

**TOWN COUNCIL AGENDA**  
**October 7, 2019**  
**7:00 P.M.**

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry, NH. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. 7:00 PM.

**A. CALL TO ORDER**

**B. PUBLIC COMMENT**

**C. PUBLIC HEARING**

**D. OLD BUSINESS**

**E. NEW BUSINESS**

- 1.) **Order #2019-24** – An Order Relative to the Expenditure of Maintenance Trust Fund for Various Projects  
**Presented by Steve Cotton**
- 2.) **Amendment to Solid Waste and Recyclables Collection Contracts**
- 3.) **Discussion of Additional State Revenue**

**F. APPROVAL OF MINUTES**

Approval of September 16, 2019 Town Council Minutes

**G. APPOINTMENTS/REAPPOINTMENTS**

- 1.) Appointment of Dave Abbot to LHRA

**H. OTHER BUSINESS**

1. Liaison Reports
2. Town Manager Report
3. Assistant Town Manager Report

**I. ADJOURNMENT**

**J. MEETING SCHEDULE**

- A. Town Council Meeting – 10/21/19 Moose Hill Council Chambers, 7:00PM
- B. Town Council Meeting – 11/04/19 Moose Hill Council Chambers, 7:00PM

- C. Town Council Meeting – 11/18/19 Moose Hill Council Chambers, 7:00PM
- D. Town Council Meeting – 12/02/19 Moose Hill Council Chambers, 7:00PM

# ORDER #2019-24

An Order Relative to

## *EXPENDITURE OF*

## *MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS*

---

Reading: 10/07/2019

Adopted: 10/07/2019

***WHEREAS*** voters since 2003 have approved funding for the maintenance and repair of public buildings and grounds in the town; and

***WHEREAS*** by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$11,489.05 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

***NOW THEREFORE BE IT ORDERED*** by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$11,489.05.00, from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

---

John Farrell, Chairman  
Town Council

---

Sharon Farrell  
Town Clerk

***A TRUE COPY ATTEST:***

10/07/2019

**Expendable Maintenance Trust TC Order Request  
for Town Council Meeting \*10/7/19\***

Description	Vendor	Amount
<u>Mini-Split TH Server Room</u> The IT server room at Town Hall that serves multiple departments/buildings for town government, does not have back up cooling. In the event the single AC unit fails, there is no back up cooling to maintain the cooling needed to support the server room. This EMTF/PO request is to add a new separate mini-split unit that will provide redundancy cooling to the server room.	Jeff Daigle Quote #3250	\$ 11,489.05 \$ 11,489.05
<b>Total Town Council EMTF Order</b>		<b>\$ 11,489.05</b>



# Town of Londonderry

## Purchase Order Request Form

Completed by Finance Dept.	
Number:	
Date:	

Requestor Information (please print)

Date 10/2/2019  
 Name Steve R. Cotton  
 Department Town Manager

Vendor Information

Billing Address:

Name Jeff Daigle  
 Address 5 Eastpoint Drive #4  
 City/Town, State, Zip Hooksett, NH 03106

Ship to Address:

Name Same  
 Address \_\_\_\_\_  
 City/Town, State, Zip \_\_\_\_\_

Account Number	Description	Ordered	Cost	Total
730-86 4610 (EMTF)	Mini-Split for town hall server room	1	\$11,489.05	\$11,489.05

*The IT server room at Town Hall that serves multiple departments/buildings for town government, does not have back up cooling. In the event the single AC unit fails, there is no back up cooling to maintain the cooling needed to support the server room. This EMTF/PO request is to add a new separate mini-split unit that will provide redundancy cooling to the server room.*

DS

DS

DS

Purchase Order Total: \$11,489.05

Required Signatures

PO Amount:

\$2,500 - \$999,999 DocuSigned by:  
Steve R. Cotton  
 E7E2B0745C604F2...  
 Department Head

\$2,500 - \$999,999 DocuSigned by:  
Justin W. Coy  
 82AD47C2EC3648D...  
 Finance Director

\$5,000 - \$999,999 DocuSigned by:  
Kenneth Smith  
 593D03D308C44A6...  
 Town Manager



# Town of Londonderry

## Purchasing Worksheet

(Form must accompany all Purchase Order request forms)

Requestor Information (please print)

Date: 10/01/19

Name: Steve R. Cotton

Department: Town Manager

### Purchases from \$2,500 - \$5,000\*

3 verbal quotes must be obtained\*\*

	Vendor	Date	Amount	Subject
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

\*\*If lowest bid was not chosen, please explain why below

Explanation: \_\_\_\_\_

Check box if exempt from Purchasing Policy

Reason for exemption: \_\_\_\_\_

### Purchases from \$5,001 - \$10,000\*

3 written quotes must be obtained

Please attach copies of quotes received

Check box if exempt from Purchasing Policy

Reason for exemption: \_\_\_\_\_

### Purchases > \$10,001\*

3 written quotes must be obtained

Please attach copies of quotes received

Please attach proof of advertisement/ sealed bid quotes

Check box if exempt from Purchasing Policy

Trane	\$21,985.00
Daigle	\$11,489.05
Sam Mechanical	No BID
Eckhardt & Johnson	No BID

Reason for exemption: Received 2 quotes back out of 4 vendors bidding on the project.

\*Please reference Purchasing Policy for exemptions.

