

**LMRLAC – April 28, 2011**

**LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE**

**MINUTES**

**April 28, 2011**

**Members:**

- ✓ = present

**Current:**

- ✓ Kathryn Nelson (Chair) -- Nashua
- ✓ Michael Redding (Vice Chair) - Merrimack  
Nelson Disco - Merrimack  
George May – Merrimack
- ✓ Bob Robbins – Hudson  
David Scaer – Hudson

**Pending Renewal:**

- ✓ Karen Archambault (Secretary) – Nashua  
Jim Barnes (Treasurer) – Hudson  
Glenn McKibben – Litchfield

**Associate Members:**

Mildred Mugica – Nashua

**Also in attendance:**

- Michael Croteau, potential member, Litchfield
- Geoff Daly, corridor resident and potential member, Nashua
- Jack Gale, Merrimack River corridor resident, Massachusetts
- William Keating, Wastewater Engineer, City of Nashua
- John Nappi, Merrimack River corridor resident, Lowell
- Lucy St. John, Deputy Planning Manager, City of Nashua
- Tracie Sales, Water Resources Manager, Merrimack River Watershed Council

The meeting was called to order at 7:05 pm in the Music/Art/Media section at the Nashua Public Library by Chair Kath Nelson. Kath mentioned that David Scaer was out of town, and George May was ill, and would not be attending the meeting. Kath also acknowledged Bob and thanked him for his years of service as chair.

**Meeting Minutes**

The minutes from the February 24, 2011 meeting were approved without changes. The minutes from the March 24, 2011 meeting were approved with clerical changes as circulated via e-mail earlier in the week.

**General Discussion – Local Updates**

**Nashua – CSO Status**

Members agreed to change the agenda order to allow Mr. Keating to present the Nashua combined sewer overflow (CSO) update before other discussion items. Mr. Keating introduced himself and gave a brief summary of the Nashua CSO status. Nashua is under a consent decree from the Environmental Protection Agency (EPA) to reduce the frequency of discharges to the Nashua and Merrimack Rivers.

Mr. Keating passed around copies of a presentation made to EPA in March, discussing the status of the projects and to discuss a problem with, and potential solutions to, one of the projects in the overall plan. Mr. Keating gave an overview of the collection system, which includes 9 CSOs, one of which is at the Waste Water Treatment Facility (WWTF).

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Michael asked whether the purpose of the CSO changes were to handle a higher capacity or to reduce the number of CSO events. Mr. Keating replied it was for both reasons, and briefly described the Wet Weather Flow Treatment Facility, built in 2009 to handle large storms, which effectively doubled the capacity of the system.

Kath summarized the structure and function of a CSO. Sewer pipes are connected to a junction box which has a weir. If the flow rises higher than the weir it goes out – in some cases untreated – to the river. Mr. Nappi asked how often the CSOs occur. Mr. Keating replied that they are less frequent than they used to be. He also stated the system optimization treats the first flush of a storm. Mr. Nappi asked whether untreated flow can go to the river, and Mr. Keating replied flow greater than a 1-year storm can. He stated that most of the system optimization projects were regulated for the 2-year storm, with a few for the 1-year storm.

Kath explained first flush – that pollutants (for example, on the street) are washed away along with the storm's initial flow. Mr. Keating stated that the first flush is getting treated. Bob commented that, even with a 2-year storm, a lot of the first flush of non point source pollution will go to the treatment facility. Kath commented that not every CSO is triggered with every storm, and asked whether there were any CSOs that always trigger. Mr. Keating replied that there are not. He also pointed out that most of the CSOs are in the inner city area. Beyond the inner city, the stormwater is separated.

Bob asked about the wastewater from Hudson and whether there was any stormwater included. Mr. Keating replied that he believes Hudson's wastewater and stormwater are completely separate.

Kath mentioned that the water quality monitoring data is available on the NRPC Web site ([www.nashuarpc.org](http://www.nashuarpc.org)) and in the Nashua Telegraph. She also mentioned that George calls the treatment plant when there is a spike in the readings downstream.

Mr. Nappi asked whether there was any time that the river is so high that it interferes with the efficiency of the treatment plant. Mr. Keating replied that the plant has a duckbill valve, similar to a backflow preventer. Bob asked what happens when the flow cannot go to the river – Michael mentioned that it would back up in the pipes in the system and be stored there until the pressure either forces it into streets or into the river.

