

LONDONDERRY TOWN COUNCIL MEETING MINUTES

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

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

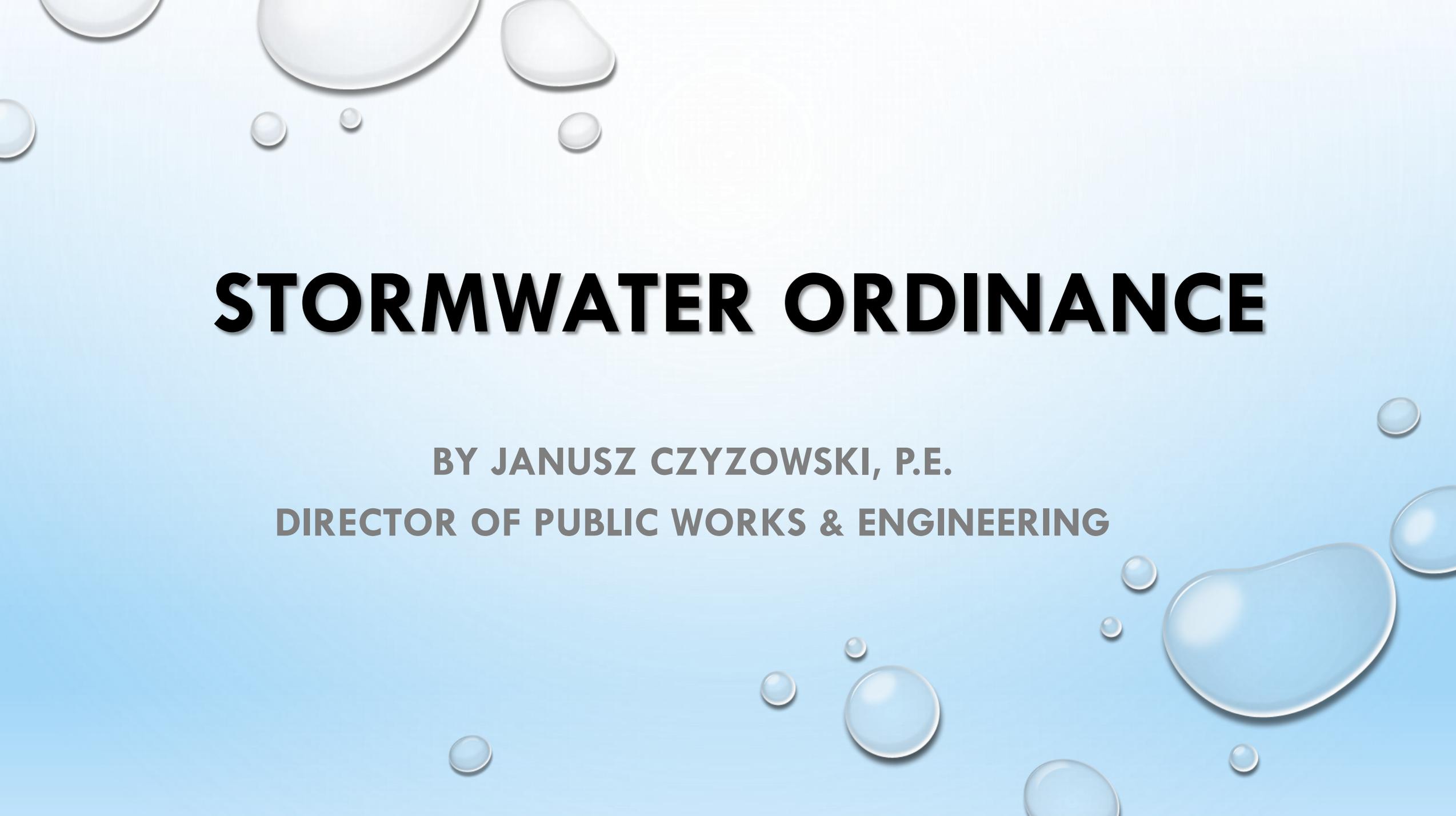
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LONDONDERRY TOWN COUNCIL MEETING MINUTES

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 is a light blue gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance. The main title is centered in the upper half of the page.

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 18th day of January, 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

LONDONDERRY, NH
“FOR THOSE DOWNSTREAM”

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

Discharges to an Impaired Water with an Approved TMDL

- 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.
 - Assess whether the WLA is being met through implementation of existing stormwater control measures or if additional control measures are necessary.
 - 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.
- 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.
 - 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 amount of salt used by the municipality 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.
 - Appendix F lists permittees subject to a TMDL for

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



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C. Stormwater Construction

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. –

The commissioner shall adopt rules pursuant to RSA 541-A, relative to:

- 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.