<sup>DS</sup>

<sup>DS</sup>

<sup>DS</sup>

JEFF DAIGLE  
PLUMBING & HEATING LLC  
5 EASTPOINT DR #4  
HOOKSETT, NH 03106

(603)232-3553

jeff@jeffdaiglephc.com

To:

Town of Londonderry  
268B Mammoth Rd  
Londonderry, NH 03053

Job Location:

Town Hall  
268B Mammoth Rd.  
Londonderry, NH 03053



# Estimate

Date	9/18/2019
Estimate #	3250
Expiration Date	9/18/2019

Description	Total
-------------	-------

TOWN HALL MAIN SERVER ROOM BACK  
UP SYSTEM TO EXISTING SYSTEM

- Condenser mounted on outside wall as discussed at site
  - Single head mounted in server room as discussed at site
  - 1 - Fujitsu outdoor model # AOU 30RLXEH 18.7seer with low amb.
  - 1 - Fujitsu indoor unit 30k BTU # ASU30RLE with low amb.
  - 1 - Aspen condensate pump mounted on interior head
  - 1 - Diversitech mini condensate pump # CVMINI
  - 1 - Hubbell 30A600V 3P motor switch
  - 1 - Line sets, fortress line covers pads and misc install materials
  - 1 - Wiring from panel to outdoor unit by owners electrician
  - 1 - Will need 30 AMP 240 volt line to outdoor units
  - 1 - A/C startup and check
  - 1 - Fujitsu extends 7 years warranty parts and compress
  - 1 - JDPHC extends 1 year unconditional on new equip. installs
- \*\*\*Note: this is a back up to existing system \*\*\*

11,489.05

Signature \_\_\_\_\_

Thank you for the opportunity to quote this work for you!

<b>Total</b>	\$11,489.05
--------------	-------------



LET'S GO BEYOND™

Trane U.S. Inc. dba Trane  
15 Constitution Drive  
Bedford, NH 03110  
Phone: (603) 637-4017  
Fax: (866) 218-8548  
Service Contact: (603) 263-2060

July 25, 2019

**Steve Cotton**  
Londonderry Town of  
280 Mammoth Rd  
Londonderry, NH 03053

**ATTENTION:** Steve Cotton

**PROJECT NAME:** Londonderry Town Hall, Trane Split Unit Installation

We are pleased to offer you this proposal for performance of the following services for the Equipment listed. Services will be performed using Trane's Exclusive Service Procedure to ensure you get full benefit of our extensive service experience, coupled with the distinct technical expertise of an HVAC Equipment manufacturing leader. Our innovative procedure is environmentally and safety conscious, and aligns expectation of work scope while providing efficient and productive delivery of services.

#### **SCOPE OF SERVICE**

Trane shall deliver a turnkey installation project including the following scope:

- Furnish and install Trane model 2 ½ ton PUZ-A30 ductless split unit to provide redundancy in the existing data room.
- Provide wall penetrations for piping and electrical.
- Install line set between indoor and outdoor units.
- Install a new electrical feed to both the indoor and outdoor units.
- Install control wiring between the indoor and outdoor units.
- Install wall mounted remote thermostat to control unit.
- Factory Startup and commissioning.



**PRICING AND ACCEPTANCE**

**TOTAL PRICE:.....21,985.00 USD**

**CLARIFICATIONS**

- 1. Any service not listed is not included.
- 2. Work will be performed during normal Trane business hours. Weekend or after hours work is excluded.
- 3. This proposal is valid for 30 days from July 25, 2019.

I appreciate the opportunity to earn your business, and look forward to helping you with all of your service needs. Please contact me if you have any questions or concerns.

Sincerely,

Rory Beard  
Account Manager  
Cell: (978) 408-3560

**This agreement is subject to Customer's acceptance of the attached Trane Terms and Conditions – Quoted Service.**

<b>CUSTOMER ACCEPTANCE</b>	
Authorized Representative	_____
Printed Name	_____
Title	_____
Purchase Order	_____
Acceptance Date	_____
Trane's License Number:	_____

**AMENDMENT ONE  
TO THE  
CONTRACT FOR CURBSIDE RESIDENTIAL AND MUNICIPAL  
RECYCLABLES COLLECTION AND MARKETING AND CONTRACT FOR  
CURBSIDE RESEIDENTIAL AND MUNICIPAL SOLID WASTE  
COLLECTION, TRANSPORTATION AND DISPOSAL  
BETWEEN  
WASTE MANAGEMENT OF NEW HAMPSHIRE, INC.  
AND  
TOWN OF LONDONDERRY, NEW HAMPSHIRE**

This Amendment One, is made by and between the Town of Londonderry, New Hampshire (“Town”) and Waste Management of New Hampshire, Inc. (“Contractor”) and is effective July 1, 2019 (“Effective Date”).

