

Watershed-Based MS4 Pilot Permit Stakeholder Meeting

NMED District 1 Offices • September 16, 2011 • 9:00 a.m.-Noon

Summary of Agreements/Actions

The November 16, 2011 meeting was attended by 40 representatives of local federal, tribal, state, county, municipal, flood control authority, and private consulting agencies. Agenda items included:

1. Cost-Sharing Framework Report
 2. Discussion of Compliance Strategies/Activities
 3. EPA Updates
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Discussion Points/Agreements/Actions

1) Re: Cost-Sharing Framework Report

- a) The task group formed at the September 16, 2011 meeting reported that they had met twice, with the following recommendations:
 - i) That while the Arid Lands Hydrological Modeling (AHYMO) software holds promise as a basis for developing a cost-sharing algorithm, additional work is needed to develop alternative criteria and algorithms.
 - ii) That the stakeholder group support the process outlined in the present Ciudad SWCD proposal for support under the 604(b) program. This will allow hiring an outside person (probably a graduate student) to develop detailed alternatives for fair cost allocation, with projected numbers (rather than our present conceptual framework), for the stakeholder group's consideration. This grant, if received, will begin in February 2012.
 - iii) That the stakeholder group return to the work begun at its August 4 meeting, where the group drafted a number of possible individual and joint compliance strategies and activities. The task group pointed out that it would be logical to first work on the activities that stakeholder entities or agencies will engage in *before* working on a way to fairly allocate the costs to implement them. Therefore, the stakeholder group will be better served to work on the compliance strategies between now and February 2012, and then take up the cost-allocation work at that point.
- b) After some discussion, the stakeholder group agreed to these recommendations.

2) Re: Discussion of Compliance Strategies/Activities

- a) Steve Glass presented a worksheet as a tool to facilitate discussion of possible individual and joint compliance strategies, picking up on the discussion begun at the August 4 Stakeholder Group meeting.
- b) This sparked a discussion about the nature of the proposed permit, the definition of the "menu" framework, and how this permit differs from present permits. After extended discussion, the following points were clarified:
 - i) EPA is planning on using the general construction permit as a template to work from with the watershed-based permit. Individual jurisdictional entities and agencies will file a Notice of Intent under the permit and will design their own Stormwater Management Plans.
 - ii) The permit will acknowledge differences in administrative and financial capacity, and differences in pollution impact, by assigning entities into various "sectors," from low to high levels of

compliance requirements. At this point, there may be three or four sectors, but this has not yet been determined.

- iii) There will be a “menu” of EPA-approved compliance strategies assigned to each sector. At the lowest impact sector level, there will be minimum number of strategies that all entities will have to comply with. (All entities, however large or small, will at least be in this level.) There may also be, at this level, a list of other EPA-approved compliance strategies, and each entity at that level will be required to a minimum number from that list.
 - iv) At each of the other levels, there will be a list of EPA-approved compliance strategies, and each entity assigned to that level will be required to select a minimum number from that list. Entities at the highest levels of capacity and impact will be required to engage in the most compliance strategies.
 - v) This “menu” approach will allow for all entities to have some flexibility in determining which compliance strategies will be most feasible and most effective for their unique situation.
 - vi) As opposed to other general or other permits, the mention of a compliance strategy will not be synonymous with the requirement to engage in that strategy; rather, there will be a list of approved strategies, and a requirement to select a minimum number from that list.
 - vii) Because of the overlap in the type of strategies or activities, or because of physical contiguity between entities, or similar impact issues, or experience in working together, or other efficiencies found in implementation, joint activities may be found to be useful, and will be encouraged under the permit.
 - viii) This approach has the approval and support of Nelly Smith, our permit writer in Dallas.
- c) It was also noted that this new permit, although looking like the permits people may be familiar with, has significant differences, and that the Stakeholder Group, working with Region 6, is in actuality inventing a new permit.
 - d) After this discussion, the whole group broke up into six working groups, each taking one of the six minimum measures, and developed a second draft (following the first draft of ideas developed at the August 4 meeting) of possible compliance strategies/activities to be done by individual entities, or jointly, by entities in the “basic,” “enhanced,” or “advanced” sectors. (These are only holding categories—no decisions have been made as to the exact number of sectors as of yet.) The results of the working groups are in an appendix to this summary, beginning on page 4.

3) Re: EPA Updates

- a) Nelly Smith provided the group with a review and updates. These included:
 - i) She is working within her office to move the government-to-government consultations along with local Tribal entities.
 - ii) It is probable that the MRGCD will not participate in the permit, as the MRGCD system has been deemed ‘waters of the United States.’
 - iii) Her timeline for the permit is to issue a draft for discussion in February 2012.
- b) Nelly also reported on the December 6 webinar. It will take place from 2:00-4:30 p.m. EST (noon-2:30 p.m. local time). The main part of the agenda will be the presentations by the pilot watershed groups. Each of the three pilots will make 20-minute presentations, followed by 15 minutes of questions. The MRG pilot will be the last of the three presentations.

