

**WINNIPESAUKEE RIVER BASIN PROGRAM
RULES WORKSHOP MEETING MINUTES**

May 8, 2018 – Belmont Corner Meeting House

Members Present: The meeting was called to order by Sharon McMillin (NHDES) at 8:35 am. Ken Noyes (WRBP – chief operator), Ron White (DAS), Katie Ambrose (Sanbornton), Wes Anderson (Laconia), Brian Barry (Franklin), Scott Dunn (Gilford), Alicia Jipson (Belmont), and Courtney Mitchell (Meredith) were present at that time.

Absent: Colin Cardin (WRBP - IPP Coordinator)

Handouts:

- Agenda for workshop
- Letter from the WRBP to EPA titled: *2017 WRBP Administrative Rules & IPP Review*, dated June 21, 2017
- *Env-Wq 1200 for Winnepesaukee River Basin Program – Table of Contents*
(with proposed amendments depicted with tracked changes)
- *Env-Wq 1200 for Winnepesaukee River Basin Program*
(Rules with proposed amendments depicted with tracked changes)
- *Env-Wq1200 for Winnepesaukee River Basin Program*,
(Rules with proposed amendments depicted without tracking)

Introductions: Sharon announced that the WRBP is in the process of updating the Env-Wq 1200 a/k/a WRBP “Rules.” Review of the Rules, which are essentially the WRBP’s Sewer Use Ordinances, is required under the NDPEs permit renewal process. Revision and renewal through the JLCAR is necessary because the current Rules expire in October 2018, but current Rules will remain in effect as long as the Rule-making process has begun. Rules changes affect both the WRBP and the WRBP’s member communities (NPDES co-permittees).

WRBP Goals for Proposed Rules Update: The WRBP has to review the federal rules and ensure that anything that has changed therein is incorporated into the WRBP’s rules. The goal for this rules workshop is to solicit input from WRBP co-permittees on the proposed rule changes that WRBP staff has drafted ahead of the formal submission and required public hearings. She wished to acknowledge the hard work that WRBP staff put into the draft revisions.

Some of the proposed rules changes will be included by reference using appendices; and many will pertain only to the definitions. Colin Cardin’s (WRBP Industrial Pretreatment Coordinator) letter to EPA summarized some of the proposed changes; particularly those related to federal changes. EPA has not yet responded to this letter. EPA is generally interested in two things: what the WWTP discharges into the Merrimack River; and the WRBP’s industrial pretreatment program. The latter is focused primarily on discharge permitting and compliance monitoring.

A Review of the Proposed Draft Rules Changes (current rev 5-1-2018): Sharon suggested starting with the *Table of Contents* since that is easier to follow and will provide an overview of proposed changes. The first few sections address what the WRBP is, the purpose and applicability of the rules, and the definitions found in the rules. WRBP staff has attempted to make the definitions more easily understood. The Federal Register citations are referenced in some instances so, in the event that EPA changes one of its own definitions, there would be no need to go back into the Rule-making process to change the pertinent definitions in the WRBP's Rules.

Part Env-Wq 1203 is currently where the Rules most directly affect community sewer ordinances; citing the State's requirements for sewer connections and when WRBP sewer connection permits are needed. Rules pertaining to wastewater discharges and wastewater discharge permits are also located in this section. Wastewater discharges have to be permitted by both WRBP and NHDES Concord when they meet the specific wastewater flow criteria listed herein. Large residential developments, for example, often meet these criteria and need both WRBP and NHDES wastewater engineering bureau permit approval.

Part Env-Wq 1204 pertains to member community assessments and billing procedures; but it also gives the WRBP the authority to levy certain permit fees and to assess fees from septic and sludge haulers. Some fees have increased modestly because they have remained the same for so many years; for example, from \$75.00 to \$100.00 for a WRBP connection permit.

Part Env-Wq 1205 pertains to industrial pretreatment rules; and

Part Env-Wq 1206 pertains to commercial discharge permits.

A question was asked to determine if the WWTP was required to accept Woodstock's WWTP sludge. Sharon affirmed that they did accept the sludge but at a higher tipping fee than regular domestic septic because of its higher strength. Scott asked if the WWTP makes money on such hauled septic and wastewater. Sharon affirmed that the tipping fees did not cover all costs since fees also need to be competitive. Any money received from hauled septic or wastewater does offset member communities' O&M assessments. Sharon noted that the WWTP also accepts non-domestic septage from commercial entities (i.e. Walmart) and domestic holding tank waste. The Rules cite which types of wastes can be accepted and which are prohibited; for example, excavation dewatering waste from construction sites currently cannot be accepted per the Rules. Such dewatering liquid is handled by DES under other permit programs because the WWTP accepts only wastewater that is appropriate for biological treatment.

