

## WINNIPESAUKEE RIVER BASIN PROGRAM

### ADVISORY BOARD MEETING MINUTES

**June 21, 2018 – Belmont Corner Meeting House**

**Members Present:** The meeting was called to order by Wes Anderson (Laconia), assistant chair, at 10:05 am. Sharon McMillin (NHDES), Rene Pelletier (NHDES – Assistant Director Water Division), Katie Ambrose (Sanbornton), Johanna Ames (Tilton), Brian Barry (Franklin), Glen Brown (Northfield), Steve Dolloff (Meredith), Scott Dunn (Gilford), and Ray Korber (Bay District) were present at that time. Wes announced that Brian Sullivan had taken a temporary leave of absence due to a medical issue.

**Minutes:** Glen moved, seconded by Steve, to approve the May 8, 2018, WRBP Rules Workshop Minutes and the May 17, 2018, Advisory Board Meeting Minutes, as amended. The motion passed.

**Monthly Summary Report:** Sharon provided the following updates. They were based on the *Monthly Summary Report* for May 2018.

- Flow Metering Services Study – New data is currently being logged and evaluated.
- Asset Management/Collection System Evaluations Initiative – The “Go-Live” onsite training has been scheduled for July 17<sup>th</sup>-19<sup>th</sup>. An SRF loan application for \$30K/phase for three phases is at the G&C awaiting its final approval.
- WRBP Infrastructure Ownership – Franklin’s meeting was held on May 8, 2018. Revisions are pending.
- Rate Assessment Formula – The Advisory Board resolved to have a draft formula devised by January 1, 2019. This initiative is further discussed in the Rate Assessment Formula Update section below.
- WRBP Rules Update – A rules workshop was held on May 8, 2018. Draft copies of Env-Wq 1200 (tracked and un-tracked versions) along with the table of contents have been distributed to Advisory Board members. This initiative is further discussed in the WRBP Rules Update section below.
- CIP Sub-Committee’s Governance Work Plan – See the Authority Update section below.
- Replacement Fund (Reserve Account) – See the Replacement Fund Draft Legislation Update section below.
- Commercial Discharge Permit (CDP) Initiative – A repeat workshop was held on June 4, 2018, at the Franklin WWTP training center.

**Rate Assessment Formula Update:** Wes handed out copies of a document entitled *Proposed Timeline for Developing the Formula*, dated June 20, 2018. He recommended putting a rate assessment formula study group together and suggested Ray, Steve, Katie, Scott, and Jeanne Beaudin (Belmont) to participate in the group with him. Ray, Steve, Katie, and Scott agreed to do so. Wes offered to reach out to Jeanne and ask her if she would be willing to participate in the group. He said that the study

group's first task will be to determine what information it will need from the WRBP and also from each member community.

**WRBP Rules Update:** Sharon handed out a copy of a memorandum from the CIP Sub-Committee to the Advisory Board entitled *Review Comments – WRBP Rules*, dated June 5, 2018. Wes distributed copies of this document prior to the meeting by email.

Wes expressed his concern with regard to the lack of direction relating to which types of entities were required to have oil/water separators, a/k/a "pre-treatment," inline between floor drains and holding tanks.

Johanna expressed Tilton's concern about Item 17 and what appeared to be the State's downshifting of some of its responsibilities to the member communities. Some of the member communities do not have the time, the manpower, or the funds to take on these responsibilities. Sharon indicated that this item was not proposed by the WRBP or the State but by the members composing the memo.

Wes asked whether the member communities or the State should determine which types of entities qualify for commercial discharge permits. Sharon indicated that she had requested a legal ruling to help clarify the control authority of NHDES-WRBP versus each community. Their opinion is that such permitting is vested in the control authority / holder of the NPDES permit – which in this case is the WWTP and the EPA-approved pretreatment program. Under the current NPDES permit, co-permittees are not vested with this type of control authority.

Ray suggested that the problem might be the way in which the rules were currently written. Because of the way in which they were written, it appeared as though they were recommending commercial discharge permits for shoe stores for example; which he feels do not have a need for this type of permit. Requiring shoe stores to have commercial discharge permits would be overly burdensome for the member communities and their small businesses.

Wes shared Johanna's concern. He believed that if the member communities were expected to track each business, that doing so would be overly burdensome for the member communities and their small businesses. Thus, he wanted to ensure that doing so was truly a federal requirement. Ray and Scott concurred with Wes and Johanna. Sharon explained that every control authority, most of which are municipalities, has a NPDES-compliant permitting practice in place. Most have a list of users because such users are billed. This type of list can be used to determine where indirect discharges are coming from.

Wes acknowledged that while a list of users may be useful in many instances, it would not be helpful in all instances, as it was not as simple as that. Ray concurred; he also acknowledged that everybody in the room was interested in controlling discharges, and that the system put in place to do that needed to be effective. Sharon concurred that the permit system needed to be effective. Wes suggested that a new sub-committee could help improve the language. Sharon explained that the intent in the commercial discharge permit rules as they currently read was to identify commercial entities – the intent was not to require each of them to acquire an industrial permit.