WHEREAS, Contracts for “Curbside Residential and Municipal Recyclables Collection and Marketing” and “Curbside Residential and Municipal Solid Waste Collection, Transportation and Disposal” (individually, each referred to as “Agreement” or “Contract” and collectively, referred to as the “Agreements”) were each made on the 17<sup>th</sup> day of February 2016, and effective the 1<sup>st</sup> day of July 2016; and

WHEREAS, the Town and Contractor are seeking to amend the Agreements as specified herein; and

NOW, THEREFORE, in consideration of the mutual covenants, undertakings and promises set forth herein, the Town and Contractor do hereby agree as follows:

- (1) **“REQUIREMENTS” SECTION A. Contract Duration.** Each Agreement shall be modified by changing the first sentence of the aforementioned section as follows “The term of the Contract shall be a five-year period beginning on July 1, 2016 and ending on June 30, 2021, with an option by the Town to renew the contract for five (5) one-year periods from July 1, 2021 to June 30, 2022, July 1, 2022 to June 30, 2023, July 1, 2023 to June 30, 2024, July 1, 2024 to June 30, 2025, and July 1, 2025 to June 30, 2026. Additionally, the third sentence of the section shall be modified as follows “The Town may exercise its option to extend the Contract for the five (5) one-year periods by notifying the Contractor within sixty (60) days after the Annual Deliberative Session held in 2021 through 2025. The remainder of the section of each Agreement remains unchanged.
- (2) **“REQUIREMENTS” SECTION L. Force Majeure.** The aforementioned paragraph of each Agreement shall be partially modified by a revision to the first sentence to include the underlined language as follows: “Force Majeure shall mean any event which is beyond the reasonable control of, and without the fault of, the party claiming Force Majeure *which was unforeseeable at the time of contract formation and renders a party’s performance impossible or causes a party extreme economic harm, such events* including but not limited to...”and the reminder of Section L would remain unchanged.
- (3) **“SCOPE OF SERVICES” SECTION K. Rates.** The Agreement for Curbside Residential and Municipal Recyclables Collection and Marketing **only** shall be modified as follows:

- Section K. Rates, subsection a. paragraph 3, shall be partially modified to also allow the index adjustment as written to apply to the contract period starting July 1, 2023, July 1, 2024 and July 1, 2025.
- Section K. Rates, subsection b., shall be partially modified as of the Effective Date and annually thereafter for the term of the Agreement to allow for the “Processing Fee” to be fixed at the rates specified below:

July 1, 2019 - \$90.00 per ton  
 July 1, 2020 - \$95.00 per ton  
 July 1, 2021 - \$98.00 per ton  
 July 1, 2022 - \$100.00 per ton  
 July 1, 2023 - \$103.00 per ton  
 July 1, 2024 - \$106.00 per ton  
 July 1, 2025 - \$109.00 per ton

- Section K. Rates, subsection c., shall be partially modified as of the Effective Date and annually thereafter for the term of the Agreement to allow for the “Maximum Charge Per Ton” to be fixed at the rates specified below:

July 1, 2019 - \$40.00 per ton  
 July 1, 2020 - \$45.00 per ton  
 July 1, 2021 - \$50.00 per ton  
 July 1, 2022 - \$55.00 per ton  
 July 1, 2023 - \$65.00 per ton  
 July 1, 2024 - \$70.00 per ton  
 July 1, 2025 - \$75.00 per ton

- Section K. Rates, subsection c., shall be partially modified as of the Effective Date to delete the table entitled “Town of Londonderry August 2015 Blended Value Per Ton” that is included as Appendix F to the Agreement, in its entirety and replace it with the table entitled “Town of Londonderry August 2019 Blended Value Per Ton” that is attached hereto.

(4) **“SCOPE OF SERVICES” SECTION L. Rates.** The Agreement for Curbside Residential and Municipal Solid Waste Collection, Transportation and Disposal **only** shall be modified as follows:

- Section L. Rates, subsection a. paragraph 4, shall be partially modified to also allow the index adjustment as written to apply to the contract period starting July 1, 2023, July 1, 2024 and July 1, 2025.
- Section L. Rates, subsection b., shall be partially modified to also allow the index adjustment as written to apply to the contract period starting July 1, 2023, July 1, 2024 and July 1, 2025, provided further, that any such increase in these years shall be limited so as not-to-exceed 1.5%.

(5) All terms and conditions of each Agreement, except those expressly modified by this Amendment One, remain unchanged and in full force and effect.

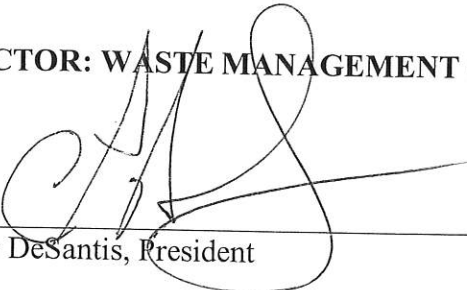
IN WITNESS WHEREOF, the parties have caused this Amendment One to be executed by their respective authorized officers or agents on the date set forth below.

**TOWN OF LONDONDERRY, NEW HAMPSHIRE**

\_\_\_\_\_  
Kevin Smith, Town Manager

Date: \_\_\_\_\_

**CONTRACTOR: WASTE MANAGEMENT OF NEW HAMPSHIRE, INC.**

  
\_\_\_\_\_  
Christopher DeSantis, President

Date: 9/23/19

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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1 September 16, 2019

2  
3 The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall,  
4 268B Mammoth Road, Londonderry, NH.

5  
6 Present: Chairman John Farrell; Vice-Chairman Joe Green; Councilor Tom Dolan and Ted  
7 Combes; Town Manager Kevin Smith; Executive Assistant Kirby Brown; Absent;  
8 Councilor Jim Butler and Assistant Town Manager Lisa Drabik.

