**MS4 Permittee Meeting**

**Bernalillo County Public Works Department Offices ● April 21, 2011 ● 1:00-4:00 p.m.**

**Summary of Agreements/Actions**

The April 21, 2011 meeting was attended by 30 representatives of local federal, tribal, state, county, municipal, flood control authority, and private consulting agencies. Agenda items included:

1. Changes/Updates to the Draft Watershed-Based Permit
   1. EPA agreed to the general framework at our last meeting. What changes, if any, are needed?
2. Formal Agreement Framework
   1. Discussion of differences between a Joint Powers Agreement and a Memorandum of Understanding.
3. Beginning Work on the Stormwater Management Plan
   1. Major questions to resolve
   2. Ideas for a SWMP framework.
   3. Responsible parties for carrying this forward.
4. NSF Grant Idea
   1. Discussion of a possible funding source.
5. Schedule of meetings from now through February 2012.

***Discussion Points/Agreements/Actions***

1. **Re: Draft Watershed-Based Permit Language**
   1. There was extensive discussion of the permit language. The most recent draft accompanies these notes as a separate file.
   2. Sarah Cobb from Senator Udall’s office volunteered to ask the Senator to submit a request for information to EPA on behalf of the group, asking for responses to the group’s questions and requesting a timeline for action.
   3. Sandoval County entities are considering requesting that they be permitted separately, and are drafting a permit separately. The language is similar to the proposed draft language that has been developed (Steve Glass being the principal author).
   4. Representatives of small communities again expressed concern about the rationale for their inclusion, and about how the respective jurisdictions are going to be divided up. The Sandoval County initiative (for a second permit) is based on similar concerns.
   5. Several members asked about the official notification letter from EPA to governing bodies (which was drafted by the local group). Sarah Holcombe volunteered to follow up with Brent Larsen of EPA Region VI.
2. **Re: Framework for a Formal Agreement**
   1. A Joint Powers Agreement is superior to a Memorandum of Understanding *in concept*, because:
      1. A JPA carries over between local administrations.
      2. It is signed by the Department of Finance and Administration and carries State authority.
      3. An MOU or MOA merely expresses intent; it has is no enforcement power.
   2. However, a JPA has drawbacks:
      1. It is difficult to get agreement between entities; this would be more complicated with more entities.
      2. Some entities would want to fund items individually; a JPA is broadly encompassing.
      3. A JPA assumes that each entity can share powers, and can make ordinances to enforce the Agreement. UNM, for example, does not make ordinances, and cannot share powers with a municipality.
   3. **Therefore, it was agreed** that the representatives of the jurisdictions/agencies would ask their respective governing bodies to approve an MOU or a Resolution of Intent to “establish the working group.” This would be seen as a starting point for official approval to continue to work together.
      1. A JPA could not be developed before the permit is approved, anyway. A permit (or other actual item-in-place is required to organize a power-sharing agreement around.
      2. Later, once tasks are identified for implementing the permit, a JPA will be developed.
      3. It was noted that the SWMP itself may serve as an “official agreement document” as well.
      4. It was also noted that jurisdictions could develop either a “Resolution of Intent” to commit to the permit process, as an action equivalent to an MOU. (MRCOG, for example has used this mechanism.)
   4. Bernalillo County has recently approved a resolution to continue the watershed-based permit planning. Steve Glass agreed to make available a copy of the signed resolution.
3. **Re: SWMP Framework**
   1. Discussion points included:
      1. A SWMP could be a formal agreement in lieu of an MOU or a JPA. This needs to be confirmed.
      2. An overarching SMWP may be difficult to modify, requiring agreement from all parties to do so.
      3. EPA needs to provide the group with a timeline for completing a SWMP. When must one be completed?
   2. The group agreed to form sub-groups to work on draft language for each of the six minimum measures, respectively, that would be part of a SWMP. The groups will share their initial drafts at the next meeting, scheduled for June 30. Contact people for each measure:
      1. Education/Outreach: Vern Hershberger
      2. IDDE: Steve Glass
      3. Construction: Trevor Alsop
      4. Post-Construction: Xavier Pettes
      5. Good Housekeeping: David Stoliker and Roland Pentilla
      6. Public Involvement: Kelly Collins
4. **Re: NSF Grant Idea**
   1. Sarah Holcombe reported that she had become aware of a possible grant from the National Science Foundation. However, after further review, it was determined that an NSF grant is intended for scientific research, not for the formation of a working group or for determining inter-jurisdictional arrangements. Further research is needed for sustainable funding.
5. **Re: Schedule of Meetings**
   1. The group agreed that a full schedule of meetings cannot be developed at this point, because of uncertainty about the importance and urgency of tasks going forward.
   2. The group did agree to meet again in two months, and set a date for June 30, from 1-4 p.m., at the Bernalillo County Public Works Department offices.