



SMSWG MEETING UPDATE VIA EMAIL

Wednesday March 25, 2020

MS4 Program Update – This update is being provided in lieu of the regularly scheduled 3/25/2020 Southern Maine Stormwater Working Group bimonthly meeting in accordance with Governor Mills order barring gatherings of more than 10 people until at least 3/31/2020. The individual members of SMSWG opted to receive this update rather than reschedule the meeting.

1. DEP/Permit Renewal Update

- A. On 3/6/2020, Integrated Environmental received EPA comments on Public Comment Draft issued 12/6/2019. Integrated Environmental forwarded these out to ISWG and a limited SMSWG group via email on 3/9/2020. The following is a summary of the comments and the impact on the permit issuance and content relative to the Town's cost to implement requirements:
 - i. EPA had many comments on the process for submitting Notices of Intent (NOIs), ensuring opportunity for public comments, and approving the discharges, including that the second step should not be called a permit modification (after EPA said it should be called that last summer). Most of these comments appear to be relatively straight forward and should not delay permit issuance, and should not increase MS4s time or cost to implement the Permit requirements.
 - ii. The most significant EPA comment was related to discharges to impaired waters with Total Maximum Daily Load (TMDL) documents. EPA would like:
 - i. DEP to prepare a list of TMDLs that apply to MS4s, and to identify which communities need to comply with them.
 - ii. MS4s would then need to submit "TMDL plans" to show how the discharges will meet the TMDL Waste Load Allocations. The Plans would need to be submitted with the NOIs. This requirement has a potential significant burden for MS4s, and may delay permit issuance. For example, the Impervious Cover TMDL is unclear with regard to Waste Load Allocation. No SMSWG communities are listed in the Impervious Cover TMDL – but the Salmon Falls River TMDL and Bacteria TMDL apply to all five MS4s.
 - iii. For ISWG and SMSWG, Integrated Environmental prepared a statewide list of TMDLs that have been approved by EPA and has attached it to the email transmittal for this update. The list is accurate for SMSWG, and will need to be reviewed by other MS4s for accuracy, but provides a good snapshot at the impact of the comment.
 - iv. On 3/25/2020, ISWG sent out the table, and K. Rabasca spoke with Rhonda Poirer at length about it. The conversation was good, and K. Rabasca emphasized that if EPA persists on the need to address all TMDLs, the MS4s will need relief on the requirement for 3 BMPs for Urban Impaired Streams (these requirements would be overlapping and

- redundant). We also had a good conversation about the other TMDLs (many of the bacteria sites are because of CSOs or sanitary wastewater issues, not stormwater, or they are sites under the jurisdiction of Department of Marine Resources, and many of the TMDLs for individual waters have Watershed Management Plans).
- iii. EPA stated that MCM 5 Post Construction Runoff control did not contain clear specific and measurable requirements, and that it should either reference Maine DEP Chapter 500 or require that MS4s include specifics in their 5-year Stormwater Management Plans. – KR is requesting further clarification on this item so we are unsure of its implications.
 - iv. Less significant:
 - i. EPA is calling for more involvement by the public to develop and update the 5-year Stormwater Management Plans (SMSWG planned the April 8 South Berwick Town Hall Public Meeting and the April 14 Kittery Star Theater Public Meeting), so nominal impact to SMSWG. We do need to see if we can still have these meetings. KR will be sending emails out. Both meetings were planned to be at locations where we could televise on cable.
 - ii. EPA asked for more specific deadlines in permit. ISWG and SMSWG also commented similarly. Rhonda Poirier had confirmed via email most deadlines: 5-year Stormwater Management Plan and IDDE Plan need to be done by 10/1/2020 for submittal with NOI O&M Plans and SWPPPS need to be done by 6/30/2021.
 - iii. EPA asked for changes to the Fact Sheet (to remove inconsistent references, similar to those in the ISWG/SMSWG comments)
 - iv. EPA asked for revisions to definitions and requested more clarity in some areas:
 - 1. In the redevelopment definition: define “minor amount of undeveloped land” (which can be exempted by the DEP on a case by case basis – this language will likely change).
 - 2. Clarify that after DEP review, if the DEP asks, the 5-year Stormwater Management Plan must be updated.
 - 3. Clarify ambiguous language related to outfalls that are exempt from sampling requirements (“good” condition, “significant” changes to outfall drainage area)
 - v. EPA is requiring that MS4s report to DEP any Sanitary Sewer Overflows (SSOs) that enter an MS4 (in addition to tracking them generally in the IDDE program). This requirement seems redundant with reporting requirements imposed on sanitary sewer departments and districts, which also have to report SSOs to DEP.
- B. Checking in with DEP: Based on K. Rabasca call with Gregg Wood 3/9, DEP was still intent on addressing comments and sending the permit out for signature by end of month. K. Rabasca had a follow-up call in to Gregg Wood. The EPA and DEP will be discussing the comments on Thursday 3/26/2020 at 3 pm.
- C. Review of overall MS4 process:

