

MINUTES - DRAFT

Nashua and Manchester Regional Stormwater Coalition Meeting

Nashua Regional Planning Commission Office

9 Executive Park Dr. #201, Merrimack, New Hampshire

Tuesday, November 14, 1:00 to 3:00 p.m.

Present:

<i>Jeremy Bouvier, Chair</i>	<i>Manchester</i>	<i>Mark Connors</i>	<i>Bedford</i>
<i>Bruce Berry, Chair</i>	<i>Amherst</i>	<i>Troy Brown</i>	<i>Litchfield</i>
<i>Simon Corson</i>	<i>Amherst</i>	<i>Craig Durrett</i>	<i>Derry</i>
<i>Barbara McMillan</i>	<i>NHDES</i>	<i>Sylvia Vanvon Aulock</i>	<i>Southern NHPC</i>
<i>Katie Zink</i>	<i>NHDES</i>	<i>Jennifer Meritt</i>	<i>Southern NHPC</i>
<i>Heidi Marshall</i>	<i>CLD Consulting</i>	<i>Sara Siskavich</i>	<i>Nashua RPC</i>
<i>Tom Bayrd</i>	<i>Hollis</i>	<i>Andrew Smeltz</i>	<i>Nashua RPC</i>
<i>Joan Cudworth</i>	<i>Hollis</i>	<i>Jay Minkarh</i>	<i>Nashua RPC</i>
<i>Dawn Tuomala</i>	<i>Merrimack</i>	<i>Jen Czysz</i>	<i>Nashua RPC</i>
<i>Fred Elkind</i>	<i>Milford</i>	<i>Matt Monahan</i>	<i>Nashua RPC</i>
<i>Mike McLaughlin</i>	<i>Bedford</i>	<i>Jeff Gowan</i>	<i>Pelham</i>
<i>Madeleine Mineau</i>	<i>Nashua</i>	<i>Eric Hahn</i>	<i>Amherst</i>
<i>Scott McPhie</i>	<i>Nashua</i>		

1. General Announcements:

- Barbara will send link to Seacoast Stormwater Coalition RFP for Regional Base mapping of impaired watershed. This will be sent as an FYI as this is for MS4s in the coastal watershed.

2. NH Department of Environmental Services Role in the MS4 Permit: Ted Diers, NHDES Watershed Bureau Administrator gave an overview looking at Total Maximum Daily Loads (TMDLs) and Impaired Water, Antidegradation Provisions, Off-ramps for delistings, Monitoring Requirements, and Alternative Pollutant Loads Reduction Plans.

- NHDES's roles in MS4 is sharing data or training for sample collection. MS4s can use impairment maps to identify gaps in or old data and then collect more data, get on the NHDES list for confirmation monitoring, and/or get trained for more data collection.
- Look at maps of urban areas and drainage to impairments or TMDLs and identify 1) where do you want to deploy more resources for appendix F? 2) and what are you responsible for? MS4 area is not responsible for complete reduction in pollutant load if only a portion of the watershed is in the MS4 regulated area.
 - Q- Is that a problem?

- A- It is a moral responsibility, but not regulated by MS4. If you would like to take further steps to reduce pollution in areas outside of the permit area there are potential funding opportunities and Ted would love to work with folks on that.
- Alteration of Terrain (AOT) will have watershed layers with data regarding nutrients, etc. will be available soon.
 - Q-When do you expect this to be available?
 - A-(from Ted Diers) Expected within 2-3 months.
 - Q-Is this type of delineation acceptable to EPA?
 - A- (from Suzanne Warner) would like to see data but sees no reason why this wouldn't be acceptable.
- NHDES guidance can be used for; anti-degradation; off-ramps for delisting; monitoring requirements; alternate pollution reduction plans. There is a new document regarding how to get off the 303d list on the NHDES website at: <https://www.des.nh.gov/organization/commissioner/pip/publications/documents/r-wd-17-20.pdf>
 - Q- Can a delisting be done in one year?
 - A- Yes, for NHDES, monitoring conditions must be the same – it must be good data with quality control. It is even better if you can show that something has been done to cause the change in conditions.
 - Q- Where can we find guidance for removals?
 - A- Guidance can be found on the NHDES website soon (see above, “soon”). NHDES will supply this to everyone to solicit comments but not planning a formal release. Ted can also come back another time to help with the steps of getting waterbodies delisted.
 - Q- Would we be responsible to track new development?
 - A- Yes, the SWA stormwater ordinance will help you meet this requirement.
 - Alternate Pollutant Reduction Plans: If you don't want to do the BMPs in a TMDL, you can do an Alternative Pollutant Reduction Plan. It may make sense to do this in places where there is an old TMDL with old data and information. These have the same nine basic elements of watershed management plans required under Section 319 of the Clean Water Act.
- The 2014, 303d list is at EPA waiting for review comments the 2016 list is close to finalization by EPA.
 - Q- What is the status of the Beaver Brook Chloride TMDL?