Mr. Keating mentioned that the consent decree was issued in 2005 and modified in 2009. The 2009 modification was to alter the size of the screening and disinfection facility at CSO 6 (near the skateboard park on Bridge Street) The original design for the screening and disinfection facility was too large and too expensive, so Nashua added other projects to get the facility back to a manageable size.

Mr. Keating highlighted five projects on the list: the CSO dropover structures at Crown Street and East Hollis Street, the sluiceway control at CSO 6, the Harbor Avenue sewer separation, the CSO 3 and 4 storage facilities, and the screening and disinfection facility.

Dropover structures at Crown Street and at East Hollis Street now divert flow to the Wet Weather Flow Treatment Facility instead of to CSO 5. The sluiceway control at CSO 6 holds back wet weather flow in a 108-inch interceptor until the flow can be discharged downstream. The Harbor Avenue sewer separation will provide a separate drain system for stormwater, which will discharge to Salmon Brook.

Regarding the sluiceway, Kath asked what triggers the gate. Mr. Keating replied that it is automatically controlled. Kath asked whether it has a bypass. Mr. Keating replied that it does not have a bypass; the flow goes to the treatment facility.

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Mr. Keating explained that the Harbor Avenue project is the next project, due to start in May and scheduled for completion by October 2012. He explained that there will be a separate drain system and stormwater will discharge to Salmon Brook. Kath commented that there is a tradeoff between sending untreated stormwater to Salmon Brook all the time, and occasional CSOs which send everything untreated to the river. Michael commented that the city will need to monitor the stormwater flow, because it is a regulated discharge. Mr. Keating stated there will be catchbasins with hooded structures to catch the floatables and some debris.

Mr. Keating then went on to discuss the CSO 3 and 4 storage facilities. Mr. Keating stated the City doesn't need the CSO 3 storage tank, due to the system optimization project at CSO 3 (Farmington Road), which installed a larger diameter pipe. Kath asked about the detention wetland at the Nashua Country Club. Mr. Keating replied that it has also helped. Mr. Keating went on to say that the storage tank for CSO 4 was to be located on railroad property, but the railroad ultimately turned Nashua down so they are looking at alternatives.

Mr. Keating next described the screening and disinfection facility. This is scheduled to be located near CSO 6 and will provide screening treatment and disinfection with 15 minutes of detention time. Kath asked if there has been evidence of groundwater leaking into the sewer pipe system. Mr. Keating replied that every year there are miscellaneous sewer improvements projects, some of which involve pipe lining to address leaks. Nashua is currently concentrating on the pre-1900 sewer pipes in the city. The liner is about 1 inch thick, which reduces the capacity of the pipe slightly, but the reduced friction that the liner provides makes up for it.

Mr. Keating mentioned that the Wet Weather Flow facility is used some but not a lot. In the handout, it indicates that the facility has been used 16 times since coming online in 2009. Kath asked whether there has been diminishing of CSO events. Mr. Keating replied that each structure has flow measuring devices that detect the amount of a CSO event.

Ms. Sales asked whether the public can have access to the CSO information. Mr. Keating replied that the City does have the data but that he doesn't know if it is available online. Ms. Sales commented that it would be useful to know when CSO events occur for two reasons: one, for safety reasons during an occurrence (for boaters, water samplers), and two, for historic/record keeping at the end of the year. Kath mentioned that it would be nice to know in real-time when the events occur. Mr. Keating took contact information for Ms. Sales, and stated he would look into providing a contact for getting CSO information. Mr. Keating stated he would also provide Kath with contact information.

Ms. Sales asked whether the CSO information is reportable to EPA. Mr. Keating replied that the City is required to prove to EPA that it's meeting the decree.

Mr. Nappi asked where the treatment facility is relative to the city water supply intake and was told the facility is downstream of the intake.

Bob asked about funding sources for the projects. Mr. Keating replied that some of it comes from state grants, which are currently on hold, some of it comes from enterprise funds from wastewater fee collections, and some are from loans taken out by the City. Bob commented that Nashua still has a schedule to meet, regardless of funding sources, and Mr. Keating concurred.

Kath asked whether all the pipes are closed pipes, citing an example that there are some old 'half pipes' in Fitchburg. Kath also asked if the sewer pipes are above storm pipes. Mr. Keating replied that Nashua's pipes are all closed, and that Nashua has no sewer pipes above storm pipes.

