



TOWN OF WARE

Department of Public Works
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Ware, Massachusetts 01082-0089

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Received
8/27/13

August 23, 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 Ware from Municipal Separate Storm Sewer System (MS4) Permitting Requirements

Dear Ms. Murphy:

The purpose of this letter is respond to your correspondence of July 12, 2013 to myself and a separate letter to the Town Select Board and to formally request that the Town of Ware be granted a waiver pursuant to 40 CFR 122.32(d) from the requirement to obtain coverage under an NPDES permit for that small "urbanized area" (UA) in town that would be considered a regulated small Municipal Separate Storm Sewer System (MS4).

The Town of Ware is a small community of 9,915 people in western Massachusetts. Ware is a former mill town with the vast majority of town being rural. The Town's zoning for this area requires that new single- family homes be built on lots of at 60,000 square feet (1.4 acres) with 150 feet of frontage buildable acres.

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

- Our proposed UA, based on the 2010 Census, shows a population of only 6 persons out of a total population 9,856 (0.06%).
- The proposed UA is only 1.68 acres (0.0018 square miles) and contains two homes, one of which is partly in the neighboring town of Palmer. The area of is 0.0045% of the town's total area of 39.97 square miles. See attached map from our Planning office providing more details regarding these parcels.
- There is no storm drainage system in the area per se. The two roads have surface runoff to the edge of road. There are no manmade drainage swales or other structural installations and no collection of stormwater as there are no catch basins or collection areas. There does not appear to be any direct transmission of stormwater to the nearby Swift River and the runoff in the area is accommodated primarily by infiltration.
- The only waterway in the area, the Swift River is not on the State's 303(d) list of impaired waters.

- We have this discussed this requirement with Fred Civian of the MA Department of Environmental Protection and he supports this request.

A prompt reply to this letter is requested since we do not wish to expend resources unnecessarily to take this matter any further or to file a Notice of Intent if the permit requirement can be waived.

If you have any questions relative to this request, please call me at (413) 531-9845.

Sincerely

A handwritten signature in black ink, appearing to read 'Tom Martens', written over a horizontal line.

Thomas J. Martens, P.E.
Director

Cc: Fred Civian, MADEP
Stuart Beckley, Town Manager