SMSWG Update – 3/25/2020

- i. 10/1/2020 NOI, SWMP, IDDE Plan and all other plans are due to DEP for review. (Public notice)
- ii. DEP reviews NOI and Plans, and issues Permit Modification (Public Notice)
- iii. O&M Plans and SWPPPs need update by 6/30/2021
- iv. Permit becomes effective 7/1/2021

2. **Public Education:**

- i. Upcoming YardScaping Workshops – we may do these as webinars, or voice over powerpoints that can be displayed on cable TV.
 - May 12, 2020 York Chamber of Commerce – waiting to see how far out covid-19 social distancing policies extend.
 - May 14, 2020 Kittery Community Center waiting to see how far out covid-19 social distancing policies extend.
 - May 15, 2020 York Rotary Club – will be cancelled if Meeting is cancelled due to Covid-19 social distancing policies
- ii. Booths – completely on hold for now. Kittery Block Party, York Land Trust WildScaping, Wells Reserve or other Earth Day event.
- iii. FB Posts – share or repost if you can...

3. **EPA Toolbox Loan** – does anyone want to apply? (initial equip costs about \$1000)

Get equipment for 1 year (temp/cond probe, chlorine kit, ammonia strips, surfactants kit)
Must share data with EPA
Need NGO to apply (SMPDC?)
Need to manage and dispose of haz waste from surfactants at own cost
Application due to EPA 4/6/2020 (attached to email transmitting this update)

4. **Maine Climate Council** – Coastal and Marine Working Group will host two public meetings to update state stormwater regulations to address climate change needs. Ivy Frignoca (Friends of Casco Bay) and Don Witherill (Maine DEP) will be hosting and sending out invites. KLR can forward. Abbie Sherwin is on Community Resilience, Public Health and Emergency Management working group, which will also be hosting meetings. In the interim, please see the Maine Climate council home page for more info:

<https://www.maine.gov/future/initiatives/climate/climate-council>

5. **ASCE Condition Assessment** – K. Rabasca Zach Henderson and Fred Dillon spoke with Kerem Gungor (Maine DOT) regarding the annual ASCE condition assessment for stormwater infrastructure. Kristie provided him with a summary of our infrastructure from the annual reports. This year's ASCE report card for stormwater will again be lumped in with wastewater, but next year it will be a stand alone for stormwater. I have attached the matrix ASCE will use. We discussed that it would be good for the MS4s to participate in this reporting next year. Note there are other reports and assessments that feed in: The Maine Clean Water Needs Survey, the National Municipal Stormwater Assessment Report... you have been getting some emails about those. Feel free to fill out yourselves, or if you need help, reach out.

