

# Seacoast Stormwater Coalition Meeting Minutes

Dover Community Services Building, 271 Mast Road  
Dover, New Hampshire

Wednesday, November 29, 2017, 1:00 – 3:00 p.m.

## Attending:

*Gretchen Young, Dover (Chair)*

*Jamie Houle, UNH SW Center*

*Barbara McMillan, NHDES*

*Sally Soule, NHDES*

*Ted Diers, NHDES*

*Suzanne Warner, EPA*

*Dan Bourdeau, Geosyntec*

*Jeff Normandeau, Wright-Pierce*

*Lyndsay Butler, Wright-Pierce*

*Sauna B. Saunders, Somersworth*

*Mike Bobinsky, Somersworth*

*Diane Hardy, Newmarket*

*Owen Friend-Gray, Rochester*

*Steve Brewer, Raymond*

*Nancy O'Connor, SRPC*

*Rachael Mack, SRPC*

*Jenn Rowden, RPC*

*Suzanne Huard, Rollinsford*

*Paul Cazeault, Rollinsford*

*Gordon Leedy, Amsherst*

*Tavis Austin, Stratham*

*Jim Hafey, Hampton*

*Paul Vlasich, Exeter*

*RH Snow, SWA*

*Diane Hardy, Newmarket*

*Bill Boulanger, Dover*

*Dave White, Dover*

*Brian Geotz, Portsmouth*

*Dean Peschel, Peschel Consulting*

*Ben Dreyer, Underwood Engineers*

*Liz Durfee, EF Design & Planning*

*Heidi Marshall, CLD/Fuss & On'Neill*

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## 1. **Outfall Discussion** – Jamie Houle, UNH Stormwater Center:

The group discussed what constitutes an outfall for the purpose of MS4 compliance. The permit defines an outfall as “a point source as defined by 40 CFR 122.2 (and below) at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.” The intent for mapping and testing the outfalls is to find and eliminate illicit connections. For the purpose of MS4 compliance, the coalition agreed to strategically focus on points where the end of a pipe or other manmade BMP discharges as the outfall points.

## 2. **NH Department of Environmental Services Role in the MS4 Permit** – Ted Diers, NHDES: Looking at Total Maximum Daily Loads (TMDLs) and Impaired Waters, Antidegradation Provisions, Off-ramps for Delistings, Monitoring Requirements, and Alternative Pollutant Load Reduction Plans.

**TMDLS:** With Raymond as an example, the map shows the MS4 area and the relevant impaired waters are orange. When you have a TMDL, the impairments come off the impairments list. NHDES is packaging this data so that it is easy to digest. We are looking at categories four and five of the impairments.

- The TMDL has very little guidance on what you have to do.
- A town might think about getting more data where we don't have any recent data and there might have been a change in the loading.
- You need to decide whether you want to look closer at the sources and focus on the biggest bang for the buck.
- A town is only responsible for their part of the problem.

Bill B. – What do you do if you can't do anything? A: You should put that in your NOI – i.e. “we did the analysis and we are not part of the problem. We are going to work on the efforts that are going to reduce the load.”

Mike B. – Do the new TMDLs have a more collaborative approach? A: Yes.

Jamie H. – Ken Edwardson at NHDES has a lot of this data and is about ½ way done on getting the priorities done? A: We would like to get to a tool that you can click on your town with the MS4 combined with Alteration of Terrain (AoT) data. It is missing the watershed. We would like to work with Jamie on developing the data set.

There are 4 sections that NHDES has a role to play to provide guidance as part of the MS4 permit.

- a. **Antidegradation Provision:** Pg. 18 of the permit. Means you can't make clean water dirty or dirty water dirtier. The guidance document tells you what you do about it.
  - We don't want to see plans from you so we developed a check list that you will go through, i.e., did it comply with AoT, did it have a wetlands permit, is it less than one acre, does your ordinance say that you will not have additional flow off the property?
  - If you are not able to check all the boxes, then we should talk to see if there are other ways to look at this with looking at pollutant analysis.
  - If not that, then we would do an antidegradation analysis. (try to avoid). Jamie H. said that Target/Lowes did one.

Barb will put the guidance document on the Blog and give everyone a month to look at it.

Dean P. – This sort of relieves NHDES from having to do anything but the communities will have the responsibility. The analysis doesn't check the pollutant load coming off the site. It will need to know if it is articulated in the document. Is there a check list that we can create to help? EPA can review it if they want to.

Owen F. – It would be really helpful if Ridge or Gloria (NHDES AoT) share their internal check list to use to align with a town one. The SWA requirements are more stringent than AoT in some places. Gordon L. – Many of our development is less than an acre – they picked 20,000 as a model. Ted – NHDES cannot go beyond state authority (less than an acre).

Brian G. – What happens if it changes in five years? It is hard to get us all on the same page as you get into the local regulations and review process.

- b. **Off-Ramp Delistings:** What happens if you want to talk it off the list. To help make the case that a water quality improvement is real, you need to identify if there were improvements done to reduce impacts and did we collect consistent data. We have packaged QAPPs that you can use and if you have interns we will train them. NHDES has a new fact sheet on how to get off the list. The link will be in the document that we will send you.
- c. **Monitoring Requirements:** It says “see NHDES” in the permit - Appendix G. Parameters include: bugs, fish, foam/flocculants (there is only one in the state), habitat assessments, and physical substrate habitat alterations.
- d. **Alternative pollutant Reduction Plans:** If you don’t want to do a TMDL, you could do a watershed-based plan (a-i) as a “replacement” to an existing TMDL. This would not be a full blown a-i plan but would include parts of one. It may make sense to do this in places where there is an old TMDL.

