

NOTICE OF PUBLIC HEARING

The Pease Development Authority (PDA) has duly enacted Land Use Regulations in accordance with the requirements of RSA ch. 12-G and rules adopted by the PDA for the adoption or amendment of land use controls; and whereas, the Land Use Regulations may be amended at any time by the PDA Board in accordance with its rules for the adoption and amendment of land use controls; and whereas, the PDA in its capacity as proprietor of the Pease International Tradeport and Portsmouth International Airport deems it appropriate to propose certain amendments to the PDA Zoning Requirements and Site Plan Regulations;

Now, therefore, the PDA does hereby resolve to conduct a public hearing on the proposed land use control amendments herein. Said public hearing shall be held on Thursday, October 8, 2020, at 9:00 a.m. local time. The purpose of the public hearing will be to provide an opportunity for interested persons to provide comment on the proposed amendments. Pursuant to NH RSA 91-A:2 III (b) and due to the COVID-19 public health emergency condition, PDA Chairman Smith has waived the requirement that a quorum be physically present at the hearing. Therefore, in accordance with the Governor's Executive Order 2020-04, Section 8 and Emergency Order #12, Section 3, PDA Directors will be participating in the hearing remotely via the Zoom meeting platform. Members of the public may attend this meeting by using the access information below. Please note that this hearing will be audio recorded.

Persons may join Zoom Meeting through this link:

<https://us02web.zoom.us/j/86462549852?pwd=MDY3ZTJSMjFub0EyUk1yeUIFY3JoUT09>

Or dial in: (929) 205-6099

Meeting ID: 864 6254 9852 Passcode: 051235

Comments can be presented orally at the public hearing or in writing. Written submissions will be accepted by the PDA if received prior to the close of the public hearing on October 8, 2020. Such written submission should be sent to:

Pease Development Authority, Attn: Engineering, 55 International Drive, Portsmouth, NH 03801 or emailed to: b.demaine@peasedev.org

Any member of the public having difficulty accessing the meeting listed above during the public hearing should contact Jessica Patterson at 603-766-9290 or via email at j.patterson@peasedev.org

The proposed amendments are:

The following changes should be made to **Part 304-A.10(a)**:

All construction activities and uses of buildings, structures and land within wetlands and wetland buffers, including without limitation all temporary and permanent erosion and sediment controls, shall be carried out so as to minimize the volume and rate of storm water runoff, the amount of

erosion, and the export of sediment from the site. All such activities shall be conducted in accordance with Best Management Practices for storm water, including, but not limited to, the following:

(1) New Hampshire Stormwater Manual Volume 2: Post-Construction Best Management Practices Selection and Design, NHDES, 2008 or as amended; and

(2) New Hampshire Stormwater Manual Volume 3: Erosion and Sediment Controls During Construction, NHDES, 2008 or as amended.

Part 305.05(a)(14) should be revised to read as follows:

(14) STORM DRAINAGE. Any grading, paving, or other construction activity, including without limitation, all temporary or permanent erosion and sediment controls, or the construction or operation of storm drainage systems shall not result in erosion or sedimentation of streams, or damage to adjoining properties and roads, and shall conform to, unless an alternative method or technology is specifically authorized by NHDES or PDA, the following:

- a) New Hampshire Stormwater Manual Volume 2: Post-Construction Best Management Practices Selection and Design, NHDES, 2008 or as amended; and
- b) New Hampshire Stormwater Manual Volume 3: Erosion and Sediment Controls During Construction, NHDES, 2008 or as amended.

The following text should be added to Chapter 407.02 Site Review Agreement by replacing (b) with the following:

Site review agreements shall include the following conditions:

(1) All construction undertaken pursuant to this site plan approval shall be in compliance with federal and state laws.

(2) Applicants/Developers shall provide PDA with a digital copy of any annual reports submitted to a federal, state or local governmental authority pursuant to any federal or state law, including without limitation, the NH Alteration of Terrain Permit program, related to construction undertaken pursuant to this Site Review Agreement.

The following text should be included in Part 403.01 General Provisions by replacing paragraph (e):

(e) All Applicants/Developers shall obtain all permits and approvals required under applicable federal, state and local laws for construction and post-construction stormwater management.

The following text should be included in Part 403.04 Site Plan Submission Requirements as Section 403.04(7)h

(h) ... and a sheet showing proposed stormwater management and erosion control features.