Steve concurred with Johanna. He asked Sharon if the WRBP itself planned to hire additional staff to handle the additional permit paperwork that would be required by the proposed commercial discharge permit rules as they currently read. Sharon explained that the WRBP planned to maintain the same

staff level and would instead shift priorities. For example, instead of conducting quarterly inspections for industrial users who have had permits in good standing for several years, annual inspections would be conducted moving forward. She acknowledged that identifying indirect discharges (the commercial group) would not happen overnight and that the WRBP staff could work with each member community to help town officials set up an identification process and then determine which identified users required permits and which did not. Dental offices, for example, are a must for permitting per EPA's new rule.

Steve concurred with Ray about the way in which the rules were currently written. He said it was not clear which types of entities qualified for commercial discharge permits. Wes again suggested that the sub-committee could help improve the language. Sharon explained that while the language could be improved, some decisions would have to be made on a case-by-case basis after assessing an entity's operations. Sometimes (i.e. hair salons) it may be easier to determine what type of wastewater an entity might generate. This will not always be the case though. Steve said that it would be helpful for Sharon to send the Advisory Board members an email stating which CFR listed the industrial discharge permit rules.

Rene asked Wes if he is notified when a new entity began discharging. Wes explained that it depended on whether there was a new entity in a new building or an existing entity was just renovating. If a shoe store becomes a Dunkin Donuts, for instance, he would be notified since that is a change in use. Rene asked if permits were only issued for new entities if their use would be a change in use. Wes agreed that this was the case. Rene asked if improving communication between departments in towns would be helpful. Wes was not sure it was that simple. Johanna concurred. Sharon asked Wes how taxes were collected in his town and if that avenue could identify commercial sewer users. Wes explained that they were collected from landowners who were not necessarily business entity owners.

Rene asked if a letter from the State's Water Division (his office) would be helpful. The letter could be addressed to town mayors and the like, and it could recommend for water/wastewater departments to be notified of any changes in ownership or use. Wes did not think that such a letter would result in a productive outcome. He also noted that some of his City's residences had wastewater discharges that concerned him more than the wastewater that some of his commercial entities were discharging. Rental properties have been creating a major wastewater discharge problem for him; more so than his commercial entities. Other Advisory Board members concurred. Katie reiterated how difficult it would be for member communities to portray themselves as "business friendly" if they began increasing requirements for their small businesses. Scott noted that some changes, if they affected building permits, for example, might require a town meeting vote and that this process should also be taken into consideration.

Wes suggested asking some of the New Hampshire municipalities for guidance. Scott expressed his concern with that idea if doing so would complicate the issue. Ray suggested that it did not need to complicate the issue if it was not allowed to do so. In his opinion, the first step would be to determine which type of commercial entities needed commercial discharge permits; and more importantly, why. He strongly believed that this type of conversation would allow each member community to narrow down its list of potential commercial entities requiring commercial discharge permits significantly. Scott asked if there could be commercial discharge permitting levels. Ray concurred. Sharon agreed that levels of some kind would be helpful. For instance, because of the new EPA rule, dentists would be

required to obtain a commercial discharge permit instead of an industrial permit that was more expensive and required more reporting.

Scott moved, seconded by Ray, for the Advisory Board to approve the CIP Sub-Committee's Memorandum and to establish a sub-committee to consult with Sharon regarding the comments therein along with any additional concerns. All were in favor.

Katie asked when the WRBP planned to send out the final revised draft of the rules. Sharon suggested that it would be best for the WRBP to wait until after the new sub-committee had a chance to meet.

**Authority Update:** Wes announced that Rath, Young, & Pignatelli have put together a preliminary draft roadmap to be used for decision making. He expected to have a final draft road map to share with the Advisory Board by the July meeting. Ray noted that it would be distributed by email ahead of the meeting. The attorneys are planning to put on a presentation during the July Advisory Board meeting.

**Replacement Fund Draft Legislation Update:** Ray noted that the Advisory Board had sent comments back to the WRBP on January 5, 2017, and asked for a status update regarding these comments. Sharon explained that a discussion regarding these comments had been on several meeting agendas until the Advisory Board asked the legislature to table the draft legislation until the next legislative session.

Wes offered to gather together all of the comments and to put together a comments package for the July meeting. He asked anyone with additional comments to submit them to him by June 29<sup>th</sup>. That way he will have time to put the comments package together.

Ray asked if language in the document that Sharon had handed out, entitled *House Bill 393-FN*, had changed any since January 2017. Sharon confirmed that it had not changed since the bill was not passed.

**Other Business:** The meeting was adjourned at 11:15 am.

The minutes were prepared by Pro-Temp Staffing.

The next meeting will be held at the Corner Meeting House (downstairs) in Belmont on July 19, 2018, at 10:00 am.