



REGION 1

BOSTON, MA 02109

Date: *Dated as shown on electronic signature(s)*

Subj: Focused Audit – Clean Water Act (“CWA”)
National Pollutant Discharge Elimination System (“NPDES”)

From: Newton Tedder

NEWTON
TEDDER Digitally signed by
NEWTON TEDDER
Date: 2025.01.30
15:58:57 -05'00'

Thru: Solanch Pastrana-Del Valle

To: File

I. MS4 Information

MS4 Name: City of Dover, New Hampshire
B. ID No(s): NHR041037

II. Background Information

- A. Date(s) of Focused Audit:*
11/21/2024 – 1/7/2025
- B. US EPA Representative(s):*
Newton Tedder
Solanch Pastrana-Del Valle
- C. State Representative(s):*
None

D. MS4 Representatives:

Timothy Puls
Ken Mavrogeorge
Jillian Semprini
Jamie Stevens

E. Federally Enforceable Requirements Covered During the Audit:

1. 2017 New Hampshire MS4 Permit Part 2.3.5.3.a - Construction Site Stormwater Runoff Control (MCM4)
2. 2017 New Hampshire MS4 Permit Part 2.3.5.3.b - Stormwater Management in New Development and Redevelopment (Post Construction Stormwater Management)(MCM5)

F. Previous Enforcement Actions:

None

III. Audit

Meeting On Site

Tim Puls of the City of Dover was contacted 11/29/24 to discuss an upcoming Construction General Permit (CGP) Inspection at the Cocheco Waterfront Development, which the City is one of 3 CGP permit holders. It was discussed that as part of this inspection, EPA would be conducting a Focused Audit on the City of Dover's MS4 program relating to its compliance with Part 2.3.5.3.a (Construction Site Stormwater Runoff Control (MCM4)) and Part 2.3.5.3.b (Stormwater Management in New Development and Redevelopment (Post Construction Stormwater Management)(MCM5)) of the 2017 New Hampshire MS4 Permit, which the City is subject. On 11/21/2024 City Representatives met at the Cocheco Waterfront Development, EPA inspectors Tedder and Pastrana-Del Valle presented their credentials to City of Dover Representatives and discussed the nature of the joint CGP inspection and MS4 Focused Audit. EPA Inspectors Horvath and Oakes were also present conducting a CGP inspection of the site only.

Written Documentation Request:

On 11/22/2024 EPA requested via email the following information from the City regarding 2017 NH MS4 Permit implementation as it pertains to the Cocheco Waterfront Development and their MS4 program:

1. Provide a copy or a link to the City's ordinance for the construction site stormwater runoff control program (MCM4), as required by Part 2.3.5.3.a of the permit.
2. Provide a copy of the written procedure for site plan review, site inspections and enforcement of sediment and erosion control measures, as required by Part 2.3.5.3.b of the permit.
3. Provide a copy of the site plan review conducted for the Cocheco Waterfront Development.

4. Provide a copy of the site inspections conducted during the last three months for the Cocheco Waterfront Development.
5. Provide a copy of any additional requirements for construction operators to implement a sediment and erosion control program, as required by Part 2.3.5.3.c of the permit that may be outside of your ordinance.
6. Provide a copy or a link to the City's ordinance for Stormwater Management in New Development and Redevelopment (Post Construction Stormwater Management)(MCM5), as required by Part 2.3.6.a.i of the permit.
7. Provide a copy of the City's calculation for pollutant removal of nutrients and sediments in the Cocheco Waterfront Development, in accordance with the City's Post-construction ordinance.

On 12/13/2024 Tim Puls provided written answers and supporting documentation to all the above questions via email.

Focused Audit Follow-up Meeting:

City Representatives Timothy Puls, Ken Mavrogeorge, Jillian Semprini and Jamie Stevens met with Inspectors Tedder and Pastrana-Del Valle via Microsoft Teams on 1/7/2025 at 1:00pm. The City's written responses to each question above was discussed including supplied documentation. The following areas of concern/improvement were noted by EPA:

1. While the City's ordinance for Stormwater Management in New Development and Redevelopment (Post Construction Stormwater Management) appears in compliance with Part 2.3.6.a.i of the permit, the implementation and enforcement of the Ordinance appears lacking with respect to the Cocheco Waterfront Development. The document entitled: E2246_Stormwater Calculations_design review_V2.pdf does not contain pollutant reduction calculations on a site scale in order to assess compliance with Section 153-14A(3) of the City's Ordinance. The City should take steps to improve the development approval process to ensure appropriate pollutant reduction requirements will be met at each development site following construction completion. These calculations must be done at the site scale using pollutant loading estimates and reduction estimates found in the 2017 NH MS4 Permit (where applicable) to assess the overall impact of the development after construction and ensure compliance with the City's stormwater ordinance and regulations.

The Microsoft Teams call was concluded at approximately 3:00pm

Unless otherwise noted, this report describes conditions at the facility/property as observed by EPA inspector(s), and/or through records provided to and/or information reported to EPA inspector(s) by facility representatives and as understood by the inspector(s). This report may not capture all operations or activities ongoing at the time of the Audit. This report does not make final determinations on potential areas of concern. Nothing in this report affects EPA's authorities under federal statutes and regulations to pursue further investigation or action.