DRAFT PROPOSED LANGUAGE – Illicit Discharge Detection and Elimination

IDDE Ordinance Language

Add the following definitions to **Part 302. DEFINITIONS:**

302.XX. “Environmental Protection Agency” means the Federal agency responsible for implementing the Federal Water Pollution Control Act, (3 U.S.C. § 1251 et seq.) also known as the “Clean Water Act”.

302.XX “Illicit connection” means an illicit, unauthorized or illegal connection that drains into or is connected to the Pease Development Authority Separate Storm Sewer System, and could include any of the following:

1. Any pipe, drain, open channel or other conveyances that have the potential to allow an illicit discharge to enter the Separate Storm Sewer System. Including, but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system. This includes any connections to the Separate Storm Sewer System from indoor drains and sinks regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency.

Or

2. Any pipe, drain, open channel or conveyance connected from a residential, commercial or industrial land use, to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized federal, state or local enforcement agency.

302.XX “Illicit discharge” means any direct or indirect non-storm water discharge to the Pease Development Authority Separate Storm Sewer System, excepting discharges as identified in Section 3XX.03.

302.XX “Infiltration” means the act of conveying the surface water into the ground, to permit the groundwater to be recharged resulting in the reduction of stormwater runoff from a project site.

302.XX “Pease Development Authority Separate Storm Sewer System (System)” means owned and operated facilities by which storm water is collected including but not limited to roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains, piped storm drains, pumping facility retention or detention basins, reservoir or other drainage structure that discharges to the waters of the United States. It does not include any facility owned by another party, including facilities owned by the United States Government or the City of Portsmouth.

302.XX “National Pollutant Discharge Elimination System (NPDES) program” means the water quality program established as part of the Clean Water Act, implemented by the EPA, to authorize the discharge of pollutants into surface waters of the United States.

302.XX “Non-stormwater discharge” means a surface discharge to the PDA separate storm sewer system not composed entirely of stormwater.

302.XX “Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

Add the following Part to the existing Regulations:

PART 313-A ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

313-A.01 Purpose and Intent

The intent is to protect public health, safety and general welfare of the PDA Tenants and the environment by prohibiting illicit connections and discharges to PDA’s separate storm sewer system.

313-A.02 Prohibition of Illicit Discharges

- (a) No person shall discharge or cause to be discharged into the PDA System any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater
- (b) The following items are not considered as Illicit Discharges:
 - (1) Stormwater
 - (2) Discharges allowed by NPDES permit NH0090000 or any subsequent NPDES permit issued to PDA for the Tradeport
 - (3) Firefighting activities, including training
 - (4) Water line flushing
 - (5) Ground water infiltration
 - (6) Discharges from potable water sources including landscape irrigation and lawn watering
 - (7) Foundation & footing drains including crawl space pumps
 - (8) Air conditioning condensation
 - (9) Diverted/pumped stream flows, springs & riparian habitats and wetlands and rising groundwater
 - (10) Dechlorinated swimming pool discharges
 - (11) Discharge from street sweeping
 - (12) Dye testing if PDA is made aware prior to the test

313-A.03 Prohibition of Illicit Connections

- (a) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the PDA System or allows such a connection to continue.

313-A.04 IDDE Responsibility for Administration

(a) Enforcement

(1) Within Airport Zone and Airport Industrial Zone

For sites and locations within the airport zone or the airport industrial zone, and in addition to any right or other power PDA may have pursuant to written agreements with lessees, developers or others, PDA may undertake such enforcement against lessees, developers and others as is authorized under and consistent with the provisions of RSA 12-G:13, VI.

(2) Outside Airport Zone and Airport Industrial Zone

- (a) Outside of the airport zone and airport industrial zone, and subject to the provisions of RSA 12-G:13, V(c), any deviation or noncompliance with these land use controls shall be subject to the enforcement provisions and process of the municipality having jurisdiction over the site or location pursuant to RSA 12-G:13, V(b).
- (b) For the area of the Tradeport outside of the airport zone and airport industrial zone within the geographical limits of the City of Portsmouth, and subject to the provisions of RSA 12-G:13, V(c) and solely for the purposes of enforcing these Land Use Controls, the PDA adopts by reference the city's enforcement provisions and penalties applicable to the enforcement of city ordinances.
- (c) For the area of the Tradeport outside of the airport zone and airport industrial zone within the geographical limits of the Town of Newington, and subject to the provisions of RSA 12-G:13, V(c) and solely for the purposes of enforcing these Land Use Controls, the PDA adopts by reference the town's enforcement provisions and penalties applicable to the enforcement of town ordinances.