4) Next Meeting

- a) The next meeting was scheduled for Wednesday, January 18, 2011 from 8:30-noon at the NMED District 1 offices.
- b) Agenda topics will center on a) reflections on the December webinar and b) continuing the refinement of the “menu” activities and framework.

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Meeting Participants

<u>Name</u>	<u>Organization</u>	<u>E-mail</u>
Karen Agogino	DOE/SNL	kagogino@doeal.gov
Trevor Alsop	SSCAFCA	talsop@sscafca.com
John Avila	Village of Corrales	javila@corrales-nm.org
Terry Baus	CH2MHill	terry.baus@ch2m.com
Molly Blumhoefer	UNM	mb6@unm.edu
John Burkstaller	DBS&A	jburkstaller@dbstephens.com
Michael Castillo	ESCAFCA	mcastillo@escafca.com
Kelly Collins	CDM	collinska@cdm.com
Kevin Daggett	AMAFCA	kdaggett@amafca.org
Doug Dailey	URS	ddailey@urscorp.com
Rob Demeule	NMDOT/HZI	rbdemeule@huitt-zollars.com
Sandra Gaiser	MRCOG	sgaiser@mrcog-nm.gov
Steve Glass	Ciudad SWCD/ABCWUA	sglass@berncog.gov
Sue Hansen Putze	Ciudad SWCD	sue.hansen@nm.nacdnet.net
Vern Hershberger	UNM	hershber@unm.edu
Carolyn Holloway	NNSA/DOE	carolyn.holloway@nnsa.doe.gov
Dustin James	KAFB	dustin.james@kirtland.af.mil
Tim Karpoff	Karpoff & Associates	timkarpoff@msn.com
Fred Marquez	Sandoval County PWD	fmarquez@sandovalcountynm.gov
Louise Marquez	Village of Tijeras	larquez@villageoftijeras.com
Joe Mauser	Sandia Labs	jmmause@sandia.gov
Tim McDonough	Huitt-Zollars/Sandoval Co.	tmcdonough@huitt-zollars.com
Travis Miller	UNM	travmill@unm.edu
Roland Penttila	City of Albuquerque	rpenttila@cabq.gov
Chip Roma	Sandia Labs	cmroma@sandia.gov
John Romero	OSE	john.romero@state.nm.us
Linda Seebach	Village of Los Ranchos	lseebach@losranchosnm.gov
Chris Segura	Kirtland AFB	christopher.segura@kirtland.af.mil
Glen Selover	CH2MHill	glen.selover@ch2m.com
Scott Sensanbaugher	City of Rio Rancho	ssensanbaugher@ci.rio-rancho.nm.us
Nelly Smith	EPA Region VI	nelly.smith@epa.gov
Anita Steed	Bernalillo County	asteed@berncog.gov
David Stoliker		dstolike@comcast.net
Brad Sumrall	Bohannon Huston	bsumrall@bhinc.com
Cyndie Tidwell	Village of Corrales	ctidwell@corrales-nm.org
Chuck Thomas	SSCAFCA	cthomas@sscafca.com
Kathy Trujillo	NMDOT-District 3	kathy.trujillo@state.nm.us
Tim Trujillo	NMDOT-Drainage	timothy.trujillo@state.nm.us
Kathy Verhage	City of Albuquerque	kverhage@cabq.gov
Wayne Wormhood	Town of Bernalillo	wwormhood@townofbernalillo.org

APPENDIX: Middle Rio Grande Watershed-Based MS4 Permit—Second Draft of Compliance Strategies/Activities • November 16, 2011

Compliance Strategies for P2 and Good Housekeeping for Municipal Operations

	Individual	Joint
Basic	<ul style="list-style-type: none"> ▪ Inventory City (or agency) operations. ▪ Develop an O&M Program to reduce pollution. ▪ Hold regular employee training. ▪ Develop Best Management Practices (BMPs) and measureable goals. ▪ Investigate current procedures for use of herbicides, pesticides and fertilizers. ▪ Comply with NMDA on proper use of herbicides, pesticides and fertilizers. 	<ul style="list-style-type: none"> ▪ Participate in joint employee training meeting at least once annually. ▪ Share individual experiences and successes. ▪ Develop a watershed-wide approach to dog parks.
Enhanced	<ul style="list-style-type: none"> ▪ Design new parks to LID standards. ▪ Establish storm drain cleaning procedures - prioritized to perceived threats. 	<ul style="list-style-type: none"> ▪ Perform agency-to-agency audits to benefit from outside experiences.
Advanced	<ul style="list-style-type: none"> ▪ Create SWPPPs for all ongoing City (or agency) operations. ▪ Obtain MSGPs for all qualifying operations. ▪ Perform annual audits and inspections. ▪ Prioritize street sweeping operations for largest threats. 	<ul style="list-style-type: none"> ▪ Research e.Coli problems at dog parks.

