

Meeting notes from 10-21-2010 MS4 Permitting Pilot Meeting

Tim Karpoff started the meeting off with a general synopsis of what the group's process has been so far. He suggested to the group that a "road map" might be useful in pulling the group's efforts together. This may be a topic for one of the next meetings. He suggested some ideas for giving group reports and drafting future plans for the group:

- Pulling together a charter
- Talking about capacity, specifically in regard to available resources, and who is involved, etc.
- Coming up with key questions that the group or EPA needs to answer
- Identify emerging goals
- Drafting a joint action plan
- Perhaps coming up with a slogan/image for the group
- And, identifying support tools that are needed to make the project a success.

We then heard reports from the workgroups who had a chance to meet prior to yesterday.

The first group report was from the **Data Collection and Sharing** group. Please see the attached Word document for their notes.

Some of the comments from attendees were:

- There must be an outside source involved to validate data.
- We need to accumulate existing data and inventory it.
- EPA should be responsible to scrutinize the data, as they do for other programs such as drinking water.
- A question to Heidi Henderson, NMED TMDL Coordinator on NMED's process to handle outside data: Heidi answered that our QA officer, through the QA process, looks over all the data to ensure that it's ok to be used. In the case of the Van Horn data for dissolved oxygen, Cliff Dahm from UNM and the USGS were employed to review that data.
- An issue of "trust" was raised in regards to who the data "gatekeeper" is, if it is a permittee that is selected to manage the data.
- A commenter said that there are two ways to manage data: 1) each permittee could have input, but this would be inefficient, 2) a 3rd party could be hired to do the sampling so that there are no trust issues.
- Another commenter agreed with the prior comment and said that "who" will come up many times because of time/resource issues common to everyone involved.
- Currently, the "who" is USGS for the phase I permittees, which is simple because they have the data collection software, expertise, and data warehousing availability.
- A suggestion was made that MRCOG could be the third party agency due to money availability and water resources board.

- It would be useful if the third party had statutory direction to do water quality work, such as Ciudad.
- Overall, suggestions for a third party entity were: USGS, Ciudad, MRCOG, EPA, Neptune Consulting, but the list is not limiting if other members of the group want to add other entities.
- **Actions:** the workgroup will investigate the above entities for data handling; identify constituents that would need to be sampled (including documentation of why certain constituents would not need to be made a part of the permit); draft framework of the work plan.

The second group report was from the **Agency Participation** group. Please see the Agency Participation notes attached to this email.

Some comments from attendees:

- Equitable distribution of responsibilities is going to be a major hurdle.
- There is some confusion about who is supposed to define who the permittees are. The group decided that they would put together a suggested list of permittees and submit it to EPA for comment.
- Most likely EPA will designate all entities within the watershed area.
 - Does this include tribes/MRGCD?
 - MRGCD was discussed because they are a conveyance entity, similar to AMAFCA and SSCAFCA, with the difference being that they are agricultural, but the argument was made that for that reason, they should be more focused on water quality issues and should be brought under the permit as well.
- **Actions:** Agency Participation group will come up with a list of entities that should be permitted; draft a charter for the group; and perhaps give presentations to other boards to get involvement.

The other three groups had not had much of a chance to meet. However there was discussion related to each item.

From **Case Studies:**

- Suggestions of case studies for the group to look for include:
 - TMDL issues
 - WQ data associated with BMPs., i.e. rooftop disconnection programs
 - Regional watershed groups
 - Quality of BMPs/maintenance requirements
- A caution was given to the group when factoring in green infrastructure/LID techniques because if the measures are effective, it can change the flow that makes it to the Rio Grande, which in turn affects our water quantity deliveries to downstream entities including Texas and Mexico. There are federal obligations to meet these pacts.

From **Permit Format**:

- Please see attached word document.
- This group will look into permitting case studies.
- Ciudad's WRAS will essentially be the MOU to the group
- There should be an outside entity to write/adapt the WRAS into a watershed based plan.
- Match will be an issue.

From **Additional Funding**:

- A regional stormwater utility would likely make the most sense for the permittees.
- Some other suggestions were to approach businesses and other downstream entities for funding because they would get the benefits of cleaner water; investigate cost savings to government agencies; factor in recognition program for permittees that are in compliance.

EPA had suggested that the next meeting be during the week of November 29, however there are conflicts with EPA's schedule and with the availability of the tribal representatives that week. **Nelly suggested that we all keep the week of December 6 open for their face to face meeting with the group.**

If the group would like to put together a local meeting before the week of December 6, please let me know and we can get something set up. Otherwise, the meeting with EPA will be the group's next meeting.

Any questions, comments, concerns, additions or corrections, please let me know!
Thanks!