

MINUTES -

NH Lower Merrimack Valley Stormwater Coalition Meeting

Nashua Regional Planning Commission Office

30 Temple Street, Suite 310, Nashua, New Hampshire

Thursday, January 9, 1:00 to 3:00 p.m.

Present:

<i>Jeremy Bouvier, Chair</i>	<i>Manchester</i>	<i>Deb Chisholm</i>	<i>Nashua</i>
<i>Dawn Tuomala, Chair</i>	<i>Merrimack</i>	<i>Amy Pouty-Gill</i>	<i>Nashua</i>
<i>Jeanne Walker</i>	<i>Bedford</i>	<i>Scott McPhie</i>	<i>Nashua</i>
<i>Craig Durrett</i>	<i>Derry</i>	<i>Andrew Smeltz</i>	<i>NashuaRPC</i>
<i>Lorilee Mather</i>	<i>GeoInsight</i>	<i>Deb Loiselle</i>	<i>NHDES</i>
<i>Sarah Whearty</i>	<i>Goffstown</i>	<i>Katie Zink</i>	<i>NHDES</i>
<i>Evan Clements</i>	<i>Hollis</i>	<i>Jeff Gowan</i>	<i>Pelham</i>
<i>Todd Croteau</i>	<i>Hollis</i>	<i>Timothy Moore</i>	<i>Plaistow</i>
<i>Joan Cudworth</i>	<i>Hollis</i>	<i>Dee Voss</i>	<i>Plaistow</i>
<i>Ashley Ruprecht</i>	<i>Laconia</i>	<i>Lindsay Butler</i>	<i>Salem</i>
<i>Troy Brown</i>	<i>Litchfield</i>	<i>Zach Swick</i>	<i>SNHRPC</i>
<i>John Trottier</i>	<i>Londonderry</i>	<i>Michele Decoteau</i>	<i>Wilton</i>
<i>Kellie Shamel</i>	<i>Milford</i>	<i>Dick Gregory</i>	<i>Windham</i>

1. **Introductions:** Those in attendance are listed above.

2. **Meeting Minutes:**

- December minutes were approved.

3. **EPA news release on the negotiated settlements regarding the MS4 General Permit for New Hampshire and Massachusetts:**

- Suzanne Warner presented.
- She discussed litigation regarding the MS4 permit in NH.
- EPA was challenged by CRR, NH Homebuilders Association and Conservation Law Foundation.
- There was mitigation with these parties for two years.
- They reached a settlement and there is public notice (12/27/2019) out for public comment.
- These are published in the federal register for 30 days.
- There will be public notice of the revised permit language with a 45-day comment period coming this spring.
- EPA is currently taking comments on the settlement, not the proposed changes/modifications. The EPA news Release and proposed modifications to the permit are available as an exhibit and can be found at: <https://www.epa.gov/newsreleases/epa-reaches-negotiated-settlements-regarding-ms4-water-permits-massachusetts-and-new>
- EPA will provide further information on the public process regarding the modifications.

- Permit modification changes include:
 1. Wording revisions to clarify language in the permit
 2. Revisions to the requirements for the post-construction stormwater management regulations to be consistent with the SWA Model Standards (nitrogen requirements only apply to Great Bay communities)
 3. Extended deadline by one year for the post construction regulations to be adopted (now due June 30, 2021)
 4. Redefined “development” and “redevelopment” sites to incorporate percent impervious ($\geq 40\%$ existing impervious surface is considered redevelopment).
 5. Added language that permittees shall update their SWMPs within 90 days of being notified by EPA that the permittee is discharging to a waterbody that is water quality limited and that the schedule for meeting the requirements of Appendix H will be extended based on the date of the required SWMP update – this is for waters that were listed as impaired after the effective date of the permit

- Q- Right now do we still abide by the current permit?
 - A- Yes.
- Q- Is this agreement what everyone in the settlement agreed upon?
 - A- Yes.
- Q- Were all of the parties at the table at the same time?
 - A- All of the parties were at the table and agreed upon these changes.
- Q- Is there a way to find out who made each comment/ changes?
 - A- Everyone at the table agreed to these.
- Q- If a town has not pushed forward with ordinances is there some forgiveness for timelines in the current permit?
 - A- Yes, as it is proposed in the settlement there will be an additional year for those ordinances.
- Q- Who will be notified of comment periods, etc.?
 - A- The authorized stormwater person listed in the NOI and Deb. Deb will share this with the group as soon as she receives any information from EPA.
- Q- Where will comment locations be around the state?
 - That hasn't been determined. Last time there were sessions in Bedford, Merrimack, Dover and Portsmouth. Public meetings could be as early as February.
- Contact Suzanne Warner with any questions. Suzanne can be reached at 617-918-1383 or Warner.Suzanne@epa.gov
- An email announcing the EPA News Release was sent by Deb on January 3rd to all NH Stormwater Coalition members if you would like to check it out.

4. **Dry Weather Outfall and Interconnection Screening and Sampling Procedure:**

- Deb gave an update.
- There was a packet of handouts that were passed around.
- UNH students and Jamie Houle are looking at the parameters that are outlined in the MS4 permit and preparing sampling protocol.
- They are looking into using the YSI Pro Plus and are creating procedures for each of the parameters.