Compliance Strategies for Illicit Discharge Detection and Elimination Control

	Individual	Joint
Basic	<ul style="list-style-type: none"> ▪ Identify existing ordinances and state laws. ▪ Conduct inspections for IDD. ▪ Cleanup dumpsites. 	<ul style="list-style-type: none"> ▪ Coordinate language of ordinances/regulations ▪ Develop joint Training Program and Public Outreach Program. ▪ Develop watershed map.
Enhanced	<ul style="list-style-type: none"> ▪ Require connection to sanitary sewers. 	<ul style="list-style-type: none"> ▪ Map/record incidents. ▪ Use 24 hr. reporting method.
Advanced	<ul style="list-style-type: none"> ▪ Ensure that monitoring is tied to enforcement. 	<ul style="list-style-type: none"> ▪ Coordinate household hazardous waste collection.

Compliance Strategies for Public Involvement

	Individual	Joint
Basic	<ul style="list-style-type: none"> ▪ Adopt arroyos, highways, Bosque, public parks, storm drains. ▪ B.E.M.P.4—Water quality monitoring performed by public. 	<ul style="list-style-type: none"> ▪ Hold forums and public meetings. ▪ Set up clean up events for gross floatable debris control. ▪ Enhance existing events e.g. Keep America Beautiful; Dia del Rio. ▪ Set up a public tracking/reporting system, using phones and social media. ▪ Establish a “311”-type number and system.
Enhanced	<ul style="list-style-type: none"> ▪ Adopt arroyos, highways, Bosque, public parks, storm drains. ▪ B.E.M.P.4—Water quality monitoring performed by public. 	<ul style="list-style-type: none"> ▪
Advanced	<ul style="list-style-type: none"> ▪ Adopt arroyos, highways, Bosque, public parks, storm drains. ▪ B.E.M.P.4—Water quality monitoring performed by public. 	<ul style="list-style-type: none"> ▪

Compliance Strategies for Construction Site Control

	Individual	Joint
Basic	<ul style="list-style-type: none"> ▪ Make sure that a local government inspection process is in place and enforced. 	<ul style="list-style-type: none"> ▪ Develop standard SWPPP/NOI control measure for construction in watershed – available on websites. ▪ Guidelines for GI/LID watershed (publication)
Enhanced	<ul style="list-style-type: none"> ▪ Each local government requires that NOI’s to EPA be copied to its building department for review. ▪ Develop pollution reporting program – track out/wash out reports (i.e. 311). 	<ul style="list-style-type: none"> ▪ Recognized (and understood) GI LID guidelines.
Advanced	<ul style="list-style-type: none"> ▪ Review all site plans for pollution compliance. 	<ul style="list-style-type: none"> ▪ Mandated GI LID compliance.

Compliance Strategies for Post-Construction Site Control

	Individual	Joint
Basic	<ul style="list-style-type: none"> ▪ Develop Maintenance Plan. ▪ Use landscape and pavement. ▪ Establish requirements to prevent surface water pollution from post-construction. ▪ Institute an inspection process to insure compliance with BMPs. 	<ul style="list-style-type: none"> ▪
Enhanced	<ul style="list-style-type: none"> ▪ Require financial guarantees/bonding for pollution control practices. ▪ Drain through landscaping. 	<ul style="list-style-type: none"> ▪
Advanced	<ul style="list-style-type: none"> ▪ Employ retention ponds in small events, to catch first flush. ▪ Use permeable materials ▪ Establish GL/LID ordinances. 	<ul style="list-style-type: none"> ▪ Develop a guidance manual for LID, GI for construction projects.

Compliance Strategies for Public Outreach and Education

	Individual	Joint
Basic	<ul style="list-style-type: none"> ▪ Develop pet-specific education. ▪ Link on jurisdiction website. 	<ul style="list-style-type: none"> ▪ Contribute and participate in Stormwater Quality Team. ▪ Contribute and participate in school education programs.
Enhanced	<ul style="list-style-type: none"> ▪ Participate in local events—brochures, posters, etc. ▪ Establish a water committee/advisor group. 	<ul style="list-style-type: none"> ▪ Participate in regional events (i.e., State Fair, Balloon Fiesta).
Advanced	<ul style="list-style-type: none"> ▪ Publish Local newsletters. 	<ul style="list-style-type: none"> ▪ Educate industry groups (e.g., NAIOP AGC, HBNM)