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Mr. Keating stated Nashua is looking to reduce runoff in parking areas downtown by using porous pavers. Bob asked whether Nashua had had any maintenance issues with the pavers and Mr. Keating replied that he hasn't heard of any issues. Bob briefly mentioned the pavers in his driveway and that the maintenance isn't difficult for that.

Bob expressed concern that the pavers haven't been maintained at the library. Kath mentioned the tree wells and that the mulch gets suspended. Mr. Keating mentioned that the Wastewater Plant is in charge of cleaning the porous pavers; it has a division that maintains the collection system. Mr. Keating also mentioned there is a place on Nashua's Web site for cleaning/maintenance requests.

Mr. Keating stated there are just a few projects left, and the timeline indicates a 2015 completion. Kath suggested LMRLAC plan to have Mr. Keating come in again, perhaps when the CSO 3 and 4 project is determined.

Mr. Nappi asked whether the treatment facility is open to tours. Mr. Keating replied that it is and that Mario Leclerc, the Wastewater Treatment Facility Superintendent, is the contact person to schedule a tour. Ms. Sales asked who the contact person is for the CSOs and Mr. Keating replied that Amy Gill is.

Kath mentioned that LMRLAC has received notification from the State about use of a revolving fund for the Harbor Avenue project to work in the Salmon Brook buffer. Kath stated LMRLAC hasn't seen the permit notifications yet.

Geoff asked whether there could be a wetland at Harbor Avenue similar to that at the Nashua Country Club. Bob suggested the topology is different and therefore it might not support the same approach. This led to a brief discussion about the project at Harbor Avenue. Kath suggested contacting Amy Gill to see what alternatives were considered instead of discharging stormwater to Salmon Brook. Mr. Keating replied that the contact person is Jeanne Walker, who is in charge of that project. Mr. Keating will ask Ms. Walker to contact Kath. As an aside, Ms. St. John mentioned that a portion of the stream behind Globe Plaza, near the Harbor Avenue project site, is planned to be daylighted.

Kath said LMRLAC appreciates the projects and thanked Mr. Keating for coming in to provide an update.

### **General Discussion – Local Updates Merrimack – WWTF Upgrade Notification**

Kath brought up correspondence received from DES about a project in Merrimack to upgrade its Waste Water Treatment Facility. Merrimack will be purchasing a screwpress to squeeze water out of its sludge. Michael mentioned that the project has no physical impact to the corridor, the project should improve efficiency at the facility, and the project appeared to have the proper provisions in place for construction. Members agreed that we should respond to show LMRLAC is paying attention and to encourage future notification. Kath will send a response indicating LMRLAC appreciates being notified of the project and has no concerns.

### **Litchfield – PSNH Substation Tree Clearing**

Kath read from a copy of some correspondence with Kim Tuttle of NH Fish and Game which discusses tree clearing in Litchfield for transmission lines from the PSNH substation project in Merrimack. The Shoreland impact permit number for the work in Litchfield is 2011-00451 and was approved on March 16. Kath quoted from the correspondence which mentioned a desire for roosting trees for nesting bald eagles, but not a large forested buffer, to allow field habitat for grasshopper sparrows as well.

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### **Old Business**

#### **Denial of AOT permit at 25 Flagstone Drive, Hudson (application #100930-121)**

Kath reminded those in attendance that DES had denied the Alteration of Terrain permit request for 25 Flagstone Drive in a letter dated April 12, 2011, on the basis that the applicant had not responded to a DES request for more information by the previously specified date.

Kath stated that a new application had been submitted, dated April 21, for an Alteration of Terrain permit to disturb 170,030 square feet of terrain. Kath stated that LMRLAC had not yet received a copy of the application from the applicant and had so far only received a copy of a letter notifying the Hudson Town Clerk's office that a permit application had been submitted.

Kath interpreted the application process to mean that, if LMRLAC has not received a copy of the application within 16 days from receipt of notification of the application, that LMRLAC can contact DES, informing them that the LAC has not received a copy of the application. Under the current process, Kath's interpretation is that a lack of submittal to the LAC is sufficient to declare the application incomplete.

Bob suggested LMRLAC should request a copy of the application right away, rather than wait to see whether one arrives. He cited the example of another application for which LMRLAC received only a letter; DES Commissioner Burack indicated at that time that the letter was sufficient notification to the LAC.

