**Watershed-Based MS4 Pilot Permit Stakeholder Meeting**

**NMED District 1 ● September 19, 2012 ● 8:30 a.m.-Noon**

**Summary of Agreements/Actions**

The September 19, 2012 meeting was attended by 24 representatives of local federal, tribal, state, county, municipal, flood control authority, and private consulting agencies. 4 representatives from EPA called in for the meeting. Agenda items included:

1. Jessica’s report on the cost sharing algorithm
2. EPA Updates
3. Ideas for implementation

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

1. **Re: Jessica’s report on the cost sharing algorithm**

Jessica’s next revision of the cost sharing algorithm included a change based on the group’s definition of the basis for cost sharing; total pollutant loading within a jurisdiction will be another factor to help determine the proportion of the cost to be shared between agencies. Jessica’s PowerPoint presentation is attached.

The high points of the presentation centered around the used of raster calculations in order to be able to assign statistics to an arbitrary boundary, such as a political boundary. Jessica used the curve number method to calculate runoff, based on precipitation, land use, hydrologic soil group data and elevation, using the Hec-GeoHMS tool in ArcGIS to run the calculations. One thing Jessica pointed out is that the land use data set is not very well defined and leads to an oversimplification of the land use. The land use data set she used was developed by others and classifies all urban areas as “residential”. However, she mentioned that this can be separated out by type of industrial land use. This will be one task that Jessica will work on for the next iteration.

Using data from the National Stormwater Quality Dataset, Jessica was able to come up with typical event mean TSS concentrations depending on land use type. An important point to note is that the TSS levels are a national average, but the precipitation data used is a local measurement based on the two year/24 hour average storm in the Albuquerque area.

Jessica will run the model based on at least two parameters – fecal coliform (there is not enough E. coli data to be useful) and TSS. Two others suggested would be COD and nutrients.

Jessica also added a component to make the calculation a little more indicative of stormwater quality responsibilities for the flood control authorities, although this may be amended in future revisions of the algorithm. This proposal included an added five point score for stormwater conveyors. The concern for flood control authorities was that they were double counted because the entire watershed area within their jurisdiction was assigned to them as well as the cities they are within.

1. **Re: EPA Updates**

Brent Larsen relayed some EPA updates on the permit process to the group. He said that they are continuing work on the permit, and have added additional personnel to work on permit issues, two of which were also on the call yesterday – Miranda Hodgkiss (EPA TMDL Section) and Monica Burrell (intern).

Brent also mentioned the idea of a phased monitoring approach, starting in the river and moving up into the watersheds over time. He mentioned that one of the goals is to try to reduce the amount of monitoring. They are also looking into allowing the use of in-stream data collected by a third party (e.g. NMED data). One of the approaches being assessed for monitoring (which is encouraged by the USFWS) is the assessment of sediment reduction into the Rio Grande.

Brent indicated that there may be a draft permit to share with the group by October.

Bernalillo County sent a letter to EPA outlining some concerns they have with the pilot and the process, and Brent clarified some of those issues during the phone call.

* He addressed the reasons certain agencies are not in the permit realm (i.e. MRGCD, because they manage waters of the US, and because of the agricultural exemption).
* The permit being issued is a watershed based permit, not a watershed permit – EPA must adhere to current regulations, which means that MS4s must be centered around the definition of Urbanized Area from the US Census Bureau. This prevents EPA from permitting the entire Rio Grande watershed, which extends all the way north into Colorado.
* EPA will not mandate a cost sharing formula or an MOU in the permit language. However, Phase 2 stormwater regulations in 40 CFR Part 122.35 encourage the cooperation between agencies to better implement stormwater programs within an MS4.
* To address the concern that this permit is being issued prior to the new stormwater regulations being promulgated, Brent mentioned that this happens all the time, and the new regulations don’t apply to the permit until it is time for renewal. The permit also contains a reopener clause, so if the changes are critical, there is the opportunity to make changes sooner than the end of the five year permit term.
* Permittees will not be held accountable for the pollutants entering the watershed outside their jurisdictions, but it will be up to them to determine what the loads are that enter the permitted watershed.
1. **Additional Notes**

The last segment of the meeting was a short discussion on how implementation might work under the new permit. A suggestion was made to organize agencies into sub-watersheds based on the area assigned to each flood control agency. This would result in three sub-watersheds and would comprise the following groups:

1. AMAFCA, City of Albuquerque, Bernalillo County, Los Ranchos de Albuquerque, Sandia National Labs/USDOE, Kirtland Air Force Base, UNM, NMDOT, EXPO NM, and the Village of Tijeras
2. SSCAFCA, City of Rio Rancho, Sandoval County, Village of Corrales, NMDOT
3. ESCAFCA, Town of Bernalillo, NMDOT (this group could join with the SSCAFCA group).

This would only be a way of organizing cooperation between groups. Each flood control authority could act as a coordinator, fiscal agent and point of contact. This would not be an arrangement to police other agencies under the permit.

Another idea was proposed to hire an outside, third party administrator instead of asking the flood control authorities to do this task.

Each entity was tasked to come up with permit compliance-related items they would be willing to cooperate on and bring those to the next meeting to start piecing together a potential MOU.

1. **Next Meeting -** The next meeting was scheduled for **Wednesday, October 31 from 8:30am to noon at the NMED District 1 office Sandia Room, 5500 San Antonio NE, Albuquerque**

**Watershed-Based MS4 Permit Stakeholder Meeting ● September 19, 2012**

**Meeting Participants**

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| **Name** | **Organization** | **E-mail** |
| Wayne Wormhood | Town of Bernalillo | wwormhood@townofbernalillo.org |
| Dave Gatterman | SSCAFCA | dgatterman@sscafca.corg |
| Linda Seebach | Village of Los Ranchos | llseebach@losranchosnm.gov |
| Tim Trujillo | NMDOT | timothyr.trujillo@state.nm.us |
| Chris Segura | AFCEC | Christopher.segura.2@us.af.mil |
| Bart Vanden Plas | Pueblo of Santa Ana | Bart.vandenplas@santaana-nsn.gov |
| Kevin Daggett | AMAFCA | kdaggett@amafca.org |
| Steve Glass | Ciudad SWCD | jstvglass@gmail.com |
| Fred Marquez | Sandoval County | fmarquez@sandovalcountynm.gov |
| Dan McGregor | Bernalillo County | dmcgregor@bernco.gov |
| Anita Steed | Bernalillo County | asteed@bernco.gov |
| Kathy Verhage | City of Albuquerque | kverhage@cabq.gov |
| Sue Hansen Putze | Ciudad SWCD | Sue.hansen@nm.nacd.net.net |
| Chuck Thomas | SSCAFCA | cthomas@sscafca.org |
| John Romero | OSE | John.romero2@state.nm.us |
| Joseph Quintana | MRCOG | jlquintana@mrcog-nm.gov |
| Richard Mertz | UNM | rmertz@salud.unm.edu |
| Xavier Pettes | City of Rio Rancho | xpettes@ci.rio-rancho.nm.us |
| Timothy Smith | Pueblo of Sandia | tsmith@sandiapueblo.nsn.us |
| Doug Dailey | URS | Doug.dailey@urs.com |
| Jim Fahey | SSCAFCA |  |
| John Avila | Village of Corrales | javila@corrales-nm.org |
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