9  
10 CALL TO ORDER

11  
12 Chairman Farrell called the Town Council special meeting to order and led the Pledge of  
13 Allegiance. This was followed by a moment of silence for all of those who serve us both  
14 here and abroad.

15  
16 PUBLIC COMMENT

17  
18 Councilor Combes reminded people that Saturday, September 21 is Derry After Dark and  
19 to have a fun and safe event.

20  
21 There was no other public comment.

22  
23 NEW BUSINESS

24  
25 NONE

26  
27 PUBLIC HEARING

28  
29 Motion to open Public Hearing made by Vice Chairman Green and second by Councilor  
30 Dolan. Chair votes 4-0-0.

31  
32 Chairman Farrell introduced Ordinance #2019-05, an Ordinance relative to storm water  
33 runoff and MS4 compliance. Public Works Director Janusz Czyzowski presented a  
34 presentation to the Council. See attached PowerPoint. Czyzowski stated that he is going to

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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35 go over general permits and the Federal Clean Water Act, as well as why storm water runoff  
36 is a problem. In 2003, a permit was issued by the EPA and the permit was reissued in 2017.  
37 Czyzowski went over the sections in the Ordinance.

38  
39 Ray Breslin, 3 Gary Drive, stated that this is an important and great thing. Protecting the  
40 water. Breslin asked if this was something the Federal government requires. Czyzowski  
41 stated that yes it is a requirement of the Federal Government. It was issued by the EPA. It  
42 was originally issued in 2003 and then reissued in 2017. Not every town but a majority of  
43 the towns in New Hampshire fall under the permit. Breslin stated that he believes this is a  
44 great thing. Breslin asked if there will be any physical testing of the storm water runoff.  
45 Chairman Farrell stated that it is going to be a learned process and a program will be put in  
46 place and maybe improvements overtime as the process is learned. Czyzowski stated that a  
47 storm water program needs to be created based off of Ordinance. Czyzowski stated that yes  
48 testing is a part of the program. Czyzowski stated that the program will be going through  
49 the DPW. Smith stated that currently DES does testing on storm water discharge at active  
50 construction sites. DPW Assistant Director John Trottier stated that yes they do at some  
51 sites. Councilor Dolan stated that this is a multi-step process and we need to have a program  
52 in place first.

53  
54 Chair votes 4-0-0 to approve Ordinance #2019-05.

55  
56 Motion to close public hearing made by Vice Chairman Green and second by Councilor  
57 Combes. Chair votes 4-0-0.

58  
59 **OLD BUSINESS**

60  
61 NONE

62  
63 **APPROVAL OF MINUTES**

64  
65 Motion to approve Town Council minutes from September 9, 2019 made by Vice  
66 Chairman Green and second by Councilor Combes. Chair votes 4-0-0.

67  
68  
69  
70

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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## ADJOURNMENT

- 71
- 72
- 73 Motion to adjourn made by Vice Chairman Green and seconded by Councilor Combes.  
74 Chair votes 4-0-0.
- 75
- |    |                     |              |                  |
|----|---------------------|--------------|------------------|
| 76 | Notes and Tapes by: | Kirby Brown  | Date: 09/16/2019 |
| 77 | Minutes Typed by:   | Kirby Brown  | Date: 09/23/2019 |
| 78 | Approved by:        | Town Council | Date: 10/07/2019 |

The background of the page is a light gray color with a subtle, repeating pattern of water droplets of various sizes. The droplets are rendered with soft shadows and highlights, giving them a three-dimensional appearance. They are scattered across the page, with a higher concentration in the lower half.

# **STORMWATER ORDINANCE**

**BY JANUSZ CZYZOWSKI, P.E.**

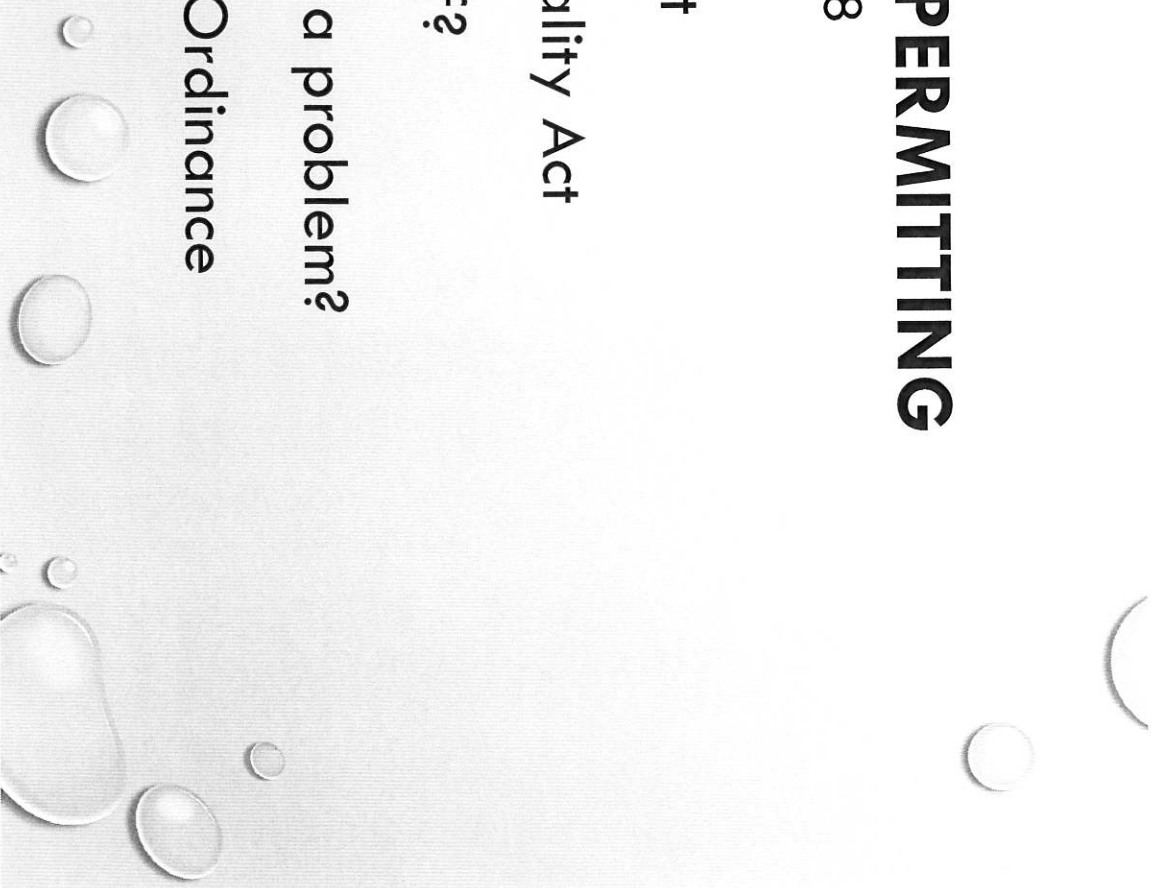
**DIRECTOR OF PUBLIC WORKS & ENGINEERING**





