

Received 8/27/13
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OFFICE OF THE
BOARD OF SELECTMEN
TOWN OF DUNSTABLE
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August 19, 2013

US EPA, Region 01 in New England
Office of Ecosystem Protection
5 Post Office Square, Suite 100
(OEP 06-1)
Boston, MA 02109-3912
ATTN: Thelma Murphy.

RE: Waiver from NPDES Phase II Permitting requirements

Dear Ms. Murphy:

I am writing in response to your letter of July 12, 2013 notifying the Town of Dunstable that it is subject to the permitting requirements. Please consider this letter a request for a waiver from program.

Based on the 2010 censuses the total population of Dunstable is only 3,179 which is distributed over an area of 16.74 square miles for a density of 190 residents per square mile. The municipal separate stormwater system is not connected to the systems in any of the adjacent Towns. The *Waterbody Assessment and TMDL Status* map for Dunstable shows that the southern end of Massapoag Pond is listed as an impaired waterbody. It should be noted; however, that the flow into the pond is from the Town of Tyngsborough where it is also listed as impaired. As the water flows through Dunstable it is cleaned to the point that at the discharge point of the pond the water is no longer impaired.

Based on the information listed above, I believe the Town meets the criteria necessary for the waiver and respectfully request that it be granted. If you have any questions regarding this request or need additional information, please contact the Town Engineer, Jeff Rider at (978) 851-9807 or jrider@cuocoandcormier.com.

Thank you for your time and consideration.

Sincerely,

Daniel F. Devlin
Chairman



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DUNSTABLE, MASS. 01827



US EPA, Region 01 in New England
Office of Ecosystem Protection
5 Post Office Square, Suite 100
Mail Code OEP 06-4
Boston, MA 02109-3912
ATTN: Newton W. Tedder

RE: Waiver from NPDES Phase II Permitting requirements

July 14, 2015

Dear Mr. Tedder:

We received EPA's notification that our Town may be subject to the upcoming MS4 permit and would like to request the EPA exercise its authority to grant an MS4 waiver for our Town.

For the following reasons we are asking for this waiver;

1. It was recently brought to our attention from the Northern Middlesex Council of Government (NMCOG), that the 2010 census population within the Census Urbanized Area is actually 424. It appears the census information from 2000 is higher than the population in 2010. Enclosed with this letter are the Maps created by NMCOG for your review.
2. With only 424 people living in the urbanized area the amount of pollution contributed to the receiving waters is negligible. Substantial portions of the mapped area are rural and without a storm water system.
3. The Town of Dunstable is listed in the 2014 draft MS4 permit for impaired waters on page 20, part 2.2.2.b.i due to phosphorus. Referencing the Massachusetts year 2012 Integrated list of Waters Category 5. 303(d) List of Impaired waters, Massapoag Pond MA 84087 and the Nashua River MA 81-07 were identified.
 - a. The Massapoag Pond is no longer located in the Urbanized Area according to updated NMCOG 2010 Census information. The impairment cause listed are non-native aquatic plants, aquatic plants (Macrophytes), Mercury in fish tissue (EPA TMDL #.33880), and Oxygen dissolved. Phosphorus was not listed as one of the impairments.



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- b. The Nashua River is not located in the Urbanized Area of Dunstable. It is located in the Northwestern border of the Town with Pepperell and New Hampshire. The impairment cause listed are aquatic macroinvertebrate bioassessments and phosphorus.

4. Lastly, we have discussed this waiver request with MassDEP and they are in agreement that the contribution of phosphorus from our storm water system into the Nashua River is de minimus.

Based on the information listed above, I believe the Town meets the criteria necessary for the waiver and respectfully request that it be granted. If you have any questions regarding this request or need additional information, please contact the Town Engineer, Jeff Rider at (978) 851-9807 or jrider@cuocoandcormier.com.

Thank you for your time and consideration.

Sincerely,
Dunstable Board of Selectmen

Kenneth J. Leva
Chairman



