

WINNIPESAUKEE RIVER BASIN PROGRAM

ADVISORY BOARD MEETING MINUTES

May 17, 2018 – Belmont Corner Meeting House

Members Present: The meeting was called to order by Brian Sullivan (Franklin), chair, at 10:10 am. Ron White (DAS), Sharon McMillin (DES), Katie Ambrose (Sanbornton), Wes Anderson (Laconia), Steve Dolloff (Meredith), and Scott Dunn (Gilford) were present at that time.

Minutes: Wes moved, seconded by Steve, to approve the meeting minutes for April 19, 2018. The motion passed.

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

- Flow Metering Services Study – New data is currently being logged and evaluated. See the Flow Metering Services Discussion section below.
- Asset Management/Collection System Evaluations Initiative – There are no new updates at this time.
- WRBP Infrastructure Ownership – Belmont, Northfield, DAS, Gilford, and Tilton have now executed MOAs with DES. Meetings are under way with Franklin. Belmont had an SSO siphon issue recently (costly blockage caused by debris and wipes).
- CIP Subcommittee’s Governance Work Plan – See the Authority Update section below.
- Rate Assessment Formula – There are no status updates at this time.
- Replacement Fund (Reserve Account) – See the Replacement Fund Draft Legislation Update section below.
- Commercial Discharge Permit Information Workshop – A repeat workshop will be offered on June 4th at the Franklin WWTP Training center.

Flow Metering Services Discussion: Scott asked at what point that the WRBP planned to stop the flow metering services study and when it would begin to focus on the rate assessment formula. Sharon explained that data from the southernmost end still had validation (defensibility) issues; and if there is an economical way in which to obtain data to resolve these issues, it would help with determining proportional shares for the southernmost member communities. Right now, the WRBP is investigating some proposed infrastructure changes that could provide data that was more defensible. In summary, the data for norther communities could be validated; but the data for the southernmost member communities could not.

Wes said that as he saw it, there was no reason not to begin working on the rate assessment formula more aggressively, as this work could be done concurrently with the flow metering services study. He recommended adjusting the formula later on, when/if data presented a rationale for doing so. Brian agreed with Wes so long as the southernmost member communities were on board with that process. Sharon noted that Gene Forbes raised some excellent questions at last month’s meeting. Capacity remains an issue; and it raises questions regarding whether it was necessary to have four separate billing categories with four separate formulas. Brian noted that stagnant growth was also an issue. Some member communities are growing while others are not. Scott asked how old the formula was that is currently being used. Sharon, Brian, and Steve noted that it was as old as the program; although, minor

adjustments have been made over the years such as when the Bay District joined the WRBP. Brian noted that there were also issues with the condition of the interceptor. There are a lot of entry points along the interceptor. There is also I&I in the interceptor. Sharon noted that CTV videos have been made in multiple sections along the interceptor and even some force mains, and there is not as much I&I as was some originally thought. Brian asked if videos of the entire length of the interceptor could be made. Sharon explained that doing so all at once is impractical and costly, so a phased approach is being taken to do condition assessments of the manholes, gravity lines and some force mains, where possible

Wes asked if it would be feasible to come to an agreement regarding the rate assessment formula by December. He suggested the CIP subcommittee meet every two weeks to discuss the rate formula. Scott moved, seconded by Katie, to establish the goal of having agreement on the draft rate assessment formula by January 1, 2019. The motion passed.

Brian asked if the WRBP had enough personnel to complete the projects with which it had been tasked. Sharon explained that while the WRBP could handle many projects already on its plate, that meeting every two weeks to discuss the rate assessment formula might be an aggressive goal. She suggested adding monthly CIP subcommittees, to follow AB meetings.

Brian asked if Sharon had enough in the way of support staff. Sharon explained that she now had a program assistant to assist her with technical projects such as asset management, GIS, and the like. She also pulls together a significant amount of data that is used by the program. She is not at the decision-making level; only Sharon and Gene Forbes' replacement can make decisions for the program. Whatever the AB's goals, WRBP staff will work with the AB to accomplish them.

Scott asked if there were any vacancies. Sharon affirmed that they were; although, they were not in areas (i.e. janitorial) that would be helpful with regard to the type of feedback the AB may be seeking. That is why she upgraded the position her current program assistant filled from a secretary to program assistant. Brian asked if Sharon could use a second program assistant. Sharon explained that the program could consider that option, if a candidate could be found with the requisite skills. It had been a challenge to find the program assistant that she has now.

Brian asked if a program assistant could help with the rate assessment formula. Sharon explained that a program assistant could help with pulling data together or preparing presentations. Sharon noted that there was a collective bargaining proposal on the table, and the outcome might affect her personnel budget. Some of the program's existing personnel might move up a step. Potential increases should be covered in the current budget without the need to eliminate vacant positions.

