

Mystic River Watershed WQ Subcommittee

Agenda – July 15, 2014

1:00 - 3:00 pm

EPA Region 1, Mt. Madison Rm, 15th Floor
5 Post Office Square, Boston, MA

Draft Meeting Summary

Prepared by the Consensus Building Institute

Action Items:

- EPA to update and annotate progress on the priorities under bullet one of the Initiative's 2013 Joint Priorities document, with initial recommended follow-ups.
 - Add a bullet under priority three 'to assess the amount of phosphorous and the impact of phosphorous on the water bodies in the mystic'
 - Edit bullets in priority three to reflect NEIWPC efforts.
 - Identify for each priority action where federal and state agencies could be more involved
- Karen to follow up with Ben at Division of Marine Fisheries about their assistance with fish surveying.
- WQ Subcommittee to revisit status of Fish Advisory study in the fall to clarify opportunities for partner support and/or potential for EPA Lab to assist with fish tissue analysis.
- WQ Subcommittee to revisit Sediment monitoring and Nutrient modeling projects once there is word about grants and possible roles for Subcommittee members and partners.
- Reach out to NEIWPC to understand their education programs related to fertilizer for Municipal partners and how the WG might engage/assist.
- EPA to update EPA contact information on SSO forms and look into moving to on-line reporting of SSOs.
- Contact Joe Lamey to learn his timetable for potential conservation projects.

Next Meetings:

- EPA to set up meeting for Municipal Subcommittee for after MS4 draft permit release date (tentatively aim for late September), to include review of the permit as well as a review/prioritization of strategies in Priorities 1 and 2. (Poll Jay and George to find a date)
- Plan for a check-in call of Subcommittee before Sept 18 Steering Committee meeting to review updated priorities and follow-ups and prepare a 1-page report out for the Subcommittee to the Steering Committee.
- Organize a WQ Subcommittee meeting for October, and invite Mr. Wildman to discuss the conservation issue and its feasibility, and
- Invite the MVDC and other to present on the status of the project for a WQ Subcommittee meeting to be held Century Bank.
- Put additional conversation about SSOs on a future WG agenda.

Welcome, Introductions, Agenda Review

Caitlyn Whittle from EPA welcomed the group, led introductions, and reviewed the agenda.

Updates on Relevant Work in Progress

Draft MS4 Permit Status

Lynne Hamjian, EPA, sent an email requesting an update and later reported that EPA was currently meeting with DEP, and expected that the draft permit would be sent to the Federal Register the week of August 4. This would make its release for public comment likely by mid-August.

Fish Advisories

Patrick Herron, MyRWA, gave an update on progress on the *Lower Mystic Fish Advisory Project*, which they are working on with multiple partners, whose goal is to develop and disseminate clear guidance to the communities in the Lower Mystic River about the safety of consuming fish. The project seeks to 1) better understand what community fishing/fish consumption patterns are, and 2) collect and sample appropriate fish species to determine their safety for consumption, and 3) develop and disseminate information as an improved, user-friendly fish advisory and notification process. He noted that they have found it difficult to obtain participation in surveys about fishing and fish consumption in person, and are now recruiting people on-line. They have also found it challenging to collect the targeted fish species, and faced several setbacks with initial plans. They are currently working to identify a partner to assist in catching fish. They are talking with Normandy Associates and MA DMF, exploring baited line or drag netting approaches.

When asked how the MRWI could be helpful, Patrick suggested that perhaps the EPA lab could assist in analyzing the tissue. Lynne stated that the Lab is fully booked for the year, but they should check in on this in the fall to explore reaching out to the Lab for next summer. The group also noted that once analysis is complete, the MRWI and its partners can help get behind the outputs to build buy-in from MA DOH for revised fish advisories. Karen also offered to reach out to Division of Marine Fisheries to encourage their assistance.

