

Bangor Area Stormwater Group

January 10, 2019 Meeting Minutes

Location: Council Chambers, Town Office, Orono, Maine

9:00 am – 11:00 am

Attendees: Rich May, Karen Cullen, Kyle Drexler, Tracy Drew, Andrea Dickinson, Belle Ryder, John Rouleau, Patrick Decker, Cara Belanger, Phil Ruck, Rhonda Poirier, Cam Amaroso, Chris Green, Cintia Miranda. Special guests: Kristie Rabasca, Damon Yakovleff, Facilitator: Brenda Zollitsch.

Welcome and Introductions

John R. welcomed everyone and asked for round-robin introductions. The group was pleased to have Kristie Rabasca from the SMSWG and Damon Yakovleff from ISWG join the meeting.

DEP Update

Rhonda P. provided the latest information available from DEP:

- Gregg W. will email MS4s soon (Gregg is licensor).
- DEP plans to issue the current proposed permit before May 31st, with an effective date of July 2020.
- Rhonda encourages MS4s to begin their planning and start updating the SWMPs between May 31, 2019-July 2020.
- Rhonda encourages MS4s to develop and present thoughtful questions.
- Make sure to read the federal register regarding second step BMPs (Dec 9, 2016 FR 89328, p. 330+) – two-step permit. SWMP as a tool to help meet permit requirements. Concerns that there is a proposal to make it an enforceable part of the permit. Second step is designed “to meet a standard you are not otherwise meeting”. There is some disagreement among staff at DEP about what this means. Examples of some plans that could be included as a second step: a) a watershed with a TMDL –propose a very specific project in an impaired water not otherwise addressed or b) could be a specific E&O effort. The focus is on how to meet a standard in the permit that is not already met.

DEP has Approved BASWG E&O Modifications Proposal for PY6

- Rich M. shared that DEP accepted the BASWG’s written request for modifications for its E&O compliance work, designed to build on ongoing outreach successes and splitting from continued participation in the current statewide campaign. Rich received approval on December 21, 2019.
- The BASWG will consider opportunities to work with other clusters in PY7 and the new permit.
- PY6 efforts will focus on the use of social marketing and other activities to meet the requirements of the permit. Kathy Hoppe of DEP formally approved the request in writing via email. Pulse will continue to manage BASWG’s social media, using boosted posts. Additionally, there will be bus ads on the BAT (inside posters and outside wrap) until April 2019.

- DEP has issued a permit continuance for MCMs 3-6. This means back to PY1 of the current SWMP for ditch inspections, as MS4s would have done the same thing in a new permit.
- MEWEA is working to review and address some concerns around this continuance. MEWEA submitted comments (BASWG reps were included in discussion of content). The letter originally included comments about septic system inspections, but these issues were addressed by Rhonda P. and were consequently removed from the letter before it was sent.
- Another question was raised about the timing of the permit. Some BASWG representatives indicated interest in changing the permit to line up with the fiscal year, others with the calendar year. It is unlikely to be changed if there are concerns with a change from several MS4.

New Role for Kristie Rabasca Supporting ISWG

- While Kristie continues to coordinate the SMSWG, she has a new contract with ISWG to help them write their comments to DEP. Partnering with GZA and Pierce Atwood, Kristie will be working with ISWG to respond to DEP. Pierce Atwood (Bill Taylor and Brian Rayback) will be focused on the legal changes proposed related to the remand rule. This review is focused on ensuring that actions taken by DEP are legal and that DEP is not handing a responsibility over to the MS4s that should be DEP responsibilities. Brian Rayback is the environmental practice lead for Pierce Atwood and is an expert on the Clean Water Act.
- Kristie shared the “Bullseye Approach” they are using to determine the levels of concern about different issues with the permit (i.e. those that are most problematic in the center, those of moderate concern surrounding those and those of more peripheral concern on the outer ring). Those that folks cannot live with are in the center of the bullseye.
- BASWG members unanimously expressed that they would like to see wet weather inspections in the bullseye. Dry weather inspections have been effective in addressing concerns. Wet weather requirements are in the NH and MA permits. However, they are not included anywhere in the Federal Register.
- The ISWG planned to approach MMA to ask if they would be able to pay for the legal services of Pierce Atwood, but they cannot as they are external lawyers to MMA. The legal services are estimated at around \$10k. The BASWG is not planning to contribute to these fees at this time. However, if there is a legal issue that the BASWG has to address, they will reconsider.
- The ISWG has requested a meeting with DEP to ask some questions. BASWG will send Phil R. as the group’s representative. Andrea D. will also be there, representing the L-A group.

Education and Outreach - Presentation from Pulse Marketing

- Pulse staff Cam Amaroso, along with Cintia Miranda, presented a revised proposal (see attached).
- The BASWG is interested in undertaking an outreach effort that would develop a landing page on the BASWG.org website and provide a simple message about winter chloride practices on social media that would drive viewers to the landing page.

- DECISIONS: The group made the decision to move forward with a winter snow and ice control social media effort. The group approved up to \$7,500 for a trial in February and March that includes weather targeted social media posts with a landing page.
- The BASWG also is planning to submit a grant focused on gathering information to assist in community engagement activities in the next permit cycle. Pulse will provide an estimate for running focus groups for this project. ACTION: Brenda Z. will meet with the Executive Committee after the meeting to go over the grant proposal specifics.

Inter-cluster E&O Collaboration Opportunities

- The group held a discussion with ISWG and SMSWG reps and came to the following general agreement (informal at this time):
 - The clusters would likely want to move forward collaboratively with a multi-region or statewide outreach approach, building on BASWG's recent themes and products.
 - Local control would be retained for product use
 - Clusters would pay for adaptation
 - Since there was an initial investment by BASWG in developing the branding, images and products, other clusters would likely pay for their use
 - All clusters would want to focus on looking at the final new permit and focus on categories that meet requirements.
 - The clusters all find value in a sharing the same brand and messaging overall, with regional specialization/supplementation.
 - There may be a role of MEWEA in coordinating the statewide approach.
 - Ali Clift is the E&O coordinator for ISWG and may attend the next BASWG meeting.

Organizational Business

- DECISION: Meeting minutes were approved by unanimous vote.
- DECISION: A ballot will be developed for voting at the February Annual meeting of the BASWG.
- DECISION: Brenda Z. will work directly with the BASWG.org web content folks to update the site. The BASWG does not need to pre-approve changes.
- Belle R. was unable to attend the meeting and a treasurer's report was not provided as a result.
- DECISION: The group agreed by consensus vote to change to an every-other month meeting schedule, after the required annual meeting in February. This means that meetings will be held for the remainder of the year on the second Thursday of the month in April, June, August, October and December. Meetings will be lengthened to allow for adequate work to be conducted with the new schedule. Meetings will either be 2.5 or 3.0 hours long, depending on content and whether a break is added.

Next Meeting Planning

February 14th meeting will include the BASWG annual meeting, location TBD.