WRBP Rules Update: Sharon announced that a rule workshop was held on May 8th. Most of the proposed changes clarify the language (i.e. definitions) and move information around in order to make the rules more user-friendly. The EPA has not provided feedback yet with regard to the language changes concerning local limits. Excellent suggestions were made, especially with regard to a possible appeals process, and she will work with the DES legal staff on any modifications. She asked if the AB members would like to schedule a second rule workshop in order to review the changes in the next draft. Scott asked when a new draft would be available. Sharon expected one to be ready at the beginning of June.

Brian asked if he could clarify what he has heard about commercial discharge permits. He has heard that language requiring commercial discharge permits is found in the state statutes relating to the WRBP only. He asked (if aside from dentists) the commercial discharge permit language was overkill. Sharon explained that Alexis Rastorguyeff is NHDES' Industrial Pretreatment Coordinator, and that commercial discharges actually falls under industrial requirements. Most of the other cities and towns refer to commercial discharges as a type of industrial discharge. Under the federal rules, indirect users (discharges) must be managed by POTWs. Brian announced that he may wish to put some comments together regarding the commercial discharge permits language. Scott suggested that the members of the CIP Subcommittee work on the comments for next week's meeting.

Katie asked about part of the definition for waiver regarding what a member community would be granting. Sharon explained that when member communities consider permits, that waiving consideration not within the DES' and WRBP's purview was left to the discretion of the member communities. Sharon offered to clarify the language if doing so would be helpful. Katie also asked why the member communities were referred to as communities in some of the rules; and, as co-permittees in others. Sharon explained that the responsibility for ordinances, collection systems, emergency generators, and reporting under NPDES fell to co-permittees. For that reason, member communities were referred to as co-permittees in any of the rules language pertaining to NPDES responsibilities. To complicate matters, some co-permittees (i.e. sewer districts) are not municipal communities. Sharon offered to clarify the distinction in the definitions if doing so would be helpful under the community and/or co-permittee definitions.

Katie referenced the letter to the EPA and (p.4) the following: "Regarding inspections of permittees, connections, or other sewer related projects; if the city/town does not inspect, the WRBP will propose either a form to be completed by the member community accepting the connection or sewer extension in lieu of their inspection or they may choose to hire a qualified, third party inspector to complete the inspection." She asked why that language was not incorporated into the rules. Sharon explained that it was not included in the current draft because it is not up to the DES or WRBP to tell the member communities how to accomplish the inspection; thus, it is more of an informative statement for EPA. Katie asked who would be considered qualified. Sharon explained that, while that was an excellent question, the member communities would need to make that determination because they were legally liable for the inspection.

Brian asked if Goffstown and other towns and cities had a similar arrangement with their co-permittees. Sharon affirmed that they did have arrangement for their satellite community co-permittees. Sharon explained that cities and towns like Goffstown had ordinances promulgated by the cities and towns, instead of the State. Since the WRBP is state-owned, Rules that were effectively sewer use ordinances (SUOs) had to be adopted through State statutes. Brian asked if some of the rules were excessive compared to what Goffstown and other towns and cities were doing. Wes suggested f the CIP Subcommittee take a closer look at what Goffstown and other towns and cities were doing.

Outreach and O&M Responsibility – MOUs and SUO: Sharon indicated that she and Alexis Rastorguyeff (NHDES' State Industrial Pretreatment Coordinator) were available to assist the member communities with their SUO, and not to hesitate to reach out to them.

Authority Update: Wes announced that the CIP Subcommittee had its kick off meeting with Rath, Young, & Pignatelli last Thursday. The plan is to have a final draft road map for the AB to review during its July meeting. The road map is really a flow chart – not the research required to answer all the questions. Rather, it is the steps and questions that will help the member communities reach a decision in the end. Wes indicated that the budget for completing the roadmap would not require additional funds to be collected from the member communities.

Sharon asked if there was any information (data-gathering) that WRBP staff needed to provide. Wes said that the law firm had a copy of the MOM Study Report, and that they probably would not need anything else except a copy of the applicable state statutes which are available online.

Brian asked Wes when he planned to provide copies of the CIP Subcommittee meeting minutes to the other AB members. Wes said that some had been emailed already and the other minutes would be coming out shortly.

Replacement Fund Draft Legislation Update: Scott recommended for everybody put their list of recommendations together for the next meeting.

Other Business: Sharon asked if everyone has received the Clean Water SRF information that was just sent out by NHDES; if not please let her know and she will forward the email. It contains information regarding various principal forgiveness opportunities. For example, there is 100% principal forgiveness up to \$75,000 for wastewater and stormwater planning evaluations and up to \$20,000 for energy audits.

Steve asked if there was a final cost estimate for the Maiden Lady Cove force main repairs. Sharon said that it was \$6,300, and that it came out of the O&M fund.

The meeting was adjourned at 11:30 pm. The minutes were prepared by Pro-Temp Staffing. The next meeting will be held at the Corner Meeting House in Belmont on June 21, 2018 at 10:00 am.