6. Update on 5-Year Stormwater Management Plan – K. Rabasca will transmit via email.

Next Meetings: (last Wednesday of Jan, Mar, May, July, Sept, Nov)

Wednesday May 27, 2020 – Kittery Town Hall

Wednesday July 29, 2020 – Eliot Town Hall



**EPA REGION 1 – NEW ENGLAND
Stormwater Toolbox Equipment Loan Program**

I. PURPOSE

The U.S. Environmental Protection Agency (EPA) Region 1 has developed and adopted the Stormwater Toolbox as an effective method to detect non-stormwater discharges within municipal separate stormwater systems (MS4s) and small tributaries. The Stormwater Toolbox utilizes a combination of indicator parameters in order to assist in the determination and characterization of a non-stormwater discharge. Refer to the EPA New England Bacterial Source Tracking Protocol which outlines the application of the Stormwater Toolbox within the Region. The agency recognizes the value of this monitoring data in guiding efforts to help improve both the protection of public health and quality of the Nation's waters. With this equipment loan program, EPA New England expects to support and enhance the work of existing monitoring groups and assist the start up of new groups to meet the goal of expanding the number of waters and MS4 which are monitored for illicit discharges.

II. EQUIPMENT AVAILABLE FOR LOAN

This loan program is restricted to equipment and initial consumables that come with that equipment only, and does not include replenishment of consumables or other expendable supplies (e.g. gloves, calibration standards, reagents, etc.) or costs associated with disposal of generated hazardous wastes. The equipment will be available through a loan term of one (1) year. Equipment must be returned to EPA once the loan term is over. There is no limit on the number of years an organization can apply. Refer to Table 1 below for a list of materials that make up the Stormwater Toolbox.

Table 1

Instrument¹	Analyte	Initial Quantity
<i>Equipment</i>		
YSI EC300(A) handheld meter with cable	Temperature, Conductivity, Salinity	1
Hach® Pocket Colorimeter™ II Meter	Total Chlorine	1
<i>Consumables</i>		
Hach® Test Strips 0-6.0 mg/L	Ammonia	25 samples
Hach® DPD Reagent Powder Pillows, 10 mL	Total Chlorine	100 samples
CHEMetrics K-9400 (Refills R-9400)	Surfactants	20 samples

¹ The use of trade names or commercial products does not constitute endorsement by the U.S. EPA.

III. ELIGIBILITY OF VOLUNTEER MONITORING GROUPS

The equipment loan program is open to all non-governmental organization (NGO) monitoring groups in New England including those coordinated by tribes, universities, and other organizations. Organizations that currently provide monitoring data to a state or tribal agency and are seeking to upgrade the type of methods used, and/or expand the number or types of monitoring sites are eligible as well as organizations just getting started with monitoring who need equipment.

Monitoring groups coordinated by municipalities, and/or any organization which are subject to National Pollutant Discharge Elimination System (NPDES) Phase I or Phase II MS4 permit conditions are **not** eligible.

As part of the loan program, selected groups will need to have a current Quality Assurance Program or Project Plan (QAPP). A QAPP is required for any project that uses or collects environmental information. If a group is just getting started in monitoring, the QAPP will need to be approved by a deadline agreed upon by EPA, which will allow some time for a new group to become familiar with details of monitoring protocols and QA requirements.

The goal of gathering data is to identify illicit discharges into MS4s and small tributaries. Data use must include a local application and sharing data collected with EPA. Groups collecting data only for educational purposes will not be eligible for this program. This request comes in the context of gathering citizen science information to support the Agency's efforts in determining how best to work with communities to promote an understanding of the data they collect, and assist the U.S. EPA Region 1 in evaluating future needs for our Equipment Loan Program.

IV. SELECTION PROCESS

Minimum criteria for ranking applications include the following:

