

Communities Hear Update from EPA on Pending MS4 Permit
April 1, 2016

On March 30, 2016 Senator Shaheen's New Hampshire office organized a meeting with EPA and NHDES officials on behalf of communities subject to the long awaited and still pending statewide municipal stormwater (MS4) permit. After successive delays, that permit is expected to be issued this coming summer. All but one of the communities in the RPC region (Kensington) are subject to the permit (though eight others have received waivers – see below). The proposed permit was issued in draft form originally in 2009, then again in 2013. Both times it was withdrawn to in response to comments. EPA officials said during the meeting that no further draft will be issued and that the Massachusetts statewide permit, which will be issued this month, will be a good preview of what to expect in the New Hampshire permit. According to EPA's director of ecosystems protection, Ken Moraff most of the changes made to the final New Hampshire permit address municipal concerns made in the comment period and are intended to make the permit easier to implement. Overall, they have the effect of extending compliance times and reducing certain general mapping, tracking and monitoring requirements. Here are the key changes discussed at the meeting:

- The permit will not become effective until approximately one year after issuance (in part to allow for a town meeting and budget cycle). Assuming the permit is issued in July, EPA says the effective date will be no sooner than April 2017;
- The time horizon for responses is extended: generally the first five years focuses on planning, with implementation taking place between 5 and 15 years;
- Stormwater system mapping requirements are reduced such that mapping is required as illicit discharges are identified;
- Some monitoring requirements are reduced: there is no dry weather sampling required and no volume reporting from catch basin cleaning;
- The paperwork burden for permit compliance will be reduced with online filing and tracking tools;
- Overall tracking of of impervious surface will no longer be required.

And what about communities with waivers? Will those waivers hold and for how long? According to EPA's Thelma Murphy, the waivers issued to date were done because the population within the defined urbanized area in a community was less than 1,000 persons. As long as an urbanized does not expand to include more than 1,000 people in the next Census, the waiver will continue to hold. The following communities have received waivers from the 2013 (2016) permit: Brentwood, East Kingston, Epping, Fremont, Hampton Falls, Newfields, Newington and South Hampton.