

IPSWICH STORMWATER ADVISORY COMMITTEE

Meeting Summary: June 1, 2009

The Stormwater Advisory Committee met in the Town Manager's conference room at 5 PM on Monday, June 1, 2009 with the following appointed members in attendance: Wayne Castonguay (Shellfish Subcommittee), Josh Ellsworth (I RWA), Pat McNally (interim representative and Chair of the Board of Selectmen), Glenn Gibbs (Planning Director), Bob Gravino (DPW Director), Jim Sperber (Code Enforcement), Larry Graham, George Tougas and David Standley (Conservation Commission). Rick Clark (DPW Operations Manager) and Ellie Baker of Horsley Witten Group, Consultants to DPW for storm water management, were also present.

The meeting was taken up with discussion of approaches to permitting for MS4 Connection and Discharge Permits and for Storm Water Permits. The discussion was based on single-page documents prepared and distributed by Horsley Witten, "Connection and Discharge Permits", "Storm Water Permit-What Projects Will Require a Permit?", and "Possible Sets of Storm Water Management Standards". (Ellie Baker also handed out a sheet "OVERVIEW OF PERMIT FEES INFORMATION", which was not discussed.)

I should say at the outset that the quality of this summary will suffer because my notes of the meeting are sketchy, I allowed much time to pass before undertaking it, and my memory is not great. I encourage comment and correction to this draft.

With respect to C & D Permits there was considerable effort to understand and clarify Section 6B "Allowable Non-Storm Water Discharges" and particularly Subsection f) and Note 2 thereunder relating to "uncontaminated pumped ground water". It was noted that these listed "non-storm water discharges" not requiring a "Connection and Discharge Permit" follow the listing set forth in the EPA NPDES Phase II General Permit. The rationale for subsection f) was discussed. Baker urged that some form of permit requirement would be appropriate to ensure that such connections and discharges actually underwent review by the Permitting Authority. The Chair suggested that an effort to impose such a requirement could be considered to be in conflict with the provisions of the Bylaw, would potentially be objected to perhaps by members of the Finance Committee, and could be a significant procedural burden for the Permitting Authority. An option was offered of requiring by regulation that any person wishing to install or maintain any form of "connection and discharge" to the MS4 should submit a formal inquiry (on a form to be provided?) comparable to a Conservation Commission "Request for Determination of Applicability ("RDA")" seeking to determine whether a permit was required. (There could be four outcomes-no permit required, permit granted, permit granted with conditions, permit denied.) Other alternatives discussed included relying on street opening permits, and relying on inspections at time of real estate transfers. There the potential exists to piggy-back on Utility Dept. sewer regulations. Phasing of any one of these approaches by zones, critical watersheds, or some other directed or random method of spreading the work load and impacts over time, was suggested. It was asked if

plumbing permits or, in the case of fuel storage, fire dept. permits, could be a basis for investigating the need for a C&D Permit.

Another issue needing clarification, likely by regulation, is the meaning of the term in Section 6B "...connected directly to or discharging to the MS4 via a pipe, hose or other direct conveyance system." (Emphasis added). Ms. Baker suggested an interpretation based on the assumption that the phrase was intended to identify "connections" in which no contaminant reduction mechanism (such as a stretch of lawn) would have an opportunity to improve the quality of the discharge. (See, e.g., the 3rd and 4th bullet points in her "Connection and Discharge Permits" paper.)

A point of discussion was whether the presence of a fuel storage tank in space served by a sump pump discharging to the MS4 would warrant a determination that the sump pump discharge was sufficiently likely to be contaminated from a tank spill or leak to warrant requiring a C&D Permit and possibly corrective action such as construction of a berm or other enclosure, or perhaps regular inspection of the storage facility.

In the time remaining there was brief discussion of the second paper, "Stormwater Permits". Points #1 & 2 in the first section of that paper were corrected to read "Less than..." rather than "Greater than...". The consultant's analysis suggests that the requirements of Section 5 "Applicability", Subsection A are not likely to require issuance of a significant number of permits by the Building Inspector, given the limitations in S. 5A and the exemptions of S. 6A. This point should be further analyzed, as it relates to workload and to fees necessary to sustain that workload, and to the effectiveness of the Bylaw in achieving its goals.

It was generally agreed that in carrying out their responsibilities under the Bylaw the Planning Board and the Conservation Commission should adopt by reference the MA DEP Stormwater Standards, while setting applicability thresholds for those standards to conform to those of the Bylaw.

The third paper, "Possible...Standards", was not reached for discussion.

Members were asked to review and comment on all the H-W submittals, prior to the meeting on the 15th.

The next meeting is scheduled for Monday, June 15 at 5 PM in the Town Manager's conference room

David Standley