# **EPA STORMWATER PERMITTING**

JULY 1, 2018

- Small MS4 General Permit
  - Federal Clean Water Quality Act
  - What is stormwater runoff?
  - Why is stormwater runoff a problem?
  - Londonderry Stormwater Ordinance
- 

United States Environmental Protection Agency (EPA)  
National Pollutant Discharge Elimination System (NPDES)  
**GENERAL PERMITS FOR STORMWATER DISCHARGES FROM  
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS**

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. §1251 *et seq.*), any operator of a small municipal separate storm sewer system whose system

- Is located in the areas described in Part 1.1;
- Is eligible for coverage under Part 1.2 and Part 1.9; and
- Submits a complete and accurate Notice of Intent in accordance with Part 1.7 of this permit and receives written authorization from EPA

is authorized to discharge in accordance with the conditions and the requirements set forth herein.


The following appendices are also included as part of these permits:

- Appendix A – Definitions, Abbreviations, and Acronyms;
- Appendix B – Standard permit conditions applicable to all authorized discharges;
- Appendix C – Endangered Species Act Eligibility Guidance;
- Appendix D – National Historic Preservation Act Eligibility Guidance;
- Appendix E – Information required for the Notice of Intent (NOI);
- Appendix F – Requirements for NH Small MS4s Subject to Approved TMDLs;
- Appendix G – Impaired Waters Monitoring Parameter Requirements; and
- Appendix H – Requirements related to discharges to certain impaired waterbodies

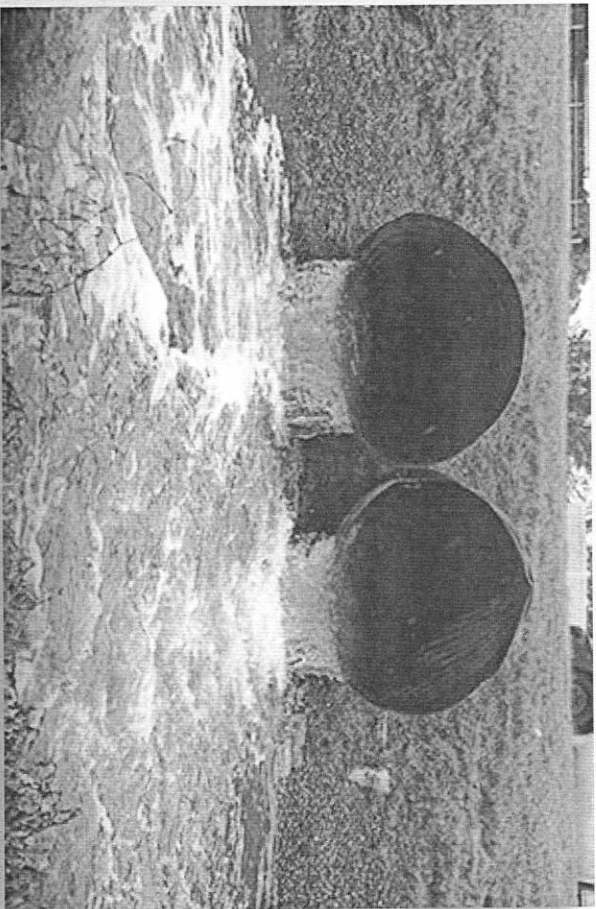
These permits become effective on July 1, 2018.

These permits and the authorization to discharge expire at midnight on June 30, 2023.