- Complete application: Applications with incomplete or missing information may not be considered. **Make sure all required information is provided.** Applications will be considered as they are received, with no follow-up for missing information. Refer to Appendix A.
- A brief description of the organization to include: The goal of the organization, brief history of the organization, how long the organization has been in operation, the purpose of generating monitoring data and if there any partners involved. Organizations are encouraged to be as specific as possible with their proposed use of equipment.
- A statement that indicates there has been agreement with a state or tribal regulatory agency or EPA about providing data for reporting under a Clean Water Act or other federal statutory program. **The name and phone number of the contact with the agency is required, as generating data useable by a state, tribe, or EPA is one of the core criteria for a loan.**
- The group has an EPA or state-approved Quality Assurance Project or Program Plan, or indicates the intention and schedule of having an approved QAPP by a reasonable deadline.
- A description or map indicating location and number of sample sites for which equipment will be used.
- If monitoring is already being conducted, a description of how the monitoring program will be improved by upgrading protocols, adding protocols, and/or expanding the number of sample sites.
- A description of who results will be shared with and how they will be shared. Data generated from loaned equipment should be summarized and submitted to EPA.
- A statement on how equipment will be stored and maintained.
- A statement outlining when and how EPA will be notified if there is any loss or damage to the equipment.

V. CONDITIONS OF EQUIPMENT LOAN AGREEMENT

- a. Equipment can be loaned on a long-term basis of one (1) year. After this period, equipment must be returned. There is no limit on how many times an organization can apply for a loan.
- b. Applicant agrees to maintain equipment in good working condition.
- c. Equipment will be labeled as belonging to EPA and will remain EPA equipment for the duration of the loan.
- d. The applicant agrees to notify EPA upon loss or damage to the equipment. Damaged equipment may be repaired by EPA or may need to be returned to EPA without replacement, depending upon circumstances.
- e. A revocable license agreement/loan agreement will be signed by the responsible leader of the organization.
- f. Each group agrees to provide a final data collection report, detailing objectives, monitoring results with associated coordinates, and impacts of their study by April 1st of each year.
- g. All hazardous waste generated will be disposed of in accordance with federal, state, and local regulations.
- h. Any unused expendable equipment will be returned to EPA.
- i. All samples will be collected from public property by public access, unless otherwise granted permission by property owner.

VI. APPLICATION PROCEDURE & SCHEDULE

An application form is attached to this announcement (Appendix A). Applications should be limited to five (5) pages, including a map of monitoring sites (if appropriate).

Once applications are received, a review committee will review and make recommendations on selections.

Applications will be accepted through close of business Friday, March 20, 2020, with selections to be announced by **Monday, April 6, 2020**. Applications can be submitted through e-mail (preferred) or in hard copy to:

Michelle Coombs
USEPA Region 1
New England Regional Laboratory
11 Technology Drive
North Chelmsford, MA 01863

Email: coombs.michelle@epa.gov

Appendix A
APPLICATION FOR EPA REGION 1 STORMWATER TOOLBOX EQUIPMENT LOAN PROGRAM

APPLICATION FOR EPA REGION I STORMWATER TOOLBOX EQUIPMENT LOAN

(Attach additional pages as necessary)

1. ORGANIZATION

Name: _____
Address: _____
Phone: _____
Email: _____

2. PERSON RESPONSIBLE FOR LOAN

Name: _____
Address: _____
Phone: _____
Email: _____

3. IS THIS A NEW OR EXISTING MONITORING ORGANIZATION?

- New
- Existing

4. DESCRIPTION OF ORGANIZATION

On a separate page include: The goal of the organization, brief history of the organization, how long the organization has been in operation, the purpose of generating monitoring data, whether there any partners involved, and the reason for the equipment loan. If existing organization, describe how will the monitoring program will be improved through the equipment loan.

5. EXPECTED USE OF DATA

Regulatory agency that data will be sent to: _____
Regulatory agency contact Name: _____
Address: _____
Phone: _____
Email: _____

6. QAPP

Does the organization have a current Quality Assurance Program Plan (QAPP)?