- They are doing more research on surfactants because the kit they were going to look into is considered a hazardous waste, and would need to be disposed of accordingly.
- UNH is going to start purchasing these kits when the UNH students are back from winter break.
- They are looking into how to sample for E. coli and enterococcus.
- They anticipate having this completed by the end of Spring 2020 for the Summer 2020 sampling season.
- Cost breakdown is on the last sheet that was handed out.
- There are also costs associated with manpower and hazardous waste disposal *be sure to slip your waste into the Derry Household Hazardous waste day- Which is held in Manchester ☺!*
- Make sure that you are sampling in accordance with the SWMP.
- Q- Are there any grants or funds that we could use to pay for this?
 - A- you can't use federal funds for a federal permit.
- Dover is using a CWSRF Planning loan to work with UNH on this project. This loan has principal forgiveness. Dover will be sharing all of the findings and protocols with the NH MS4 communities.
- Municipalities are allowed to piggyback on the states contract with some places like Fischer Scientific. Sometimes there are reduced prices.
- Dawn gave an update on what the Town of Merrimack is doing.
- Dawn had five interns last summer, three of them came back this winter and she had them put this presentation together.
- She didn't have a budget for sampling but was able to scrape some funds together.
- The interns looked at 88 outfalls and found 6 That were flowing.
- Someone from the Wastewater Treatment Plant put a kit together for the interns to use.
- The interns were trained for clean water sampling.
- Dawn has been talking to UNHT2 to set up a clean water sampling class for this year.
- Dawn thinks she spent about \$1,600 to put together kits (for parameters they couldn't do they send to ChemServe) and equipment for all 88 outfalls. Total cost for the 6 samples was \$840 to send samples out to have analyzed by ChemServe (i.e. \$140/sample)
- Some of the parameters are time sensitive.
- These forms are not in the iPad but the catch basin cleaning is.
- This year Merrimack is going to have a budget for stormwater.
- Chain of Title/ Custody is important to keep track of the samples.
- Q- Does the equipment need to be calibrated?
 - A- Yes and the WWTF helps with that.
- If you get test kits, make sure you can go down to the proper detection levels.

5. Written Catchment Investigation Procedures:

- Jeremy presented on the Written Catchment Investigation Procedures template.
- Not much has changed since last month. Some references needed to be updated and/or looked into to.
- The final version will be posted soon.
- This is anticipated to be done before the February meeting.
- If you have any comments let Jeremy or Deb know.
- This document is written so that it could be entered into the IDDE Plan as section 7 or it can be kept separate.
- If you move this into your IDDE plan than you will need to change the section numbers from 1 to 7.
- Anything that is highlighted needs your attention and action.

6. MCM #6 Good Housekeeping and Pollution Prevention for Municipal Operations:

- Deb presented.
- This is final document (for all Year 2 Requirements associated with MCM #6, excluding the SWPPP) and uploaded on the MS4 Blog.
- Where there is highlighting, you will need to update to be municipality specific.
- The last handout is the SWPPP template for municipally-owned facilities in accordance with Section 2.3.7.2 of the permit. Deb went through the document.
- Gary Lemay from the Seacoast Stormwater Coalition put this together.
- The version on the MS4 Blog has comments that Gary put in the document. Some of the comments are questions and others are instructions.
- Facilities (that are in your MS4 area) that need a SWPPP are listed in the comments, on the MS4 Blog.
- Q- Do people agree that there is no need for an introduction.
 - A- Yes.
- One question that came up at the Seacoast meeting was how specific does the map need to be. It can be an aerial with hand drawn outlines, some people already have this for some other purpose. Utilize what you already have. The permit does not require a specific type of map.
- Q- If you have a transfer station it should have a SWPPP under the MSGP. But the Public Works Garage is outside of the MS4 area. Do I have to do a SWPPP for that?
 - A-Can they legally step beyond the permit boundary? Concord has stormwater but no SWPPP is required.
- Most of this is in place. Joan will check in with Suzanne and obtain clarification. The consensus was that if the runoff from said property enters your MS4 jurisdiction at any point then you will need a SWPPP for the facility.

- Even if you do a SWPPP, does it need to be in your NOI?
 - The group mostly agreed that it wouldn't be required.
- Please send comments on this template to Deb.

7. Year 2 Requirements:

- Deb presented.
- This is still not finalized.
- We have already done a lot of this work.
- Q-Should we put a sub-committee together for written procedures on ordinances?
 - A- That's part of the settlement, maybe this should get postponed a for a month.
- Q- How are people making maps available? PDF and posted online with a notation to visit DPW if needed.
 - A- You can check the box, that seems good.
- Before the next meeting we will create a list of what tasks will need a subcommittee.

8. Upcoming meeting dates for 2019 – Mark your calendars!

Please email potential agenda items and/or presentations to Deb Loiselle at deborah.loiselle@des.nh.gov. These will be considered for upcoming meetings and very helpful in the development of the monthly agendas.

- **February 13th**: MCM #1 Education and Outreach Year 2 update and plan.
- **March 12th**:
- **April 9th**:
- **May 14th**: Update the SWMP (or various documents for inclusion into the SWMP), Public Participation and Involvement (MCM #2), and Annual Report Year 2.
- **June 11th**: Annual Report Year 2
- **July 16th**: **Please note that this is not the regularly scheduled Thursday meeting date**
- **August 13th**:
- **September 10th**:
- **October 8th**:
- **November 12th**:
- **December 10th**: