

# Watershed-Based MS4 Pilot Permit Stakeholder Meeting

NMED District 1 Offices • February 29, 2012 • 8:30 a.m.-Noon

## Summary of Agreements/Actions

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The February 29, 2012 meeting was attended by 35 representatives of local federal, tribal, state, county, municipal, flood control authority, and private consulting agencies. Agenda items included:

1. Local Ideas for Sector Criteria
  2. EPA Proposal for Sector Criteria
  3. Discussion of Sector Criteria
  4. EPA Overview on Monitoring
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### ***Discussion Points/Agreements/Actions***

#### **1) Re: Local Ideas for Sector Criteria**

Chuck Thomas from SSCAFCA presented a proposed framework of sectors, minimum control measures and specific control measures developed by representatives of Sandoval County stakeholders. Highlights include:

- a) Sectors may be designated using different criteria, e.g., by size or population of entity; by experience with the MS4 program, or others. It will be essential to agree on the criterion or criteria for allocating stakeholders into sectors.
- b) Sectors would be allocated levels of responsibility under each Minimum Control Measure. Responsibilities under each MCM might range from assessment programs, to ordinances, training, procedural reviews, etc., and different sectors would be tasked with different numbers of these over-arching types of requirements.
- c) For each MCM requirement (e.g., an ordinance or a program), respective stakeholders would each be required to perform at least one Specific Control Measure or Best Management Practice (BMP).
- d) EPA would approve the responsibilities/requirements under each MCM; the allocation of stakeholders to a sector; and the menu of BMPs. The number and type of BMPs would be chosen by each stakeholder, as each stakeholder is in the best situation to evaluate the effectiveness of each measure, and how many BMPs are actually needed to meet its responsibility.
- e) For more information, please see Chuck's presentation, "MRG Watershed-Based Permit Proposal, February 29, 2012." (A separate file is attached.)

#### **2) Re: EPA Proposal for Sector Criteria**

Nelly Smith from EPA presented a proposed framework of sectors for the group's review. Highlights include:

- a) Sector A would include "MS4s owned or operated by a city, town, borough, county located within the 2000 Albuquerque Urbanized Area boundaries and the 12 Digit HUC watersheds" outlined in previous discussion.
  - b) Sector B would include "Non-Traditional MS4s owned or operated by Federal or State governments or other public entities within the 2000 Albuquerque Urbanized Area boundaries and the 12 Digit HUC watersheds [outlined in previous discussions]....It includes flood control authorities, federal facilities, special districts, departments of transportation, etc."
  - c) Sector C would include "MS4s owned or operated by an Indian tribe or an authorized Indian Tribal Organization." (A separate file is attached.)
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- d) An allowance for an additional category, “Sector D,” was also included in the proposed framework.
- e) For more information, please see Nelly’s presentation, “February 29, 2012 Sector Areas Revision 1.”

### 3) Re: Sector Framework Discussion

- a) Two other reference documents were distributed to assist the discussion of the two presentations: One was the summary of recommended compliance strategies/activities from the November 16, 2011 Stakeholder Meeting. The second was the initial proposal outlining the sector concept, presented at the September 16, 2011 Stakeholder Meeting. These are below as Appendix 1 (pp.4-6) and Appendix 2 (pg.7) of this summary.
- b) The discussion about sectors was wide-ranging. Chuck’s and Nelly’s presentations were viewed as complementary, as Chuck spoke about the way to allocate responsibilities once sectors were determined, and Nelly spoke about the sectors themselves, and offered a way to separate stakeholders into sectors. Some of the key points included:
  - i) In general, smaller and larger jurisdictional entities should be placed into different sectors. Therefore, it may not be useful to have all the entities in the proposed “Sector A” above in the same sector. For example, the proposal places the City of Albuquerque and the Village of Tijeras in the same sector.
  - ii) Sector designation should recognize responsibility for potential pollution impact. Some in the group felt that sector allocation should be primarily impact-based, but consensus has not been reached as yet.
  - iii) A clear distinction needs be made between a permittee’s amount of responsibility and time to comply. Hypothetically, a permittee may be placed in a sector requiring a relatively large amount of responsibility; however, if it has little or no experience with the MS4 program, it would have a longer time to develop a storm water program and meet its responsibilities than, say, NMDOT, UNM, AMAFCA, or the City of Albuquerque—the present Phase 1 permittees.
  - iv) There is a division of opinion on the proposed compliance framework. Some felt that the Sandoval County entities’ proposal, which emphasizes individual permittee choice of the number and type of BMPs, reflects efficiency and recognition of local conditions. However, others felt that the framework over-emphasizes local control, making the “watershed-based” permit merely an aggregate of individual permits and activities, and discouraging substantive joint efforts.
- c) There also was some confusion over the rationale for why the MRGCD is to be excluded from the watershed-based permit. Nelly agreed to try to obtain a clarification from EPA.
- d) Nelly also indicated that she will be modifying the schedule for issuing a draft watershed-based permit. The draft permit will now probably be issued in September or October 2012.

### 4) EPA Overview on Monitoring

- a) Nelly presented EPA’s present thinking on monitoring. The presentation reviewed EPA and USFWS monitoring requirements; went over wet and dry screening protocols; and offered wet screening guidelines for assessing water quality impacts.
- b) Guidelines for annual monitoring parameters, locations, sampling and frequency are still to be determined. For more information, please see the attached file, “Proposed Monitoring Component, February 29, 2012.”

### 5) Next Meeting

- a) The next meeting was scheduled for **Wednesday, February 29, 2012 from 8:30-noon at the Los Ranchos de Albuquerque Village offices.**
- b) Agenda topics will center on a) the sector framework and b) initial thinking on the cost-allocation formula.

## Watershed-Based MS4 Permit Stakeholder Meeting • February 29, 2012

### Meeting Participants

| <u>Name</u>       | <u>Organization</u>    | <u>E-mail</u>                      |
|-------------------|------------------------|------------------------------------|
| Karen Agogino     | DOE/SNL                | kagogino@doeal.gov                 |
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| Joe Mauser        | Sandia Labs            | jmmause@sandia.gov                 |
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| Mary Murnane      | Bernalillo County      | mmurnane@bernco.gov                |
| Joe Quintana      | MRCOG                  | jlquintana@mrcog-nm.gov            |
| Chip Roma         | Sandia Labs            | cmroma@sandia.gov                  |
| Linda Seebach     | Village of Los Ranchos | lseebach@losranchosnm.gov          |
| Chris Segura      | Kirtland AFB           | christopher.segura@kirtland.af.mil |
| Nelly Smith       | EPA Region VI          | nelly.smith@epa.gov                |
| Timothy Smith     | Pueblo of Sandia       |                                    |
| Anita Steed       | Bernalillo County      | asteed@bernco.gov                  |
| Cyndie Tidwell    | Village of Corrales    | ctidwell@corrales-nm.org           |
| Chuck Thomas      | SSCAFCA                | cthomas@sscafca.com                |
| Tim Trujillo      | NMDOT-Drainage         | timothytrujillo@state.nm.us        |
| Bart Van den Plas | Pueblo of Santa Ana    | bart.vandenplas@santaana-nsn.gov   |
| Kathy Verhage     | City of Albuquerque    | kverhage@cabq.gov                  |
| Wayne Wormhood    | Town of Bernalillo     | wwormhood@townofbernalillo.org     |

**APPENDIX 1: Middle Rio Grande Watershed-Based MS4 Permit—Second Draft of Compliance Strategies/Activities • November 16, 2011**

**Compliance Strategies for P2 and Good Housekeeping for Municipal Operations**

|                 | <b>Individual</b>   | <b>Joint</b>   |
|-----------------|---|--|
| <b>Basic</b>    | <ul style="list-style-type: none"> <li>▪ Inventory City (or agency) operations.</li> <li>▪ Develop an O&amp;M Program to reduce pollution.</li> <li>▪ Hold regular employee training.</li> <li>▪ Develop Best Management Practices (BMPs) and measureable goals.</li> <li>▪ Investigate current procedures for use of herbicides, pesticides and fertilizers.</li> <li>▪ Comply with NMDA on proper use of herbicides, pesticides and fertilizers.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Participate in joint employee training meeting at least once annually.</li> <li>▪ Share individual experiences and successes.</li> <li>▪ Develop a watershed-wide approach to dog parks.</li> </ul> |
| <b>Enhanced</b> | <ul style="list-style-type: none"> <li>▪ Design new parks to LID standards.</li> <li>▪ Establish storm drain cleaning procedures - prioritized to perceived threats.</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Perform agency-to-agency audits to benefit from outside experiences.</li> </ul>   |
| <b>Advanced</b> | <ul style="list-style-type: none"> <li>▪ Create SWPPPs for all ongoing City (or agency) operations.</li> <li>▪ Obtain MSGPs for all qualifying operations.</li> <li>▪ Perform annual audits and inspections.</li> <li>▪ Prioritize street sweeping operations for largest threats.</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Research e.Coli problems at dog parks.</li> </ul>   |

**Compliance Strategies for Illicit Discharge Detection and Elimination Control**

|                 | <b>Individual</b>  | <b>Joint</b>   |
|-----------------|--|--|
| <b>Basic</b>    | <ul style="list-style-type: none"> <li>▪ Identify existing ordinances and state laws.</li> <li>▪ Conduct inspections for IDD.</li> <li>▪ Cleanup dumpsites.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Coordinate language of ordinances/regulations</li> <li>▪ Develop joint Training Program and Public Outreach Program.</li> <li>▪ Develop watershed map.</li> </ul> |
| <b>Enhanced</b> | <ul style="list-style-type: none"> <li>▪ Require connection to sanitary sewers.</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Map/record incidents.</li> <li>▪ Use 24 hr. reporting method.</li> </ul>  |
| <b>Advanced</b> | <ul style="list-style-type: none"> <li>▪ Ensure that monitoring is tied to enforcement.</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Coordinate household hazardous waste collection.</li> </ul>   |

### Compliance Strategies for Public Involvement

|          | Individual  | Joint   |
|----------|---|---|
| Basic    | <ul style="list-style-type: none"> <li>▪ Adopt arroyos, highways, Bosque, public parks, storm drains.</li> <li>▪ B.E.M.P.4—Water quality monitoring performed by public.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Hold forums and public meetings.</li> <li>▪ Set up clean up events for gross floatable debris control.</li> <li>▪ Enhance existing events e.g. Keep America Beautiful; Dia del Rio.</li> <li>▪ Set up a public tracking/reporting system, using phones and social media.</li> <li>▪ Establish a “311”-type number and system.</li> </ul> |
| Enhanced | <ul style="list-style-type: none"> <li>▪ Adopt arroyos, highways, Bosque, public parks, storm drains.</li> <li>▪ B.E.M.P.4—Water quality monitoring performed by public.</li> </ul> | <ul style="list-style-type: none"> <li>▪</li> </ul>   |
| Advanced | <ul style="list-style-type: none"> <li>▪ Adopt arroyos, highways, Bosque, public parks, storm drains.</li> <li>▪ B.E.M.P.4—Water quality monitoring performed by public.</li> </ul> | <ul style="list-style-type: none"> <li>▪</li> </ul>   |

### Compliance Strategies for Construction Site Control

|          | Individual  | Joint  |
|----------|---|--|
| Basic    | <ul style="list-style-type: none"> <li>▪ Make sure that a local government inspection process is in place and enforced.</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Develop standard SWPPP/NOI control measure for construction in watershed – available on websites.</li> <li>▪ Guidelines for GI/LID watershed (publication)</li> </ul> |
| Enhanced | <ul style="list-style-type: none"> <li>▪ Each local government requires that NOI’s to EPA be copied to its building department for review.</li> <li>▪ Develop pollution reporting program – track out/wash out reports (i.e. 311).</li> </ul> | <ul style="list-style-type: none"> <li>▪ Recognized (and understood) GI LID guidelines.</li> </ul>   |
| Advanced | <ul style="list-style-type: none"> <li>▪ Review all site plans for pollution compliance.</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Mandated GI LID compliance.</li> </ul>  |

### Compliance Strategies for Post-Construction Site Control

|          | Individual   | Joint  |
|----------|--|--|
| Basic    | <ul style="list-style-type: none"> <li>▪ Develop Maintenance Plan.</li> <li>▪ Use landscape and pavement.</li> <li>▪ Establish requirements to prevent surface water pollution from post-construction.</li> <li>▪ Institute an inspection process to insure compliance with BMPs.</li> </ul> | <ul style="list-style-type: none"> <li>▪</li> </ul>  |
| Enhanced | <ul style="list-style-type: none"> <li>▪ Require financial guarantees/bonding for pollution control practices.</li> <li>▪ Drain through landscaping.</li> </ul>  | <ul style="list-style-type: none"> <li>▪</li> </ul>  |
| Advanced | <ul style="list-style-type: none"> <li>▪ Employ retention ponds in small events, to catch first flush.</li> <li>▪ Use permeable materials</li> <li>▪ Establish GL/LID ordinances.</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Develop a guidance manual for LID, GI for construction projects.</li> </ul> |