- A- Look at the 2018 list- it might be removed then but the data wasn't collected at the same locations adding to the complexity.
- Make sure that you sample in the correct spot for post implementation monitoring. Ted will help with that. We can provide the testing locations and data before you come up with a plan.
 - Q- What role can a municipality play in deciding whether data is valid or not?
 - A- The CALM (Consolidated Assessment Listing Methodology) is a good resource for that information.
- Legislative update on NH NPDES Delegation - We need to study this more. Finalized language for Jeb Bradley (NH Senate) the Legislative Service Request is done for a bill to study nine different factors, e.g., data, costs, how to pay for it, etc., related to NPDES delegation. NHDES website is at: <https://www.des.nh.gov/organization/divisions/water/wweb/npdes-commission.htm>
- The link to the commission's final report is at: <http://www.gencourt.state.nh.us/statstudcomm/reports/1347.pdf>.

3. Completing a Notice of Intent for Approval to Discharge: Suzanne Warner, USEPA, region 1: An EPA version of a walk through the NOI form.

- The permit goes into effect July 1, 2018.
- NOIs are due October 2, 2018.
- Part I – General Conditions: Under Endangered Species, EPA talked to Fish and Wildlife and the northern long eared bat and small whorled pegenia are the ones that have to be addressed. Under National Historic Preservation Act, anything that already exists in construction planned activities. Contact Suzanne with specific questions.
- Part II – Listing of Receiving Waters: Discharge to a wetland is considered discharge to waters of the US, if there is discharge to a wooded area that is not wetlands than it is an engineering call, however if it goes into a ditch or perennial stream that then would be considered a discharge under the permit. The list of pollutants do not all have to be addressed.
- MCM 1 – Education and Outreach: This can be pretty basic or general. It is okay to put that you are working on the coalition efforts.
- Part IV: Look at which requirements are applicable in your community. Alternative TMDLs will be put out for public comment with the NOI.
- If assistance is needed when filling out NOI you can go to the EPA NOI webinar for more information- it will be available online.
 - Q- Is there an example of an NOI that can be used when filling out an NOI?

- A- There is no example currently, but Suzanne can create one. It would be helpful to describe what is too much information and what is not enough.

4. Update on Nashua/Manchester Regional Stormwater Coalition Agreement Proposal. Jen Czysz and Sylvia von Aulock, SNHPC: The latest regarding the RPCs role of coordinating the fiscal part of MS4s making a small contribution for future collaborative efforts requiring funds.

- There was a short discussion on how money would be spent. Jen would like to see an official motion when voting.
- Bruce mentioned that the draft has a date of December 1, 2017- Jen said that that could be changed to read “effective on date second municipality signs.” She will amend the language and resend the document.
- Sylvia went over the handouts of Intermunicipal Agreement and summary.
- It was requested to take out “initial” from the 5th paragraph and replace it with “one time”.
- There was a question as to whether or not a GIS & Outreach clearinghouse should be added to the document as examples of what MS4s might get from the funds. Manchester indicated they wouldn’t need GIS. Response was that it would not have to be a complete menu but that it might be a good idea to give some idea of what the benefits of the agreement are.
- Matt from Central NH Planning has two municipalities that fall through the cracks so they might be included on this.
- There was discussion about legal review being necessary to go through as a contract, as it is written.
 - Some Seacoast Stormwater Coalition (SSC) MS4s set up their program as an invoice, which got them around attorneys.
 - It was requested that “Town Council” would be changed to “Authorized Authority”. Also, take out whereas and make it more of an informal contract between the MS4s and RPC- making it less like a contract might help with potential legal issues.
 - Edits will be made and circulated. There may be a re-write to make it a less official document. Send additional comments to Jen or Sylvia ASAP.

5. Other Business

- Looking for web suggestions- what would be most helpful for technical assistance?

6. Next Meeting Date and Agenda: January 9th – **1:00 to 3:00 p.m.** Agenda to be determined.