The last two parts in the current Rules pertain to administrative enforcement procedures and waivers for industrial permits. The appendices follow the last two parts and contain RSA and CFR reference citations. Administrative fines historically have only been considered by the WRBP for egregious acts. WRBP can enforce its own permits when they are violated. The WRBP can also fine entities who connect to the collection system without first obtaining a permit. Most of the time, the member communities are responsible for enforcement of violations of community sewer ordinances. This is why it is important for the member communities to review their sewer ordinances, and revise them if necessary, to ensure that they adequately meet their needs. Member communities and the WRBP have been having a lot of problems lately relating to both grease and wipes. So, monitoring and enforcement should be addressed in sewer use ordinances and the Rules. Within the industrial

pretreatment rules, there is language relating to waivers. Currently, waivers are not mentioned in other sections of the Rules. Nothing can be waived that would violate any requirements of existing federal or state laws and neither can applicable fees. Sometimes local limits can be waived, depending on volume and loading (strength) calculations or during approved trials.

Some definitions and Rules have been added to the rules pertaining to dentists because of recent federal changes requiring monitoring and permitting of dental practices. New Hampshire's waste management Rules have largely met the federal requirements for installation of dental amalgam separators to capture mercury and other hazardous wastes; but wastewater utilities like the WRBP now have additional requirements that need to be added to the Rules.

Local limits on what can be discharged to the WRBP in order to be compliant with the NPDES permit have historically been numerical and did not specifically take best management practices into consideration. Best management practices are now defined; for example, some commercial users (like dentists) may have a permit requiring them to develop and implement best management practices instead of sampling and testing for metals.

Sewer extensions are defined in DES' Env-Wq 700 Rules and the WRBP's Rules and both cite the requirement for obtaining a permit for those extensions. This may be a gap in sewer ordinances and permitting approvals for some of the member communities; sewer connection permits if there's a direct connection to WRBP sewer lines and wastewater discharge permits may also be required.

"Surcharge" is used in place of "fees" in some instances; such as where hauled waste and strength issues are concerned.

There are small or subtle changes in Part Env-Wq 1203, such as changing "inspector" to "qualified inspector." Connections to force mains are still prohibited; however, a proposed change would allow waiver requests to be considered by the WRBP for technically-sound installations.

The prohibited discharges listed under Env-Wq 1203.12 are prohibited by State law. For example, stormwater, roof drain, sump pump, and perimeter drain discharges are prohibited. Discharges into any manhole instead of a permitted sewer connection or hauled to the WWTP (like pumped from construction excavation sites) is also prohibited. The DES and the WRBP receive calls requesting authorization to discharge of stormwater or excavation dewatering material to a manhole on a regular basis. Such discharge is not allowed under state and federal law. The numerical local limits (mainly for metals) are also listed in this section.

Part Env-Wq 1203.13 pertains to special discharges, or limited duration or volume discharges. This section allows trials, especially for new pretreatment systems. It also allows the WRBP to surcharge if there are additional costs relating to strength or special handling.

In Part Env-Wq 1205.04, the language pertaining to equivalent mass limits is added to clarify language in the federal rules. There is more distinction now between industrial users and significant industrial users in Part Env-Wq 1205; with slightly less stringent requirements for the former.

Over the last few months, the WRBP has been working with the member communities to determine whether their commercial users are properly permitted. All commercial users should be permitted but are not. Some commercial discharge permits have lapsed, because permits do not transfer with changes in ownership [Part Env-Wq 1206.07(c)] – many commercial users are not aware of this.

Scott asked if there was an appeal process for waivers or permits, if they are denied. Sharon indicated that there is no such appeal language currently in the WRBP Rules. She said she would inquire with DES legal to see about adding add some appeal language or referencing other Rules that might apply.

Next Steps and Deadlines: Sharon asked if anyone had questions or suggestions, even if their suggestions were just informal feedback. She indicated that the following step would be to share these suggestions with the DES legal team to review.

Katie asked what would happen after that. Sharon explained that after that the Rule-making process would begin, including issuing public notices so the general public would also have the opportunity to ask questions and make suggestions during public hearings. The EPA's questions and comments in response to the WRBP's letter, along with the public's questions and suggestions, would be submitted to the DES legal team to review. After final revisions were made, a final draft of the proposed rule changes would be submitted to the Water Council and then the legislature (JLCAR) for consideration.

Katie asked about the timeline. Sharon indicated that the DES and the WRBP wished to have a final draft ready for JLCAR by September.

Future Workshop Date(s): Sharon announced that a discussion regarding the proposed rule changes has been added to the agenda for the next AB meeting. A future rules workshop could be scheduled if anybody is interested. Wes suggested for everybody to read through the handouts prior to the AB meeting, and to bring along questions. By that time, everybody might have a better idea whether they are interested in a future rules workshop. All concurred with that suggestion.

Other Business: A repeat Commercial Discharge Permit Information Workshop will be offered at the WWTP next month. A date will be determined based upon date and time feedback received from Katie and a couple of other member community representatives. This workshop is a repeat of the first workshop since some members could not attend or send their representatives to the first workshop.

The meeting was adjourned at 11:20 am. The minutes were prepared by Pro-Temp Staffing. The next AB meeting will be held at the Corner Meeting House in Belmont on May 17, 2018 at 10:00 am.