Kath mentioned that the LAC is not supposed to have to 'chase' the applicant for information; applicants are supposed to send information to the LAC as part of the process. Bob suggested LMRLAC contact DES, informing them that LMRLAC has not received a copy of the application yet and asking whether LMRLAC should contact the applicant. Kath will contact DES.

### **General Discussion**

#### **Boott Hydropower Dam – Project Status**

Kath introduced John Nappi and gave a summary of the interaction between LMRLAC and Enel, the parent company which manages the Boott Hydropower Dam in Lowell. Mr. Nappi is a Lowell resident just upstream of the dam with concerns about flood events and potential impacts to river levels if the dam is modified to install the proposed pneumatic crest gate bladder system in place of the current flashboards.

Kath explained that LMRLAC had been receiving notification from Enel of river lowering for flashboard repair or replacement over the years, and how the frequency and duration of the lowering/repair events had seemed to increase in recent years. Enel representatives attended LMRLAC meetings to discuss the repair history, and to explain their intent to replace the current pin and flashboard system with a crest gate system. The crest gate system was described as providing a more hydraulically stabilized river level.

Kath also explained that members of the Lowell Flood Owners' Group had attended a LMRLAC meeting voicing their concerns about the flood events in recent years, and their concerns that the crest gate system would not improve, and may even worsen, their situation.

Kath explained that LMRLAC's jurisdiction covers Merrimack, Litchfield, Nashua, and Hudson, which are affected by the dam operation because this portion of the river is the upper reach of the dam and thus acts as storage for the dam. She also explained that LMRLAC does not have jurisdiction over the dam in Lowell.

Kath explained that LMRLAC did submit a letter to the Federal Energy Regulatory Commission (FERC). The letter stated LMRLAC's position that a system that stabilizes the pond would be

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an improvement over the current situation for the portion of the river over which LMRLAC holds jurisdiction. The letter also stated that LMRLAC is aware that there are many stakeholders with some conflicting interests and expressed hope that FERC would carefully weigh all the interests when making its decision.

Kath stated that Kevin Webb, Enel Regulatory Affairs Coordinator, had sent her an e-mail requesting LMRLAC send letters of support for the project to members of the New Hampshire congressional delegation, and opened the floor to discussion.

Kath mentioned the impact to recreational uses when the river is lowered for flashboard maintenance and repair. Bob pointed out that recreational uses are not the only concerns; that fishing and water draw are among the others.

Kath pointed out one criterion for sending a letter, in her view, would be whether the recipient is in a position to balance all the interests involved.

Mr. Nappi asked for an explanation of LMRLAC's understanding of what is happening with river water levels and the cause of the flooding in 2006. Kath replied that the cause of the flooding is not germane to the discussion; LMRLAC's focus and jurisdiction is specific to the portion of the river abutting the four member towns, and that FERC's job is to weigh the concerns of all the stakeholders in guiding it to define the constraints on the dam operator. Mr. Nappi asked if he could have a statement of LMRLAC's position and point of view in writing.

Mr. Nappi stated his view that the crest gate system would affect the water level of the entire river. He expressed concern over who would be controlling that influence on the whole river. Kath replied that it is FERC's responsibility to define such things as the pond level in the license.

Mr. Nappi mentioned one example of a neighborhood with flood impacts was the Williamsburg neighborhood, which has about 400 houses and for whom flood insurance rates are rising. Mr. Gale gave an example in Chelmsford where 10 feet of river bank has been lost due to higher water levels, with the potential to expose a sewer line.

Mr. Nappi stated the river level is specified by the US Army Corps of Engineers. Mr. Nappi also stated that the river level this spring was at 6-7 feet above the cap of the dam. Kath asked whether the river height requirement had been violated and Mr. Nappi stated that it had.

Due to the library closing, the discussion was concluded. Further discussion on whether LMRLAC should send any letters of support, as requested by Kevin Webb, was tabled to a future meeting.

### **Upcoming Meetings**

Jill Longval, Environmental Planner at NRPC, will attend the June 23 LMRLAC meeting to discuss some grant or funding opportunities.

Meeting adjourned 9:00pm.

Next meeting is currently scheduled for Thursday, May 26, 2011, at 7pm at the Nashua Public Library.

Respectfully submitted,  
Karen Archambault  
secretary