

MUNICIPAL ALLIANCE FOR ADAPTIVE MANAGEMENT

MEETING OF THE MEMBERS

MINUTES

Meeting Type: **Members Meeting**
Meeting Location: **City of Rochester-Public Works Building, 209 Chestnut Hill Road**
Remote Location: [https://us06web.zoom.us/meeting/register/tZMtccmtrD4sHdX11lTSnabZu1fBn4m_00EX](https://us06web.zoom.us/join/https://us06web.zoom.us/meeting/register/tZMtccmtrD4sHdX11lTSnabZu1fBn4m_00EX)
Meeting Date: July 13, 2023
Meeting Time: 1:00 p.m.

1. CALL TO ORDER

The Meeting was called to Order at 1:05 pm with a quorum of the Members present

Members:

Town/City	Representative	In person
Dover	Gretchen Young (GY) Environmental Projects Manager	Yes
Portsmouth	Suzanne Woodland (SW) Deputy City Manager/ Deputy City Attorney	Yes
Rochester	Katie Ambrose (KA) City Manager	Yes
Newington	Ariel Wright (AW)	Yes
Exeter	Paul Vlasich (PV), Town Engineer	No
Milton	Chris Jacobs (CJ) Town Administrator	Yes
Rollinsford		

Non-Members In Person:

Danielle Gaito, EPA Region 1
Jamie Houle (JH), UNHSWC
Sally Soule, NH DES
Danielle Gaito, EPA
Daniel Macadam, UNHSWC
Shanna Saunders, City of Rochester
Renee McIsaac, City of Rochester
Jarrod Norris, City of Rochester
Jillian Semprini, City of Dover

Non-Members Participating Remotely via Zoom included but not limited to:

Melissa Paly (MP), CLF
Kalle Matso (KM), PREP

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Brian Goetz (BG), City of Portsmouth
Jim Steinkrauss, Rath, Young & Pignatelli
Michael Sununu, Town of Newfields
Bill Arcieri, VHB
Kate Varney
Lyndsay Butler, Town of Newmarket
Michael Bobinsky, City of Somersworth
Joshua Wyatt, City of Dover
Tom Swenson, NH DES
Deb Loiselle, NH DES
Giana Gelsey (GG), Town of Madbury
Renee Bourdeau, Geosyntec
Jake Rogers
Ted Diers, NH DES
Jason Rucker
Robert Belmore, City of Somersworth
Steven Couture, NH DES
Lynn Vaccaro, Great Bay National Estuarine Research Reserve
Erin Holmes, NH DES
Andrew Robertson, Town of Lee
David Moore, Town of Stratham

2. APPROVAL OF MEETING MINUTES OF JUNE 8, 2023

Motion: SW moved to approve the meeting minutes of June 8, 2023 after the correction of paragraph 6. the word Residual was spelled incorrectly, seconded by KA.

Vote passed as amended 6-0

3. BACKGROUND AND EXPLANATION OF THE RESIDUAL DESIGNATION AUTHORITY (RDA) PROCESS

SW noted under the Federal Clean Water Act these are tools for water quality. There is a Conservation Law Foundation (CLF) petition for RDA with EPA, to help with water impairments. DG discussed stormwater regulations, explaining you don't need a permit for stormwater unless you are an MS4 community, phase 1, phase 2, an industrial site, or had a permit that covered your stormwater prior to 1987. RDA is for stormwater that normally would not be regulated but needs to be for water impairments. We have received the request

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and no decision has been made on how to proceed, there are many options, an individual permit, expanding an existing general permit, a new general permit. The right decision needs to be made for what is best for Great Bay. The biggest key is determining how many properties are we talking about.

A. LEGAL AUTHORITY

SW Portsmouth wants to ensure consistent regulations and not create challenges for folks redeveloping properties with multiple layers of regulations. The RDA came quicker than expected and caught communities off guard.

B. OTHER EXAMPLES OF RDA

DG stated the Charles River watershed, Neponset and Mystic River are examples of RDA. The makeup of these watersheds is quite different than the makeup of Great Bay. We've been working with the UNH Stormwater Center to help identify where the pollutants are coming from here, which depends upon land use and land cover and where the water goes.

SW noted Long Creek in Maine is regulated at the state level. New Hampshire is not delegated so the RDA would be implemented by EPA. The RDA will affect certain privately owned commercial, industrial and institutional properties of a certain impervious cover size. Does not include municipal properties.

C. WHAT IS BEING ASKED IN THIS PETITION

DG noted that that the permit has been filed but not reviewed yet, EPA wants to make sure it is scientifically and economically justified. There are many factors depends on what kind of land use and what is best for RDA in Great Bay.

