The Town Of Newington
New Hampshire

Incorporated 1764

**OFFICE OF
SELECTMEN**

January 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 Newington 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 Newington 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 Newington is a small community of only 753 people in southeastern New Hampshire. It has a large commercial/industrial area, a large area encompassing the Pease International Tradeport and NH Air National Guard (NHANG), the Great Bay National Wildlife Refuge and the rest of the town is a slowly developing rural residential area.

The town has a wastewater treatment facility with a design flow of 0.29 mgd that serves a sewered area of 876 acres, and an equivalent population of 860, mostly commercial and industrial users. There are no plans in the foreseeable future to expand the sewered area which has remained the same since 1981. The zoning in the rest of town (outside of Pease) permits single-family and two-family dwellings on a minimum lot size of 80,000 square feet.

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

- Our UA, based on the 2010 Census, shows a population of only 166 people.

- Although the UA is 3.48 square miles or 28.0 percent of the town's total area (12.5 sq. mi.), there are very few homes in the UA. This area is almost entirely commercial, industrial, NHANG and Tradeport property and the stormwater from most of the industrial and both the NHANG and Tradeport properties is already covered under federal stormwater permits.

- We do not believe that any of the stormwater in the UA is interconnected to a neighboring town's MS4 since the land all slopes toward either McIntyre Brook, Flagstone Brook, Pickering Brook, Railway Brook, Paul's Brook, an unnamed tributary to the Piscataqua River or Hodgson Brook.
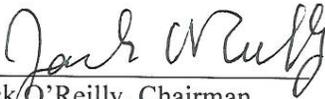
Thelma Murphy, Chief
Stormwater and Construction Permits Section
Water Permits Branch, Office of Ecosystem Protection
U.S. Environmental Protection Agency
January 23, 2013
Page 2

- The unnamed tributary to the Piscataqua River is not on the State's 303(d) list of impaired waters. We believe that the listed impairments for McIntyre Brook (manganese), Flagstone/Pickering Brook (aluminum, iron) and Railway Brook (iron) are all due to legacy contamination from the former Pease Air Force Base. For Paul's Brook (chloride, DDD, DO, E.Coli, benthic macroinvertebrates), we believe that the impairments are due to 1) road salting at the malls and other businesses (chloride), 2) legacy pollutants from Pease Air Force Base (the DDT breakdown product DDD, benthic macroinvertebrates) and 3) the fact that Paul's Brook is a very low gradient stream with a significant number of wetlands along its path and these wetlands have naturally occurring low DO and wildlife sources of bacteria. In summary, we believe strongly that the impairments are not due to the limited runoff that does originate from the very small number of homes that may be located in our UA.

- We discussed this matter with Jeff Andrews of the NH Department of Environmental Services on January 3, 2013 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) 436-7640.

Sincerely,

Jack O'Reilly, Chairman
Board of Selectmen

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