TOWN OF NEWTON

OFFICE OF THE SELECTMEN

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FAX 382-9140

P.O. BOX 378
NEWTON, NH 03858

(04)
1023

July 12, 2004

U.S. Environmental Protection Agency
Water Technical Unit
PO Box 8127
Boston, MA 02114

Re: Annual Report from the Town of Newton, NH Permit Number NHR041023

The Town of Newton provides the following report in compliance with the provisions of our permit as listed on page 20 and 21 of the permit. Using the requirements of content listed on page 21, section 2, of the permit, as a guide to the format of this report to insure each topic is covered as required.

(a) A self assessment review of compliance with the permit conditions

The General MS4 Permit for the Town of Newton was effective on May 1, 2003 however, our NOI was not accepted as complete until March of 2004. In the same letter informing us of acceptance of the NOI, we were also notified that our first annual report was due in May! The letter accepting the NOI clearly stated that it was accepted only as being complete and the programs and BMP's proposed would be subject to technical review "in the future". Can we be expected to expend resources of time and money, when we may be told those efforts was not acceptable? Any "new" programs implemented before the next budget cycle in March of 2005 would require us to shift resources from some other program. New Hampshire state law prohibits municipalities from the "expenditure of funds for a purpose for which they were not appropriated". We do have some latitude to fine tune existing programs to meet the goals of the NOI and we are taking those steps where possible. It should be noted that prior to the oversight of the EPA, the Town has always taken protection of our natural resources very seriously and our zoning code and site development regulations attest to that fact. This is a community were one hundred percent of the residents rely on private wells for drinking water.

(b) An assessment of the appropriateness of the selected BMPs.

The BMP's selected were felt to be the most useful and appropriate for the unique characteristics of our community. As we apply various BMP's, we will be able to monitor their effectiveness. We anticipate this to be a continuous evolution of application and changes as we fine tune our goals based on measured results from the field.

(c) An assessment of the progress towards achieving the measurable goals

To accurately measure progress many of the goals require the establishment of a base line or starting point, particularly goals relating to quality. We are now developing, through the efforts of our Conservation Commission and volunteer professionals, a protocol for determining the functional quality of wetlands. Field trials of this are expected this fall. Goals to produce a document or some concrete item are easier to measure. Our NOI BMP ID #6:a - sets as a goal to have on file an accurate map of catch basins and culverts. Toward that end we have contracted to have the Town Tax Maps digitized so that a layer showing the GPS location of catch basins, culverts, and outfalls could be shown. Each object will then be given a unique identification so maintenance can be logged which is NOI BMP ID #6:b. This will also be helpful with NOI BMP ID #3:a and 3:b.

The areas of Public Education and Public Participation are the most difficult categories for the Town of Newton to show measurable progress in because there is no "test" to see if the message is being received. The Selectmen have encouraged public dialog at their official meetings by airing the budget requirements of compliance and cost to benefit aspects of various programs. Most of the burden of direct education has fallen to the Conservation Commission, which had no money budgeted for a program of this scope and magnitude. It should be noted there has been zero reaction or feedback from the residents of Newton.

(d) A summary of results of any information that has been collected and analyzed. This includes any type of data.

When we reviewed our mosquito control program (Newton is the epicenter of West Nile Virus in New Hampshire) for impact on our MS4 and SWMP we discovered that many of the 89 catch basins in Newton were under the control of NHDOT and that some of those were outside of the EPA zone of jurisdiction. Because we filed our NOI with the intention of administrating the BMP's within our entire municipal jurisdiction, the status of these outlier catch basins is being explored with NHDOT.

(e) A discussion of activities for the next reporting cycle.

Budget preparations for the 2005 budget will include funding for BMPs, MS4, and SWMP compliance. Some aspects will be increases in existing budget lines, other categories may require their own warrant articles which will help raise public awareness. All of this will be presented to the voters at the first deliberative session in early February 2005. The final Town Meeting vote takes place in March. The Town will take whatever action is approved by the voters on any new programs. BMP's which have been implemented as part of our existing operational structure will continue provided that the budget is not cut by the voters. We hope to move forward with more efficiency as our knowledge and understanding of this program increases.

(f) A discussion of any changes in identified BMP's or measurable goals.

The proof of any plan is when it is put into action on the ground. At this time, we anticipate that some fine-tuning of our plan will occur. When we see something that is not working or could work better if changed; the small size of our town government will then work to our advantage allowing us to make adjustments quickly in response to feedback from implementation of each BMP.

(g) Reference any reliance on another entity for achieving any measurable goal.

Coordination between the Town of Newton and the NHDOT will be crucial in management of catch basins and culverts, NOI BMP ID #6:a and 6:b.

Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Respectfully,

Stephen M. Cushing

Stephen M. Cushing
Chairman, Board of Selectmen

Copy to : New Hampshire Department of Environmental Services
Water Division
Wastewater Engineering Bureau
PO Box 95
Concord, NH 03302-0095

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 31, 2004

Stephen M. Cushing, Chairman
Board of Selectmen
Town of Newton
PO Box 378
Newton, NH 03858

RE: National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4)
Permit Number: NHR041023 - Town of Newton

Dear Chairman Cushing:

Your Notice of Intent (NOI) for coverage under the NPDES general permit for storm water discharges from small MS4s has been reviewed. The NOI appears to be complete. You are granted authority to discharge storm water from your MS4 upon receipt of this letter. This letter acknowledges the submission of an administratively complete NOI, it does not reflect agency approval of your storm water management program. EPA anticipates a more complete review of your storm water management program in the future. You may be contacted for additional information during this review.

As a reminder, your first annual report is due by **May 1, 2004**. Please refer to the permit for a description of the contents of your report. This information can be found on pages 20-21 of the permit.

If you have any questions, please feel free to contact me at 617/918-1545.

Sincerely,

Shelley Puleo
Environmental Protection Specialist
Municipal Assistance Unit

cc: Jeffrey Andrews, NH DES
Nancy J. Wrigley, Town Administrator

CONCURRENCES

SYMBOL		WPM						
SURNAME		SPuleo						
DATE		3/30/04						