nearest listed downstream receiving water indicates that the area is not a significant source of pollutants.

The Town of Plympton is included in the Final Pathogen TMDL for Taunton River (CN 0256.0) watershed as shown on Figure 2. According to the TMDL report, the major sources of bacteria in the Taunton River watershed during dry weather include leaking sewer pipes, stormwater drainage systems (illicit connections of sanitary sewers to storm

drains), and failing septic systems. Wet weather sources include stormwater runoff including municipal separate storm sewer systems (MS4), combined sewer overflows (CSOs), and sanitary sewer overflows (SSOs). Illicit connections, leaking sewer pipes, and sanitary sewer overflows must be detected (sources) and eliminated.

In conclusion, we do not feel that the areas meet either of the two requirements indicated in 40 CFR 122.32 (d). The urbanized area is not draining to an interconnected MS4 that is regulated by the NPDES storm water program. While the areas are included in the overall watershed of the Taunton River pathogen TMDL, the 2012 Impaired Waters List does not include any of the receiving waters in categories which require development of a TMDL to address the impairment of the individual water body and the municipal roadways do not have formal drainage systems (MS4s). Therefore, it is not appropriate to include Plympton in the permit coverage and we request a formal waiver from the program.

Please feel free to call with any comments or concerns or request further information. We look forward to hearing a response to our waiver request since it is important for us to understand our stormwater requirements and the impacts to town funding needs.

Sincerely,



James Mulcahy
Plympton Highway Surveyor

cc: Fred Civian
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