MyRWA Sediment Work

Patrick then gave an update on the MyRWA sediment work in the Malden river, to build a database on contamination risks from sediment and doing a public health assessment for safe recreation opportunities, working with Friends of Malden River and others. The project would include data analysis and assessment of health risks from the Malden river, which shallow, making contact with contaminated sediments more likely. They have recruited assistance from the MIT center for Environmental Health Sciences, reaching out to engineering groups for cost estimates on work. They submitted a grant application to EPA's Healthy Communities program for 25K, and will seek additional funding as well. (Mayor of Malden committed \$5K.) There is data on nutrients and bacteria, but not on water quality. The new boat launch in Malden will do a health assessment of their property, but not of the water. [Do you want to add detail here about Nagel opposes recreational use ...]

EPA noted that ASTDR had shown interest in the past, and might be enlisted to assist. Another member noted that it will be key to define the exposure pathway. The group noted that they should check in on this in the fall to see if the grant was awarded and how else the MRWI might be helpful.

Nutrient Modeling:

Patrick gave a final update on MyRWA's work on modeling of phosphorous inputs to develop TMDL. This initiative is a five year project partnership with MWRA, USGS, MADEP, USEPA, and many others in the room. It will require a lot of science to complete for monitoring, data analysis, and modeling, then drafting TMDL, and is currently in the early stages. Currently, MyWRA is doing water quality sampling using an auto sampler, and have captured 3 storms on Alewife Brook, Mill Brook, ... The group noted the challenges in measuring phosphorus, as a first-flush pollutant, and highlighted their support of this initiative, and committed to keep checking in to see how the Committee could be helpful.

A participant asked about efforts to track results on phosphorous from the new state law on fertilizers. EPA noted that regulations are in progress, and so far actions have been only voluntary. They are not sure if NEIWPC has done any tracking on this. Once rules go into effect, we should see real impacts, but it would be hard to measure in the watersheds what changes might be due to fertilizer changes versus new MS4 permit or other causes. EPA also noted that municipalities were concerned about obtaining credit on fertilizers for MS4 permits. The group noted that it would be worth talking with NEIWPC about education programs for consumers.

Other updates:

Lisa Marx, MWRA, gave the group an update on their north system hydraulic study, to look at SSOs in the north system to understand when they occur and the range of alternatives that could work in specified SSO locations to mitigate, eliminate, relocate SSOs to less sensitive receiving waters. She reported that the project was slowed due to difficulties in getting standard models calibrated for extreme storm events. The project is now selecting design storms across varying numbers of SSOs to use for alternatives evaluations and comparisons of alternatives, particularly looking at storms that are 48 hours or more in duration.

Discussion of Mission and Priorities

Lynne explained that the Subcommittee was asked by the Steering Committee to look at the priorities that had been set for the Water Quality goal to update them, assess progress and identify priority action areas for the coming year. The group began looking at strategies developed under the first priority – *reduce and eliminate overflows related to SSOs*. EPA noted that some of these were completed, and asked what next steps should be and if this should still be a high priority for the Initiative. The group discussed the effectiveness of the new SSO forms, and a participant noted that ~ 80 percent of communities seemed to be using new form, though not all are completed fully. Estimates are becoming better as to the amount of SSOs; but not all boxes filled in 'what you'll do to prevent next SSO' doesn't get completed often. Participants suggested the following:

- Reaching out to DPWs about use of the form
- Pushing to move the forms to on-line filing, which would require completion before accepting the form
- Creating a forum for communities to share best practices for SSO prevention
- Strengthening the communication/notification link between DPWs (and MWRA) and water users (e.g., boat clubs)
- Do a run-through/simulation with a willing community to test and develop best practices.

- Not only online reporting but also online public access so users could see SSOs in the past week would be great to have.
- Prepare information about the dangers of floodwaters that is ready to be released when SSOs occur.
- Put more responsibility on DEP rather than EPA, as occurs in many other states. Some have maps on a state website providing public information.
- Connect SSO priorities to expanded I&I funds, to encourage municipalities to use their I&I funds to address SSOs. (MWRA clarified that it would be problematic to tell communities how they have to use their money, so the group suggested that MWRA could provide data back to communities identifying SSO problems and encouraging I&I investments.

The group agreed to keep this priority on the list and add it to the next meeting for further discussion.

