



AGENDA ITEMS #: 21-34
COUNCIL MTG OF: April 6, 2021
FROM: David Caron, Town Administrator
OFFERED BY: Michael Fowler, Director of Public Works
PREPARED BY: Craig Durrett, Environmental Coordinator
SUBJECT: Revision to Chapter 131 Stormwater Management of the Code of the Town of Derry

STAFF REPORT
Public Hearing 4-20-21

PURPOSE: To request Town Council approval of revisions to the Derry Stormwater Management Ordinance required for compliance with the US EPA regulations.

TOWN ADMINISTRATOR COMMENTS: The Town is required to implement the recommended course of action to ensure compliance with its MS4GP permit. Therefore, the Council is encouraged to adopt the recommended course of action after the April 20, 2021 public hearing.

BACKGROUND:

In accordance with Federal Regulations, the Town of Derry implemented a Storm Water Management Program designed to reduce discharge of pollutants from the Town's Storm water system to the maximum extent practicable in order to protect water quality. The federal requirements are specified under the town of Derry's Phase II Municipal Separate Storm Sewer System General Permit (MS4GP) issued by USEPA through the National Pollution Discharge and Elimination System (NPDES) Program. The MS4GP regulations and permit were revised and reissued in 2017, becoming effective July 1, 2018.

Under the new MS4 Permit, municipalities in which there is an approved Total Maximum Daily Load (TMDL) for chloride, a component of road salt, require specific actions designed to achieve chloride reduction on private facilities and private roads that drain to the Town's stormwater system. These actions include requiring the use of commercial salt applicators trained and certified in accordance with NH Env-Wq 2203, also referred to as the NHDES Green SnowPro Program. The Green SnowPro Program offers snow and ice management professionals training and certification in state-of-the-art salt reduction practices that prioritize public safety while mitigating salt usage.

In return for their efforts, commercial salt applicators certified by NHDES Green SnowPro under RSA 489-C, and property owners or managers who hire them, are granted liability protection against damages arising from snow and ice conditions under RSA 508:22. At the same time, contractors and regulated property owners could see a cost savings on the amount of salt used while protecting water quality.

DISCUSSION: To ensure compliance with this regulation, we propose to revise Chapter 131-7 to:

- a. label current text with bullet identifier "A" to be become subparagraph A; and
- b. Add new subparagraph B as identified below.

§ 131-7. Compliance with best management practices.

B. Chloride Usage for Winter Maintenance – The owners and operators of private streets and private parking lots with 10 or more parking spaces that are draining to the MS4 located within any watershed that is impaired for Chlorides shall be required:

- (1) that any commercial salt applicators used for applications of salts or other deicing materials to their parking lots or streets

be trained and certified in accordance with Env-Wq 2203, and

- (2) to report annual salt usage within the municipal boundaries using the UNH Technology Transfer Center online tool (<http://roadsalt.unh.edu/Salt/>).

FISCAL IMPACT:

Property owners meeting the criteria set forth in the new regulation may incur additional indirect costs in contracting with a Green SnowPro certified contractor and reporting annual salt usage to UNH Technology Transfer Center. Town staff will also be involved in promoting education of this requirement passed down through USEPA.

RECOMMENDED ACTION BY COUNCIL:

Town Council is requested to adopt the revisions to Chapter 131 of the Code of the Town of Derry as presented after the April 20 public hearing.

RECOMMENDED MOTION:

Please see Ordinance #2021-003

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