- Yes - Date of EPA or state approval: _____
- No - Target date for an approved QAPP: _____

6. WATERS TO BE MONITORED

Name of waterbody(s): _____
Watershed: _____

Do sampling locations have latitude/longitude determined by GPS? Yes No

How many sampling stations and at what frequency will monitoring occur? _____

Is a map of the area with locations of existing or planned sampling stations attached? Yes No

7. LOAN AGREEMENT PROVISIONS – if selected you would agree to:

- Submit data upon request Yes No
- Submit annual data report by April 1 of each year Yes No
- Have a current QAPP in place Yes No
- Store and maintain equipment in good working condition Yes No
- Promptly notify EPA if equipment is lost or damaged Yes No
- Designate a person to sign agreement and be responsible for equipment Yes No

Stormwater Infrastructure Definition

(Draft)

For the purposes of this report, stormwater infrastructure can be defined as, but is not limited to, the following:

- Local storm drains systems that convey rainwater from paved, impervious and landscaped surfaces, or agricultural areas, into streams, rivers, lakes, bays and beaches;
- Infrastructure that conveys agricultural runoff in suburban areas;
- A system of man-made pipes, ditches, canals, channels as well as streets and roads built for the purpose of collecting runoff;
- Green infrastructure, including natural areas that provide habitat, flood protection, cleaner air, and cleaner water. Green infrastructure may be comprised of vegetation, soils, and other elements and practices to manage wet weather impacts; or
- Infrastructure covered under MS4 permits. MS4 is a conveyance or system of conveyances that is:
 - owned by a state, city, town, village, or other public entity that discharges to waters of the U.S.,
 - designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches);
 - not a combined sewer, and
 - not part of a sewage treatment plant, or publicly owned treatment works (POTW).

PROPOSED METRICS

State Stormwater Chapters

This document combines proposed grading criteria and key indicators from the National Municipal Stormwater Alliance with existing metrics and narrative themes already utilized by existing state report card stormwater chapters. This draft guidance is part of a pilot program for incorporating stormwater as a more consistent ASCE Report Card category.

Feedback on these metrics and criteria will be used to develop a final set of guidance on stormwater infrastructure to be provided to state Report Card authors.

INTRODUCTION SECTION

- What is stormwater infrastructure
- Who benefits from stormwater management
- An explanation of how impervious surfaces impact the rate and volume of water.
- How stormwater is managed (local government involvement, how NPDES permits fit into the picture)
- Are demands increasing on municipal stormwater management? Why?

CAPACITY

DOES THE INFRASTRUCTURE'S CAPACITY MEET CURRENT AND FUTURE DEMANDS?

- Number of stormwater utilities or districts (compare that to number throughout the U.S. – approximately 500)
- Incidents of flooding and CSOs due to inadequate draining facilities
- Does existing capacity meet demand in growing urban areas?
- Are local governments assessing the need for increased capacity in addition to evaluating maintenance needs?
- Does existing infrastructure meaningfully address water quality components?
- How will the changing climate impact existing capacity in your state?
- What is the ability to improve water quality using an analysis of both wet and dry weather runoff from developed areas to be treated, infiltrated, diverted, or captured for harvest/reuse? Potential analysis method: GIS Analysis of % Wet Weather Runoff from Developed Areas Treated, Infiltrated, Diverted, Captured for Harvest/Reuse.

CONDITION

WHAT IS THE INFRASTRUCTURE'S EXISTING AND NEAR-FUTURE PHYSICAL CONDITION?

- What does stormwater infrastructure consist of?
 - What role does green infrastructure play?
- Local government's ease (or lack of) in maintaining pipes and structures
- How is MS4 permitting changing local government approach to stormwater?
- When in general were the following components of stormwater management infrastructure built?
 - Combined sewer systems
 - Municipal Storm Drain Systems
 - Detention and Retention Ponds
 - Low Impact Development/Green infrastructure
- Is there a difference between older communities and new developments in terms of stormwater management infrastructure requirements?
- How many miles of streams are listed as impaired by violating at least one water quality criteria (such as does not meet designated uses)?
- What percentage of violations for rivers, streams, lakes and reservoirs are a result of stormwater runoff?
 - What percentage of water quality impairments are a result of stormwater?
- Has there been a statewide or regional stormwater study or commission in recent years? What did they find, and did they issue recommendations?
- Is there a capital improvement plan?
- To determine the condition of the storm drain infrastructure, are there infrastructure condition surveys / asset management system data? What are the results?
- What is the age of the storm drain infrastructure system and what are the materials of construction for the system?
- What is the condition (health) of the receiving waters? Potential data sets to judge this:
 - NPDES Monitoring Data
 - EPA
 - State data

FUNDING

WHAT IS THE CURRENT LEVEL OF FUNDING FROM ALL LEVELS OF GOVERNMENT FOR THE INFRASTRUCTURE CATEGORY AS COMPARED TO THE ESTIMATED FUNDING NEED?