Signed this 15<sup>th</sup> day of February, 2017

  
Ken Moraff, Director  
Office of Ecosystem Protection  
United States Environmental Protection Agency  
5 Post Office Square – Suite 100  
Boston, Massachusetts 02109-3912

## **IMPLEMENTING THE STORMWATER PROGRAM**



- A significant source of this impairment is polluted storm water runoff.
- Phase I of the EPA's storm water program
  - (1) "Medium" and "large" (MS4s)
  - (2) Construction activity 5 acres
  - (3) Industrial activity



“KEEP THE STORM DRAINS CLEAN

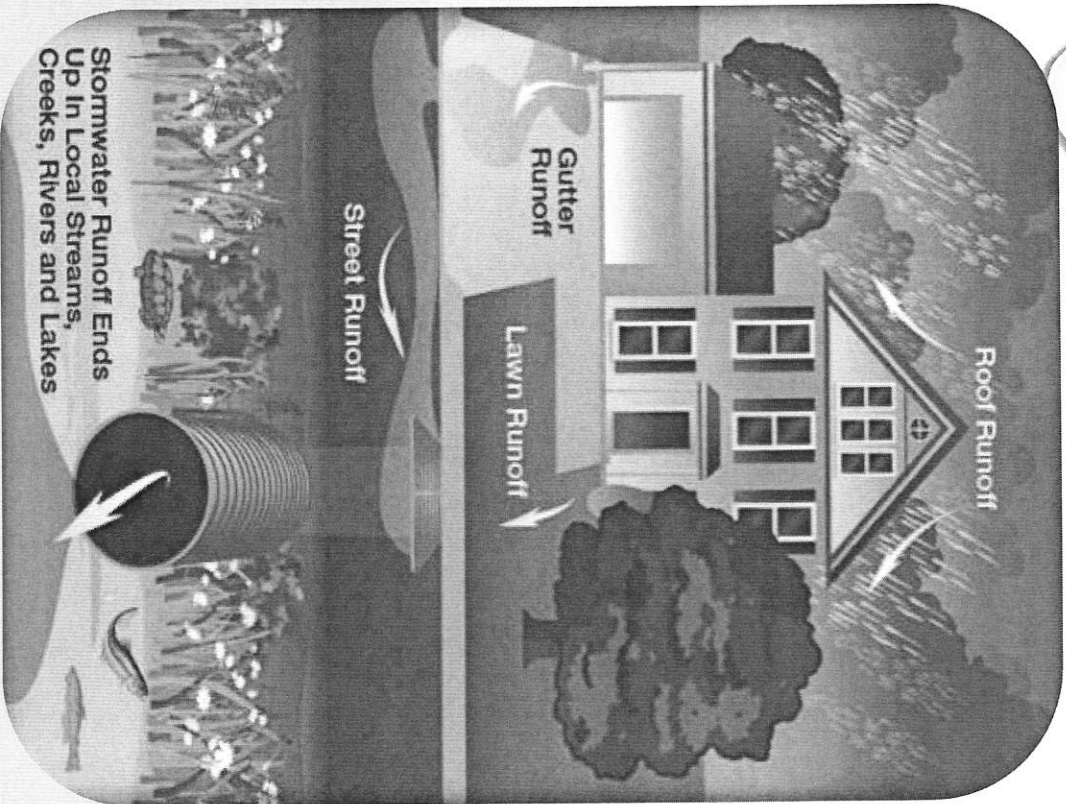
Stormwater Hotline 432-1100 Ext. 173

“FOR THOSE DOWNSTREAM”  
LONDONDERRY, NH

**The Phase II program expands the Phase I program by requiring additional operators of MS4s in urbanized areas and operators of small construction sites**

**The Town of Londonderry  
has been identified in the  
Phase II Stormwater  
program as a regulated  
MS4**





**Polluted stormwater runoff is often transported to MS4s and ultimately discharged into local rivers and streams without treatment.**

## **Common pollutants include:**

- Oil and grease
- Pesticides
- Trash, such as cigarette butts, paper wrappers, and plastic bottles.