The group discussed Priority 2 – *Create Municipal Technical Assistance Program related to MS4 permit compliance* – and noted that prioritizing potential actions required input from the Municipal Subcommittee. A participant asked if the draft status of the permit would delay the need for these educational activities. They discussed the limited interest from communities in taking steps on this prior to regulatory mandate. A participant noted concerns about taking action now for fear of not receiving credit later. A participant noted that the education programs of Bay State Roads group, part of DOT based at UMASS, was very good, and that they were well connected with DPW staff across the state. He stated that some communities may find DOT more friendly. The group agreed that the next step on this was to work with the Municipal Subcommittee to find out their needs and priorities for support on the MS4 permit.

The group discussed priority 3 – *Reduce phosphorus loading in the watershed* – and noted the need to add a strategy bullet to encompass MyRWA’s work to assess the amount and impact of phosphorus on water bodies and establish TMDLs. They also suggested editing strategies 1 and 2 to reflect NEIWPC’s efforts. Participants raised the need to talk with NEIWPC to understand what they are doing around the fertilizer regulations and identify how the Working group could interface or add value to that.

EPA asked if LID should stay on the list, noting that there were lots of individual actions but uncertainty about what the Subcommittee could add. On strategy 4 (investigate value and cost of phosphorus treatments and strategies beyond infiltration (aluminum treatments/biomass harvesting), a participant stated that no good research had been done yet on the long term effectiveness of aluminum treatments, and suggested that it would help to have DEP weigh in. Another member stated that the USGS did some work in the Assabet looking at the question options to reduce phosphorous besides tightening regulations on treatment plants, and suggested looking into what they found.

The group then discussed priority 4 – *Increase knowledge and action about legacy pollution*. Participants noted that MyRWA has started identifying risks, but not identifying solutions to remediate, which would require a legal aspect.

Federal Partners:

The group had a short discussion about how to engage Federal partners in the WQ work (such as USGS on the phosphorous work), and EPA reminded them that many partners wanted to be brought in on a

project basis. She suggested the group identify actions where state and federal partners might be engaged, and offered that EPA could begin this in their annotation of the priorities.

A participant asked about the Army Corp, and whether they were looking for matching funds or just waiting. A participant reported that there seemed to be poor communication and little access to information between mystic river commission, nagel, and ACOE. Participants suggested that the WG invite the MVDC (which includes the three towns), Mr. Nagel, and ACOE to present on the status of the project. They noted the meeting could be held in that area, maybe at Century Bank.

BRA and NAWCA update:

Reporting out on an action item from the Steering Committee meeting to follow up with BRA and NAWCA about funding and progress with salt marsh restoration, Caitlyn contacted Mitch, who reported that not much was happening, and agreed to reach out further to clarify the status of the funding. He shared the group's concern, but said that the money would not be lost.

Habitat Restoration:

A participant suggested that the group might want to take on a new priority regarding identification of wetlands and habitat restoration opportunities in the watershed, in order to be ready for rare influx of money from parties needing to provide mitigation. This was spurred by a call from Bob Hartzel at Geosyntec, who was looking for restoration opportunities to submit to EPA. He shared ideas of fish passage issue to connect river herring to horn pond, and Davidson park for stormwater infrastructure. Previous attempts to ask municipalities for their shortlist projects have not been successful at getting responses. The group discussed how equipped and able the Subcommittee was to take on this topic, and agreed that some first cut efforts to compile lists that already exist might be a good idea.

The group discussed future meetings, including setting up a meeting for Municipal Subcommittee for after MS4 draft permit release date (tentatively aiming for late September), to include review of the permit as well as a review/prioritization of strategies in Priorities 1 and 2. EPA suggested polling Jay and George to find a date.

The WQ Subcommittee would plan to have a check-in call before the Sept 18 Steering Committee meeting to review the updated priorities being compiled by EPA, and to prepare a 1-page report out for the Subcommittee to the Steering Committee. They would then aim for a face-to-face meeting in October, perhaps combining the conversation with Mr. Wildman and the update from MVDC.

EPA informed the group that they would also be closing the loop on this year's report card, by meeting internally to talk with MyRWA and keep the Steering Committee updated.

The meeting was adjourned.