Donnalee Lozeau
Mayor
City of Nashua

February 20, 2009

Ms. Thelma Murphy,
USEPA-Region 1
Office of Ecosystem Protection (CIP),
One Congress Street
Boston, Massachusetts 02114-2023

RE: 2008 Draft New Hampshire Small MS4 General Permit Comments from City of Nashua

Dear Ms. Murphy:

The City of Nashua appreciates the opportunity to provide these general comments on the 2008 Draft New Hampshire Small MS4 General Permit. Staff from the Division of Public Works attended the Public Meeting and Public Hearing in Portsmouth, NH on January 28, 2009 and made a statement at the hearing. The statement included the desire to allow the municipalities to continue with the 2003 Permit and complete those tasks which are outstanding or could be improved upon rather than burden the municipalities with additional requirements without a mechanism to fund these new mandates.

The City of Nashua has been proactive in trying to reduce pollutants being discharged into the waterways. Stormwater regulations requiring site runoff mediation and recharge had been part of the City's Land Use Code since 1998 and were revised again in 2006 to include a treatment component. Through the planning process, site plans are reviewed with strict requirements for stormwater management during construction and post construction. Seven large swirl concentrator and two stormwater treatment trains have been constructed as Best Management Practices (BMPs) for large sewer separation projects completed by the City. A "Paulie the Pickerel" logo has been adopted as part of the public education program with colorful markers attached to catch basins to educate the public. Good housekeeping measures to reduce salt and sand applications, sweep miles of roadway in the spring and repeatedly in the most urban areas, and clean catch basins continue. Litter control in the City made great improvements when the City instituted an automated trash system, thus reducing litter getting into catch basins and the waterways. Continuous improvements in all of these areas are geared towards a better fulfillment of the 2003 permit requirements.

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The updates of the 2003 Permit to the Draft 2008 Permit will require, in part, extensive monitoring of outfalls and biannual cleanings of the approximately 6,500 catch basins in the separate section of the city. The Division of Public Works is aware of the areas in the City requiring extra attention for street sweeping and catch basins maintenance and reacts to it. The online Customer Services request form allows a resident to notify the City of a drainage issue or a suspicious discharge. Knowing the areas in the city of concern for stormwater pollutants and having a mechanism for residents to be included as watch dogs for drainage issues allows the staff to locate, react, and implement procedures for removing potential pollutants to the waterways. We view this approach that concentrates the attention to areas most needing it a more prudent one. We believe that the success in the NH municipalities is being judged as limited because much of the five year period has been expended in planning, budgeting, initial implementation and standardizing of its measures. More time is needed to adequately evaluate these measures and make needed improvements.

The new outfall monitoring component of the Draft 2008 Permit requires dry weather and wet weather monitoring of 25 percent of all outfalls each year. Over a three year period under the 2003 permit, 482 outfalls were identified and suspicious outfalls were sampled during dry weather. This led to 12 outfalls that required follow up monitoring. The City is aware of problematic outfalls and monitoring them. The City has completed the screening process already and feels monitoring and testing outfalls with no observed causes for suspicion of illicit discharges are not the best use of City funds. The City does have problematic areas which require culvert replacement and cleaning and would prefer to spend dollars in those known areas of concern rather than monitoring outfalls that present no suspicious physical or visual evidence of illegal discharges.

The City is in the preliminary stages of determining if a Stormwater Utility is a viable means of obtaining revenue in order to fund the operation, maintenance and improvements needed to the drainage collection system. The implementation of the utility, should it be deemed feasible, is years away from producing revenue. Until a revenue mechanism is in place, the City will not have the needed funding to complete many of the prescriptive requirements of the 2008 permit.

It should be noted that approximately one quarter of the City is served by combined sewers. The impairment of Escherichia coli in the Nashua and Merrimack Rivers can be largely attributed to the Combined Sewer Overflow (CSOs). The City of Nashua is approximately halfway through a twelve-year EPA Consent Decree $76 million dollar CSO Program to reduce and mitigate discharges at the city's eight CSO locations. This is on top of $20 million dollars spent on several sewer separation projects mentioned earlier that came under an EPA Administrative Order. At the end of the CSO Program, improvements in the water quality of these rivers should be evident.

I thank you for consideration of these comments as the 2008 Permit is finalized. The City feels we are proactive in our Stormwater Management Program and are sensitive to focusing on the problematic areas of the city. As the CSO Program continues to go forward, and the City continues to implement its Stormwater Management Plan, we continue to move towards the mutual goal of improved water quality in the waterways. In order to achieve this outcome, the City would like to continue with the approved 2003 Permit requirements and complete those tasks which are outstanding or could be improved upon rather than being burdened with additional requirements without a mechanism to fund these new mandates.

Respectfully,

Donnalee Lozeau

cc: Judd Gregg, U.S. Senator
Jeanne Shaheen, U.S. Senator
Paul Hodes, U.S. Congressman
David Fredette, Interim Director, Public Works Division
Stephen Dookran, P.E., City Engineer