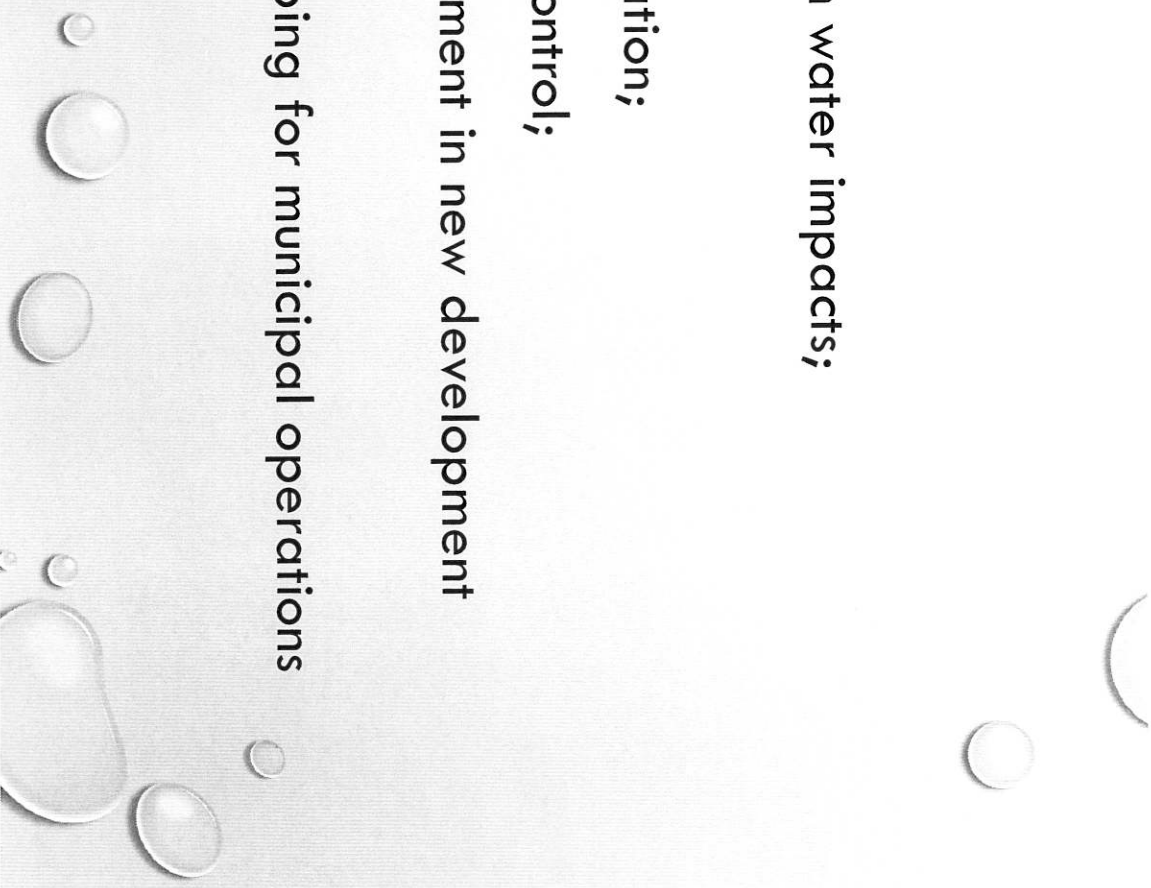
And sediment from construction sites







## Permit requirements:

- Public education & outreach on storm water impacts;
  - Public involvement/participation;
  - Illicit discharge detection and elimination;
  - Construction site stormwater runoff control;
  - Post construction stormwater management in new development and redevelopment;
  - Pollution prevention/good housekeeping for municipal operations
- 



**Town of Londonderry**  
**STORM WATER ORDINANCE**

Adopted: \_\_\_\_\_

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## **STORM WATER ORDINANCE**

### **SECTION 1 PURPOSE**

The purpose of this ordinance is to:

- A. Protect, maintain, and enhance the environment of the Town of Londonderry, New Hampshire ("Town") and the public health, safety and the general welfare of the citizens of the Town, by controlling discharges of pollutants to the town's storm water system and maintaining and improving the quality of the receiving waters into which the storm water outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the town.
- B. Enable the Town to comply with requirements of the Town's Municipal Separate Storm Sewer System ("MS4") General Permit issued by USEPA under the National Pollution Discharge Elimination System ("NPDES") program and applicable regulations, including 40 CFR §122.26 for storm water discharges.

**C. Allow the Town to exercise the powers granted by the State of New Hampshire through RSA 149-I and other applicable statutes to:**

1. Exercise general regulation over the planning, location, construction, and operation and maintenance of storm water facilities
2. Adopt any rules and regulations deemed necessary
3. Establish standards to regulate the quantity of storm water discharge and storm water contaminants
4. Review and approve plans for storm water management
5. Issue permits
6. Suspend or revoke permits
7. Regulate and prohibit illicit discharges
8. Expend funds to remediate or mitigate


# Appendix F

<p><b>Discharges to an Impaired Water with an Approved TMDL</b></p>	<ul style="list-style-type: none"> <li>• Determine whether the approved TMDL is for a pollutant likely to be found in storm water discharges from the MS4 and if TMDL includes a pollutant waste load allocation (WLA), BMP recommendations or other performance requirements for storm water discharges.</li> <li>• Assess whether the WLA is being met through implementation of existing stormwater control measures or if additional control measures are necessary.</li> <li>• Describe in SWMP and annual reports all measures to control pollutants of concern identified in approved TMDL(s). Include a schedule of implementation for all planned controls.</li> </ul>	<ul style="list-style-type: none"> <li>• Discharges to a waterbody with an approved TMDL (approved by EPA as of the effective date of permit and identified by Appendix F) shall comply with the terms of water quality based effluent limits of the permit, included in Appendix F.</li> <li>• Appendix F identifies the permittees subject to a TMDL for Chlorides. Within 1 year of permit effective date develop written Salt Reduction Plan. Report the <del>amount of salt used by the municipality</del> annually beginning year 1. Require certification of commercial salt applicators and report the amount of salt being used on privately maintained facilities beginning in year 3.</li> <li>• Appendix F lists permittees subject to a TMDL for</li> </ul>
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## **C. Chloride Usage for Winter Maintenance**

The owners and operators of private street and private parking lots with 10 or more parking spaces

- (1) Be trained and certified in accordance with Env-Wq 2203
  - (2) to report annual salt usage
- 

The New Hampshire Certified Green SnowPro Program



Providing liability protection to snow management companies and their clients





**Town of Londonderry**  
**Department of Public Works &**  
**Engineering**

**STORM WATER REGULATIONS**

August 16, 2019.

