

DRAFT BASWG Meeting Minutes

January 14, 2016

9:00 am – 11:30 am

Council Chambers, Orono Town Hall, Orono, Maine

Attendees: Tracy Drew, Jeff Spaulding, George Hanson, David Ladd, Andrea Dickinson, Scott Adkins, Rich May, Rhonda Poirer, Patrick Decker, Scott Wilkins, Belle Ryder. Facilitator: Brenda Zollitsch.

Regulatory Updates

DEP has a New Commissioner

New Maine DEP Commissioner is Paul Mercer. Mr. Mercer worked in leadership at Maine Maritime Academy and has a background in engineering and safety, as well as a background supervising staff.

BASWG to Make No Regional Comment on the NPS TMDL

The new NPS TMDL affects 30 streams in Maine. None are in the Bangor region. The BASWG selected not to provide comment during the public comment period as a group.

BASWG to Make No Regional Comment on Permit Remand Rule

EPA is proposing three rule options for public comment, each of which would address the Ninth Circuit remand. Each of these options shares in common the fact that, as a result of the permitting process, the permitting authority must determine which requirements a small MS4 must meet in order to satisfy the Phase II regulatory requirement “to reduce the discharge of pollutants from [the] MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirement of the Clean Water Act.”

The key difference between the options, especially between the “Traditional General Permit Approach” (Option 1) and the “Procedural Approach” (Option 2), is that they make this determination at different points in time during the permitting process. Option 3 is a hybrid that allows *states* to choose between 1 and 2. The importance of this decision is not about what gets regulated, but the PROCESS by which decisions are made, public comment requirements and who gets to make those decisions. At this time, BASWG members are not in consensus agreement about which option is preferable. Consequently, BASWG members are encouraged to discuss the options with their leadership and determine whether their MS4 would like to make comments on behalf of their individual MS4. A link to the public notice can be found here: http://www.epa.gov/sites/production/files/2016-01/documents/proposed_ms4_remand_rule_fed_reg_notice_010616.pdf

Susanne Miller from the Bangor Regional DEP Office will Attend BASWG Meeting in February

Susanne Miller from the Bangor Regional DEP Office has accepted BASWG's invitation to come meet with BASWG members at the February meeting to discuss documentation and communications around MS4 noting violations and seeking DEP backup with enforcement. Questions developed by the group to discuss with Susanne Miller from the Bangor Regional DEP Office are as follows:

- 1) What is the appropriate expectation for time to get someone from DEP onsite when the MS4 calls regarding a violation?
- 2) If DEP is not able to get to the site before the suspected violation is cleaned up, what can the MS4 do to make sure they document and report in a way that is supportive of enforcement?
- 3) What is the general timeline for processing after DEP has made a visit to a site?
 - What are the process steps?
 - How are approvals of levels reported? (How can the MS4 keep apprised of levels of approval completed?)
 - How will this be communicated to the MS4?
- 4) At what threshold(s) does DEP react to a potential violation?
- 5) How can MS4s and Land Use inspectors get more on the same page (specifically, whether or not something is in compliance)? (MS4s have to jump through more hoops than other communities)
- 6) How else can MS4s strengthen the relationship with DEP and improve enforcement and vice versa?

Considering Increasing Regional Consistency on Letters Sent After Inspections

The group indicated that they might have an interest in some bulleted items for each MS4 to consider when developing their own communications around inspections.

Preparing for the Next Permit Cycle

David Ladd indicated that there are likely to be significant changes in the next permit cycle. The licensing unit at DEP will be responsible for writing the new permit. A likely change will include required monitoring associated with dry weather flows. A DEP goal is to make the permit more clear for compliance (some things are not as clear as they would like in the current permit). BASWG will begin discussing the new permit in 2016. Where do members want to see in the next permit?

BASWG Business

Executive Committee Transitions

Rob Yerxa has had a reassignment of duties and has submitted his resignation as chair from the BASWG. Belle Ryder will serve as Orono's MS4 stormwater representative. This leaves the position of chair open at this time.

Belle Ryder has agreed to serve as BASWG Interim Chair, if allowed to assess whether the time commitment works with her schedule. **Decision:** Tracy D. made the motion to accept Belle as interim chair. Scott W. seconded the motion. The vote was approved unanimously. (Quorum present).

Currently the Executive Committee consists of: Belle Ryder, Interim Chair; Tracy Drew, Interim Vice Chair (ending Feb 11th); Scott Wilkerson, Second Vice Chair; Secretary (Vacant); Patrick Decker, Treasurer.

The BASWG will be seeking nominations for the positions of Vice Chair and Secretary for the next meeting. Brenda Z. will circulate a request for nominations and develop a ballot for use at the February meeting.

319 Funding Application Deadlines Approaching

Members are reminded that the 319 funding request for proposals is out. Applications for the implementation of watershed based plans are due on January 27th. Planning grants (1-2@\$10-20k) applications are due in March.

FY 2015-2016 BASWG Budget Update

Patrick D. provided an update on BASWG's budget. Currently BASWG has a surplus of \$19k. With the media buy for compliance with the statewide outreach plan, the BASWG will have a remaining surplus of ~\$7k.

FY 2016-2017 BASWG Budget Planning

Patrick D. reviewed the BASWG draft budget for PY4 (FY16-17). The group is currently considering changes to line items in regional coordination and education/outreach. The E&O Committee will research whether the new social marketing approach is making a difference and discuss how investments would be best allocated. The group has been tasked with determining where a small increase in the budget (which has been flat funded for many years now) would be viable. Patrick D. will bring a revised budget to the BASWG with options for discussion and (potentially) a vote at the February meeting.

Updated List of MS4 Stormwater Contacts to be Posted on Website

While DEP has information about each MS4's stormwater contact for the public to contact with questions, BASWG does not have this as an up-to-date list. Pulse will post the list to the BASWG.org website once approved. Brenda Z. circulated a list which was largely completed during the meeting. A draft list will be reviewed by the members at the February meeting in preparation for posting.

Update on DOT Work and Connections

Rhonda P. DOT shared about DOT's stormwater work with the group, as there are many new representatives around the table. She reminded members that MS4s are responsible for maintenance of stormwater systems along DOT roads in their MS4s, except catch basins. Maine DOT is looking at

stormwater infrastructure using MapViewer. These maps are accessible to the public at DOT locations. Nate Kane is DOT's contact on GIS data.

Education and Outreach

Cintia M. and Maddy S. presented the new website. It has a new platform using WordPress and is now very easy to use and update. They need images to populate the website as well as content. Cintia shared that there needs to be at least 300 words per website page to meet the Google algorithm for its search engine. They need a lot of new information to make the page functional. Pulse does not want to post the new page until its pages are populated.

Content that they are specifically seeking includes: 1) information about activities in the individual MS4s (links to websites, events, etc.), 2) updated calendar information; 3) Information about the six minimum control measures. Pulse is still asking people to send information about local activities to put into the social media. Brenda is sending some links to videos, trainings and other information. She will also look through the annual report to see if there is any useful information for the website. Individual MS4s should do the same. Pulse seeks to use organic sharing, but will focus some Facebook boosts around the Garden Show and stenciling events.

At the February BASWG meeting, the agenda will include compilation of a calendar of events (flipchart). The calendar now provides option of autolinking to calendars with reminders. The site also now utilizes a Yost Plug-in, which optimizes the webpages.

Next Meeting

BASWG's February meeting will be held at the Milford Town Office. This is BASWG's annual meeting. It will include year in review, planning for 2016, budget reports, PY4 budget planning, discussion with DEP staff about enforcement of site violations, and education and outreach planning.