Barb will post and send the guidance document out to everyone.

- 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. Bring your NOI questions.

EPA is working on a Webinar on this presentation. As it stands now, the permit goes into effect on July 1<sup>st</sup>, 2018. Then you have 90 days to submit NOI to EPA. EPA will not be looking at NOIs until that effective day.

There are some benefits to the fillable form with drop-down menus. When opening up the form “save as” so you can save changes you make.

### **Part I: General Conditions**

- We have links on our website for the permit number.
- Endangered Species Act (ESA) and National Historic Preservation Act (NHPA). We require that these two conditions are being met. These are both just check boxes in the permit.

ESA is the federal list of endangered species. You need to identify if they are in the MS4, and whether they are impacted by activities. The IPAC tool can help. Criteria A – no ES in your area, etc. EPA is available to help with determining that. Mostly we would see the long-eared bat on our list.

NHPA Is the facility a previously authorized facility? This is on only planned project. This is activities only under an acre if it is an earth disturbance associated with the permit.

## Part II: Summary of Receiving Waters

- Acknowledge your waters. The designation of these could be a local or a NHDES name. The check boxes are not just the regulated pollutants – just the most common ones. It is based on the latest EPA approved list (2012).

NHDES allows you to find the waterbodies on the map on the website.

For TMDL waterbodies we try to call out communities within the TMDL waterbodies. It doesn't mean that your MS4 discharges to it or that it is in the MS4 area. You will just point that out if it doesn't. If your town would like to do something different than what is subscribed in Appendix F you can do the NHDES plan Ted referenced in his talk.

## Part III: Stormwater Management Program Summary

- MCM1: Public Education & Outreach – EPA is just looking for a short description for the BMP. The target audience is already filled out. We are not looking for an exact description but something that might build off of what you are already doing.

Jamie – We have been collectively working on the outreach and education so most towns will be the same. A: You can add something like “stormwater coalition” as the responsible party. We are not expecting to call out certain staff people but just the department or organization that is working on this.

For the measurable goals, EPA will try to come up with more examples and descriptions on how to fill that section.

- MCM 2: Public Involvement and Participation – fill out how you plan to meet those requirements and responsible parties.

There was a question about what happens if you put in tasks above and beyond what's required for compliance, and then can't do it later due to staff, financial, or situational changes you did not anticipate. Are you still required to do the above and beyond because it was in your NOI? A: Suzanne responded that as long as you're meeting your permit, it's okay to remove stuff or replace it, but she will check to be sure.

- MCM 3: IDDE – The permit is pretty prescriptive here, so those have been filled out in the form. You just need to put in who is responsible and the timeline.
- MCM 4: Construction Site Stormwater Control – same info as MCM3.
- MCM 5: Post Construction – same info as MCM 3.

- MCM 6: Municipal Good Housekeeping – just looking for responsible party and timeline. There was discussion what to record if an MS4 is doing something above the beyond and then later you can't do it. Suzanne will check on that to make sure that you will not be accountable later.
- TMDL Requirements: They are all listed in the dropdowns. Appendix F will lay out what you need to do which is enough information so that you just need to say that we are complying with the permit and ID a principal responsible party.
- Water Quality Limited (Impaired Waters) Requirements: Same as above except reference appendix H.

**Part IV: Notes and Additions** – If your town is listed in the TMDL but it is not applicable to your community.

**Part V: Certification** – needs to be a publically elected official. Suzanne will double check on if it can be a manager. We need an original signature or through acrobat.

Jamie – it looks like it is very easy. Is there a catch? The bulk of the work is associated with page 2 – that is what our RFP is all about. Someone has to take ownership. Can a town use their a – i. as an alternative plan. A: Yes.

There will be an upcoming user manual and webinar. Feel free to contact Suzanne for more information.

#### 4. **Update on the NH State Delegation Authority**, Ted Diers

Jeb Bradley has a bill creating a committee to look at different aspects of delegation. This includes nine elements, i.e., how to pay for it, outreach, laws and statutes, etc. There will be an appropriation recommended in that legislation. It is going to come down to money. We should have a bill number in January. Barb will send out website and final report to everyone.

Mike B. – several of us see it as a strong opportunity for NHDES to do this. Diane H. – interested in what the experiences in Maine have been and should New Hampshire be doing this? Mike B. worked in Maine and had a good experience with it. There is more accessibility to information and contacts and it was more local but there was still a relationship with EPA. There were challenges with interpretation of regulations and mandates.

#### 5. **Other Business?** Dick Snow, Southeast Watershed Alliance (SWA) – He is still looking for about six more communities to participate in the \$2,000 contribution for the Seacoast Stormwater Coalition Collaboration fund.

On a separate note he is also requesting that SWA member communities contribute \$200 on an annual basis to go into the SWA. Brentwood, Chester, Newmarket, and Lee have given them \$200.

6. **General Announcements:** Jenn Rowden, RPC announced that they are working with EPA on a webinar for the Post Construction Ordinance training.
7. Next Meeting Date and Agenda: January 17, 2018, 1:00 to 3:00 p.m. Agenda to be determined.