Town of Londonderry  
Department of Public Works & Engineering

STORM WATER REGULATIONS

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# **STORM WATER REGULATIONS**

## **1. Purpose**

- To supplement the Stormwater Ordinance
- Provide a more detailed guidance

## **2. Administration**

- DPW shall administer the regulations

# TITLE L WATER MANAGEMENT AND PROTECTION

## CHAPTER 489-C SALT APPLICATOR CERTIFICATION OPTION

### Section 489-C:1

#### 489-C:1 Definitions. -

In this chapter:

- I. "Apply salt" means to apply salt or a salt alternative to roadways, parking lots, or sidewalks for the purpose of winter maintenance.
- II. "Commercial applicator" means any individual who applies or supervises others who apply salt, but shall not include municipal or state employees.
- III. "Commissioner" means the commissioner of the department of environmental services.
- IV. "Department" means the department of environmental services.
- V. "Salt" means sodium chloride, calcium chloride, magnesium chloride, or any other substance containing chloride.
- VI. "Salt alternative" means any substance not containing chloride used for the purpose of de-icing or anti-icing.

Source: 2013, 144:122, eff. Sept. 26, 2013.

### Section 489-C:2

**489-C:2 Certification Option.** - Commercial applicators may elect to be annually certified by the department. Applicator certificates shall be issued by the department. Any business that employs multiple commercial applicators may obtain a master certificate for the owner or chief supervisor, and commercial applicators employed by the business may obtain certificates to qualify under the master certificate. Any business holding a master certificate shall ensure that all commercial applicators operating under its master certificate receive the required training and shall provide the required recordkeeping on behalf of all commercial applicators. Annual fees for certificates obtained under a master certificate shall be significantly less than the fees for a master certificate.

Source: 2013, 144:122, eff. Sept. 26, 2013.

### Section 489-C:3

#### 489-C:3 Rulemaking Authority. -

- I. Policies and goals for applying salt.
- II. Receiving and allocating federal grants and other funds or gifts for the purpose of carrying out any of the provisions of this chapter.

- III. The types and frequency of training programs required for certification.
- IV. Procedures for commercial applicators to obtain certification.
- V. Recordkeeping required for commercial applicators to maintain certification.
- VI. Establishing and collecting fees to cover the cost of program implementation.

Source: 2013, 144:122, eff. Sept. 26, 2013, 2015, 229:19, eff. July 1, 2015.

#### Section 489-C:4

##### 489-C:4 Application for Certification. –

Applications for certification shall be on a form prescribed by the department and shall include the following:

- I. The full name and address of the person applying for the certification.
- II. The name and address of a person whose domicile is in the state, and who is authorized to receive and accept service of summons and legal notices of all kinds for the applicant.
- III. The type of apparatus used to apply salt or salt alternative whether liquid or dry.
- IV. Any other information deemed necessary by the department.

Source: 2013, 144:122, eff. Sept. 26, 2013.

#### Section 489-C:5

##### 489-C:5 Administration and Enforcement. –

- I. The commissioner shall administer and enforce the provisions of this chapter.
- II. The department may issue an order to any person who is in violation of any provision of this chapter, an applicator certificate issued under this chapter, or a rule adopted under this chapter, to cease and desist from any act in violation of such provision, certification, or rule. Orders of the department under this section shall be effective immediately.
- III. The commissioner, after notice and hearing pursuant to RSA 541-A, may revoke the certification of any person who violates this chapter. Rehearings and appeals relating to revocation shall be governed by RSA 541.
- IV. There is hereby established a salt application fund. This nonlapsing fund shall be continually appropriated to the department and used to administer the salt applicator certification program under this chapter. Certification fees collected by the department shall be deposited with the state treasurer to the credit of such fund and may be invested as provided by law. Interest received on such investment shall also be credited to the fund. No funds from the general fund shall be used to cover the cost of the salt applicator certification program.

Source: 2013, 144:122, eff. Sept. 26, 2013, 2015, 229:20, eff. July 1, 2015.

# TITLE LII ACTIONS, PROCESS, AND SERVICE OF PROCESS

## CHAPTER 508 LIMITATION OF ACTIONS

### Section 508:22

#### 508:22 Liability Limited for Winter Maintenance. –

I. No commercial applicator as defined in RSA 489-C:1, II and certified under RSA 489-C:2, or owner, occupant, or lessee of land whose premises is maintained by a commercial applicator certified under RSA 489-C:2, shall be liable for damages arising from insufficiencies or hazards on any premises owned, occupied, maintained, or operated by them, even with actual notice thereof, when such hazards are caused solely by snow or ice, and the commercial applicator's, owner's, occupant's, or lessee's failure or delay in removing or mitigating such hazards is the result of its implementation, absent gross negligence or reckless disregard of the hazard, of best management practices for winter road, parking lot, and sidewalk maintenance adopted and published by the department of transportation and the department of environmental services. All commercial applicators, owners, occupants, or lessees who adopt such best management practices shall be presumed to be acting pursuant to the best management practices in the absence of proof to the contrary.

II. In order to receive the liability protection provided in paragraph I, a commercial applicator as defined in RSA 489-C:1, II, or an owner, occupant, or lessee of land shall keep a written record describing its winter road, parking lot and property maintenance practices. The written record shall include the type and rate of application of de-icing materials used, the dates of treatment, and the weather conditions for each event requiring de-icing. Such records shall be kept for a period of 3 years.

Source: 2013, 144:123, eff. Sept. 26, 2013.