### Compliance Strategies for Public Outreach and Education

|          | Individual   | Joint  |
|----------|--|--|
| Basic    | <ul style="list-style-type: none"> <li>▪ Develop pet-specific education.</li> <li>▪ Link on jurisdiction website.</li> </ul>                                   | <ul style="list-style-type: none"> <li>▪ Contribute and participate in Stormwater Quality Team.</li> <li>▪ Contribute and participate in school education programs.</li> </ul> |
| Enhanced | <ul style="list-style-type: none"> <li>▪ Participate in local events—brochures, posters, etc.</li> <li>▪ Establish a water committee/advisor group.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Participate in regional events (i.e., State Fair, Balloon Fiesta).</li> </ul>   |
| Advanced | <ul style="list-style-type: none"> <li>▪ Publish Local newsletters.</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Educate industry groups (e.g., NAIOP AGC, HBNM)</li> </ul>  |

**Middle Rio Grande Watershed-Based MS4 Permit**  
**APPENDIX 2: Permittee Sectors and Menu-Based SWMP Alternatives**  
**September 16, 2011**

❖ **Alternatives for establishing permittee sectors (“categories”)**

➤ **Capacity-based sectors**

- *Capacity* ≅ MS4 experience x Rulemaking authority
- EPA Region 6 determines capacity ratings
- Any jurisdiction can negotiate capacity rating with EPA Region 6

| Capacity | MS4 experience | Rulemaking authority | Examples                        |
|----------|----------------|----------------------|---------------------------------|
| High     | High           | Yes                  | COA, KAFB                       |
| Mod-High | Moderate       | Yes                  | BC, RR, Corrales                |
| Mod-Low  | Low            | Yes                  | ESCAFCA, Tijeras, MRGCD, Tribes |
| Low      | Low            | No                   | NMDOT, UNM, SNL                 |

➤ **Impact-based sectors**

- *Impact* ≅ Discharge area x Impervious percentage x Population density (with LID/GI adjustment?)
- Factors derived from GIS and census data
- Stakeholders and EPA Region 6 agree on modeling approach
- Final sector definitions based on numerical impact ratings (task for CRADA?)

| Impact   | Discharge area | Impervious percent | Population density | Example      |
|----------|----------------|--------------------|--------------------|--------------|
| High     | Large          | High               | High               | COA          |
| Mod-High | Large          | Low                | Low                | Sandoval Cty |
|          | Small          | High               | High               | SNL          |
| Mod-Low  | Small          | Low                | High               | Corrales     |
|          | Small          | High               | High               | Bernalillo   |
| Low      | Small          | Low                | Low                | Tijeras      |

❖ **Possible Sector-Based SWMP Requirements**

| Rating   | Compliance Strategies |          |          | Monitoring |          |            |
|----------|-----------------------|----------|----------|------------|----------|------------|
|          | Basic                 | Enhanced | Advanced | River      | Outfalls | Industries |
| High     | ✓                     | ✓        | ✓        | ✓          | ✓        | ✓          |
| Mod-High | ✓                     | ✓        |          | ✓          | ✓        |            |
| Mod-Low  | ✓                     | ✓        |          | ✓          |          |            |
| Low      | ✓                     |          |          | ✓          |          |            |

➤ **Compliance strategies examples**

- Basic: Small resource commitment
  - 6 minimum measures only
  - 1-3 [?] strategies per measure (defined in permit)
- Enhanced: Moderate resource commitment
  - “Basic” + 1-3 [?] additional strategies per measure
  - Additional strategies chosen from menu (or proposed to/approved by EPA Regions 6)
- Advanced: High resource commitment
  - “Enhanced” + 1-3 [?] additional strategies per measure
  - Additional strategies chosen from menu (or proposed to/approved by EPA Regions 6)
  - Additional measures (defined in permit) and strategies (e.g. industry outreach program)