4. WHAT RDA MEANS FOR COMMUNITIES

SW noted that Portsmouth reactions were that at first they were caught by surprise, they have been very engaged in the Municipal Alliance for Adaptive Management, a lot of money has been invested, we're learning a lot more and understanding the science better in the estuary to determine funding and permitting structures that makes sense and are effective, what are the drivers and most effective tools, we thought we would have a few more years to get and understand the data and this felt too soon. The MAAM communities have been making a lot of progress and doing a lot of work, upgrades to our

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facilities, ensuring our projects have stormwater components, updating our regulations for stormwater and enforcing maintenance. Maybe not all of the smaller communities are doing what they can to address it. Portsmouth was in the process of examining establishing a stormwater utility to regulate and enforce stormwater management and has put that on hold because of this petition because it could impact the regulatory structure at the local level. Affordable housing is an issue and how do we deal with multi-family housing. Portsmouth is struggling with the push in the petition to regulate private properties that aren't under redevelopment. We're glad that the petition is engaging the communities that haven't been at the table. Portsmouth wants to ensure consistent standards and regulations and is committed to good water quality and is trying to implement the regulations while encouraging positive development and development while being effective.

GY noted they also have the same reaction. They were surprised by the timing. Some of the attributes are attractive for engaging other communities. She sees as a possibility to keep up with operation and maintenance plans for private developments, and if that becomes an EPA issue it lessens some of the burden on the community. Dover has a huge concern about duplicating and conflicting regulations. They still have questions to be answered. They are moving forward with their stormwater utility and shared with EPA and CLF and there were no red flags.

KA noted Rochester has the same questions and concerns as Portsmouth and Dover and feels they have made progress individually and through the work with the MAAM. We have started exploring a stormwater utility and this petition has raised a lot of questions and concerns on that process. Very similar takeaways and the timing.

CJ noted that Milton is a small community and they only have so much staff for MS4 and other things and Milton doesn't have the industrial area as other communities and will not have the same results. He said he has issues with EPA making changes and they have enough permits.

5. HOW IT RELATES TO THE WORK MAAM IS DOING

GY noted she does not want folks discouraged. We have opportunities to keep working together, where we have MAAM, CLF and EPA at the table. There is a lot of data and analysis and the collaboration can help when it gets technical. MAAM provides a lot of opportunities.

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MS noted we don't know how effective the actions we've taken under the general permit are yet since it has only been 18 months and that is not enough time. This looks like changing the deal of the general permit. Would a cost-benefit analysis be required for this regulatory burden? We don't have enough housing and what's the impact on this statewide issue? We have serious questions about the benefits and evaluation of why it's necessary at this time.

SW notes Portsmouth doesn't support or oppose the RDA petition, we have concerns and are surprised by the timing. They are open but were expecting a longer permit time to see what data and science would show. She wanted to make a point of what MAAM is doing is allowing a one-stop shop with representatives from the state, EPA and other partners to be in the room at the same time and communicate which is a great benefit.

6. QUESTION & ANSWER

JH discussed the land use data developed by the UNH Stormwater Center. The hot spot map is specifically designed for municipally owned properties as part of MS4 compliance work.

DM discussed the GIS land use layers and database for the watershed. He went over the different columns of the database. They included State, County, Town, HUC12name, MS4, Parcel ID, NH GIS ID, land use code, street address, impervious area and RDA. They'll want to discuss in the future what should continue to be included in the analysis.

BG noted the big properties under a stormwater utility could be subject to duplicate regulations which is giving them pause on the structure of it. MP responded that they would request that if big properties are addressed under a stormwater utility they would request that EPA not also apply the RDA for those cases.

DG noted her email address gaito.danielle@epa.gov if there is any questions or concerns.

GG noted that Madbury is a small town like many others in the watershed. They don't have a sewer or stormwater system or many parcels that would be involved. It will not affect them very much but they are glad to be involved in this process.

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7. STAKEHOLDER COMMENT

MP noted that the RDA is not a punitive measure at all, the idea is to complement the total nitrogen general permit not to replace it or punish the communities that are already regulated under the total nitrogen permit. There are 12 communities regulated by the general permit out of 42 in the watershed. This is not to punish it is to bring more equity and lessen the burden. You already have a federal permit and are leaning into this work, let's bring other communities into this process and solutions. This isn't for residential or municipal properties. We recognize there is a housing problem and don't want to bring in regulations to hurt this process. This takes the burden off municipalities and puts on private landowners that own the large properties with large amounts of impervious surface. If we think that redevelopment will solve the stormwater problems we will be waiting a long time. This is to ease the burden on municipalities and puts it on EPA. They are talking with Maine to try to get the same regulations under the total nitrogen general permit. RDA is used to incentivize and encourage stormwater utilities never to undermine to the efforts of the municipalities.

8. PUBLIC COMMENT

NONE

9. OTHER BUSINESS

NONE

10. SCHEDULE NEXT MEETING AND AGENDA ITEMS (SEPTEMBER-AMP UPDATE)

September 14, 2023 at 1 pm tentatively at Dover Public Works Building

11. ADJOURN

Motion: SW moved to adjourn the meeting seconded by KA.

Roll call Vote passed 6-0

Adjourned at 2:38 pm.