- What is funding needed for?
- Number of stormwater utilities or districts and the implications for/relationships to funding
- Where does funding come from? (E.g. Local government, stormwater utility revenue, private property investment, revolving funds, clean water act grants)
- Are there alternative funding methods in place (e.g. general obligation bonds, development impact fees)?

- Are there user fees or are they an option?
- If there was a recent study or commission on stormwater, did they make recommendations on funding? What were they? (e.g. NH recommended formation of a statewide utility to provide a consistent and dedicated revenue stream for stormwater program. Also made recommendations on fees.)
- CWSRF utilized in your state?
- Any new or pending legislation that would increase funding available for stormwater infrastructure?
- What are the programmatic and hard costs based on clean watershed needs survey?

FUTURE NEED

WHAT IS THE COST TO IMPROVE THE INFRASTRUCTURE? WILL FUTURE FUNDING PROSPECTS ADDRESS THE NEED?

- Is population in urban areas increasing? Is funding increasing commensurately?
- Is funding increasing as a result of MS4 permit requirements?
- Total available needs number? (pull from EPA Needs Survey)
 - Total needs for separate sewer and wet-weather issues?
 - Needs number for combined sewer overflow correction?
 - Number for other stormwater management infrastructure?
- Gap in available funding versus what is needed?

O&M

WHAT IS THE OWNERS' ABILITY TO OPERATE AND MAINTAIN THE INFRASTRUCTURE PROPERLY? IS THE INFRASTRUCTURE IN COMPLIANCE WITH GOVERNMENT REGULATIONS?

- Who is responsible for maintenance?
- How much of the state is covered by MS4 permits?
- Role of private sector owners of stormwater infrastructure
- Miles of storm drains in the state and ownership structure? (Municipalities, counties, or DOT?)
- Availability of dedicated local funding for maintenance?
- Rate of infrastructure replacement (or estimate)

PUBLIC SAFETY

TO WHAT EXTENT IS THE PUBLIC'S SAFETY JEOPARDIZED BY THE CONDITION OF THE INFRASTRUCTURE AND WHAT COULD BE THE CONSEQUENCES OF FAILURE?

- Failing pipes resulting in sinkholes, flash floods, collapsed roadways (specific examples of high profile incidents in state);
- Discussion of flooding

- What physical improvements are required to assure asset protection from identifiable threats?

RESILIENCE

WHAT IS THE INFRASTRUCTURE SYSTEM'S CAPABILITY TO PREVENT OR PROTECT AGAINST SIGNIFICANT MULTI-HAZARD THREATS AND INCIDENTS? HOW ABLE IS IT TO QUICKLY RECOVER AND RECONSTITUTE CRITICAL SERVICES WITH MINIMUM CONSEQUENCES FOR PUBLIC SAFETY AND HEALTH, THE ECONOMY, AND NATIONAL SECURITY?

- Impact of increasingly severe storms
- Specific examples of strong storms encouraged
- Role of community disaster mitigation plans GIS Analysis of % Land Area Tributary to a Basin, Division, or other Surface Water Quality Feature Capable of Mitigating a design or larger storm event
- GIS Analysis of % Land Area Tributary to a Basin, Division, or other Surface Water Quality Feature Capable of Mitigating a Spill/Release

INNOVATION

WHAT NEW AND INNOVATIVE TECHNIQUES, MATERIALS, TECHNOLOGIES, AND DELIVERY METHODS ARE BEING IMPLEMENTED TO IMPROVE THE INFRASTRUCTURE?

- Specific examples of innovative efforts, technologies, materials, etc.
- Number of patents
- Survey of research investments
- Survey of innovations in programs