



TOWN OF WELFLEET

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BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

Newton W. Tedder
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code OEP06-4
Boston, MA 02109-3912



November 17, 2015

Dear Mr. Tedder:

The Town of Wellfleet was automatically included in the most recent MS4 permit area and received EPA notification that the Town may be subject to MS4 permit provisions. Please accept this letter as a formal request to have EPA exercise its authority to grant an MS4 waiver from Massachusetts MS4 permit provisions pursuant to 40 CFR §122.32(d) and 40 CFR §123.35(d)(1) for the Town of Wellfleet.

The designated area within the municipality is small and has discharges that do not cause, or have the potential to cause, water quality impairment. The MS4 area is less than 1,000 people and is also seasonal. The actual population according to current information is 569 people. The area is not substantially contributing to the pollutant loadings of water bodies in or adjacent to the area. The Town of Wellfleet does not have a municipal wastewater collection system and thus relies on private septic systems for the filtration and treatment of wastewater which is the likely cause of any nutrient loading that may occur in the waters within and surrounding the municipality.

The reason we are asking for this waiver is that:

The Town of Wellfleet has less than 1,000 people living in the regulated urbanized area. Also, the major thoroughfare through the Town of Wellfleet is State Highway Route 6 which is maintained and controlled by the Massachusetts Department of Transportation and their MS4 permit provisions.

The Town of Wellfleet currently discharges storm water to the following water bodies within the MS4 area: Hatches Creek through a swale and roadway runoff on West Road near the Mass Audubon and a catch basin on Paine Hollow Road near an unnamed small pond. The system is not contributing substantially to the pollutant loadings of a physically interconnected regulated MS4. We've reviewed the list of impaired waters and TMDLs in the draft MS4 permit and the most recent Section 303(d) list, and found that Wellfleet Harbor described in the document, "as the waters north of an imaginary line drawn east from the southern tip of Jeremy Point, Wellfleet to Sunken Meadow, Eastham excluding the estuaries of Herring River, Duck Creek,

Blackfish Creek, and Fresh Brook, (area associated with Cape Cod National Seashore designated as ORW),” is impaired for nutrients¹ but are not impaired for nitrogen or phosphorous.²

Our Town’s MS4 system currently connects to the following adjacent MS4 systems: Town of Eastham.

We have spoken with MassDEP about our request and DEP agrees that the contribution of nutrients from our storm water system into the MS4 area is *de minimus*.

Thank you for your consideration.



Paul Pilcher
Board of Selectmen, Chair

¹ Final Listing of the Condition of Massachusetts’ Waters Pursuant to Sections 305(b), 314 and 303(d) of the Clean Water Act, page 23.

² Draft MA MS4 General Permit pages 21 and 22.