

LMRLAC – September 23, 2010

LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE

MINUTES

September 23, 2010

Members:

- ✓ = present

Current:

- ✓ Bob Robbins (Chair) – Hudson
- ✓ Kathryn Nelson (Vice Chair) -- Nashua
- ✓ Karen Archambault (Secretary) -- Nashua
- ✓ David Scaer – Hudson

Pending Renewal:

Jim Barnes (Treasurer) – Hudson
Glenn McKibben – Litchfield
George May - Merrimack

Associate Members:

Mildred Mugica – Nashua

Also in attendance:

- Geoff Daly, corridor resident and potential member, Nashua

The meeting was called to order at 7:10pm in the East wing downstairs at the Nashua Public Library by Vice Chair Kath Nelson. Kath stated that she'd heard from Jim and from Michael that they would not be able to attend the meeting.

NPDES Permit #NH0100056, Derry Wastewater Treatment Plant

LMRLAC received a permit notification on September 13 for a draft National Pollutant Discharge Elimination System (NPDES) permit for the Derry Wastewater Treatment facility. Kath and Bob asked Michael to review the draft permit and provide feedback. Michael had three questions that he submitted to DES and received responses from Jeff Andrews at DES. Since Michael could not attend the meeting, Kath summarized the comments and responses.

Michael's first question sought clarification on bacteria covered by the permit. A letter in the draft permit packet from EPA indicated that the permit would include effluent limits for fecal coliform and enterococci bacteria, but the draft permit only listed e. coli. Jeff Andrews' response indicated that the references to fecal coliform and enterococci were in error; the only bacteria water quality standard for fresh water is e. coli.

Michael's second question was whether the statewide Total Maximum Daily Load (TMDL) for bacteria, currently in draft form, would change the permit once the TMDL is approved. The response indicated that the TMDL would not affect the permit, since the permit itself requires that the water quality standard be met at the discharge pipe.

Michael's last question pointed out that EPA had recommended improved phosphorus treatment, and whether DES recommended upgrades to treat phosphorus. The response made reference to a planned TMDL for the Merrimack River for dissolved oxygen, which could result in upgrades to wastewater treatment facilities. The response further stated that DES would not require an upgrade unless a facility was approaching its design flow; the Derry facility currently is not.

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Kath asked David his opinion of the plant life in the Merrimack River and what it might indicate for nutrient load. David replied that he has seen grasses in the water, but not invasive species such as milfoil or water chestnut. Kath suggested David might gather a sample of the grass for testing.

Members discussed whether to mention the TMDL in the comment response, and whether to comment on pharmaceuticals. Kath pointed out that, nationwide, there is evidence of river impairment due to phosphorus. She mentioned that the Merrimack does not have visible evidence of vegetation that would indicate an overload. David and Geoff concurred, but members then agreed that the Merrimack River is carrying the load out to the estuary and to the ocean.

Bob asked if anyone knew why DES wants to wait for the TMDL, and whether there were methods for removing phosphorus. Kath replied that there is known technology to remove it, but that it costs money.

Kath mentioned that the Nashua River Watershed Association performs water sampling for dissolved oxygen (DO) near areas of water chestnut infestation in Nashua and Pepperell. The dissolved oxygen concentrations are not alarming enough in those spots, implying that DO does not sufficiently track phosphorus to be used as an indicator.

Kath mentioned checking out the draft TMDL on-line, but did not print it. She will ask DES for a paper copy of the draft TMDL.

Members briefly discussed the issue of pharmaceuticals in waste water, and discussed whether to mention that in the comment letter as well. Ultimately, members decided to focus on phosphorus.

Geoff mentioned that he had recently spoken to Mario LeClerc, the Nashua Wastewater Treatment Facility Superintendent, and suggested LMRLAC invite him to a meeting to discuss the challenges of dealing with pharmaceuticals – for example, having to continually adjust the bacteria and oxygenation at the digester intake. Kath suggested Geoff contact the NH Rivers Council to see if they have someone who can come to a meeting, provide information, or coordinate with NRPC to present about the challenges of pharmaceuticals in waste water.

Kath made a motion to send a letter in response to the draft permit, stating that, while LMRLAC is aware of the TMDL study being undertaken, LMRLAC recommends a numeric effluent limit of phosphorus be issued as part of the permit. David seconded and the motion passed.

Other Business

Presentations on LID Guidebook and Impervious Surface Model Ordinance

Kath brought up an e-mail she had received from Minda Shaheen with dates for presentations on the model ordinance and LID Guidebook, as follows:

October 19 – Litchfield

November 3 – Hudson

November 4 – Nashua

November 9 – Merrimack (tentative)

Members briefly discussed concerns about shepherding the model ordinance through the process with the Planning Boards.

Shoreland Permit, Hudson

Kath indicated she had been notified by Jim Barnes that Hudson had received a packet for a Shoreland Permit. Within the packet was a letter addressed to Bob as LMRLAC chair.

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Members briefly discussed how to respond to this, since LMRLAC did not directly receive any information on this permit application. Kath brought up earlier feedback received from Laura Weit-Marcum at DES that LACs should notify the program head in such an occurrence. Kath will send an e-mail to Darlene Forst at Shoreland that the Hudson Planning Board received an application that required a Shoreland permit, but that LMRLAC did not receive any information.

Bob commented that there may have been a problem with the mail getting to him at work. Kath will contact Jim and ask him to leave a copy of the application packet at Town Hall and to e-mail Bob, letting him know where it is, so Bob can pick it up prior to the next meeting. Alternatively, Jim can bring it to the next meeting if he will be attending.

Permit Procedure Changes

Kath received information, via a listserv, of a new procedure in the DES Land Resources Management Application Receipt process. The procedure changes have to do with reviewing applications for completeness, and include notifying the LAC, if applicable. The notification will either indicate that the application is considered complete, or will indicate what information is missing. Among the permits this procedure change applies to are Wetlands Dredge and Fill, Alteration of Terrain, and Shoreland. The procedure change does not apply to Permit by Notification permits.

Membership

Kath mentioned that current members should continue to consider how to broaden the membership base. Geoff commented that Paul Wiggins had planned to attend this evening's meeting, but work commitments prevented him from doing so.

Stream Crossing Rules Workshop

Kath mentioned a recent e-mail received from Sandy Crystall at DES regarding a venue for a presentation on the updated stream crossing rules. Sandy had requested suggestions on a meeting place in Manchester. Kath replied by suggesting Sandy look into holding the meeting at either NRPC or the Nashua Public Library.

Expedited Permit for Culvert, Litchfield

LMRLAC had received notification about an expedited permit for a culvert to replace an existing ford at Normanton Farm in Litchfield. Kath contacted Joan McKibben about the permit and Joan informed her that the Litchfield Conservation Commission had reviewed and signed off on the application. Kath also asked Steve Wagner, NRPC Senior Regional Planner and Litchfield Circuit Rider, and Steve told her he believed it was on a tributary and believed it was at some distance from the Merrimack. Members discussed a desire for 'fish friendly' culverts and mentioned the tie-in to the proposed new stream crossing rules.

Kath will send an e-mail to DES about the application indicating LMRLAC has no comment at this time due to a lack of information.

Minutes

The minutes of July 22, 2010 were approved with changes circulated September 18.

Meeting adjourned 8:40pm.

Next meeting is currently scheduled for Thursday, October 28, at 7pm at the Nashua Public Library.

Respectfully submitted,
Karen Archambault
secretary