

Mystic River Watershed Municipal Subcommittee
Wednesday, July 20, 2011, 9:30 am – 11:00 am
Woburn Senior Center
144 School Street, Woburn, MA

Agreement Points

- **Next meeting is tentatively scheduled for September 22, 2011 and will be held in Everett**

George Zambouras

Opening Remarks, 2011: A Focus on Stormwater

- Since this is a quasi-public meeting, all communities need to post this meeting with the city towns and clerks. Agenda needed 2-3 days prior to the meeting date to comply with open meeting law.
- Email that went out with the agenda went to executive officers. This subcommittee has been floundering around on various topics. Tried to get the agenda of the committee. At the suggestion of EPA and members present, for the most part we are going to focus on the MS4 permit. If the appointed member on this committee doesn't deal with MS4, then please appoint another member.
- George, Ivey, Jay, and Andy met with Senator Eldridge's Commission who is dealing with water/sewer/drainage infrastructure cost/grants throughout the state. Asked Rep. Dykema to explain what the Commission is doing and how this group can help them and identify how they can help the munis. Asked the Commission to request cost information from Executive Offices. Reading recently sent out a list for capital planning for \$30M. At least \$10M for a utility and everyone dealing with infrastructure.

Rep. Carolyn Dykema (Invited)

Water Infrastructure Finance Commission Report

- Working with Senator Eldridge to look at water infrastructure issues. Need investment to maintain water infrastructure. Got infrastructure finance commission of 15 members – consisting of munis, engineers, cities/towns, environmental groups.
 - The commission is trying to come up with a dollar amount needed for infrastructure for the future. PA came up with a dollar figure for needs in the next 20-25 years.
 - How will the legislature propose to meet the gap?

- Over the past 8 months, has been reaching out and did a state-wide tour to get a sense from cities/towns to identify the challenges to make recommendations.
- Issued an initial report which is available online:
<http://mwwa.memberclicks.net/assets/documents/Advocacy/june%2029%20final%20initial%20report%20as%20voted%20by%20water%20infrastructure%20commission.pdf>
- Seven themes of initial report:
 - 1. Aging water systems – in MA we have a very old water system. The pipes in urban/boston area are from the 1800s. A lot have a fixed useful life. A lot of the systems are coming to the end of their useful life. Might take more investment now than in the past.
 - 2. Increasing Costs of Environmental Compliance
 - Changing regulatory concerns – how are we going to fund these things. Met with EPA a number of times to see what the agency is looking to do to raise the issue that this is an additional cost. Cities/towns identify cost of compliance is taking \$ out of the maintenance budget. What is a sustainable path going forward.
 - 3. Growth Requires New and/or Expanded Infrastructure
 - Economic growth presents challenges with little infrastructure, yet looking at areas as an economic engine with a lot of growth (495 belt).
 - 4. Increasing Costs to Pay Off Current Debt
 - Regional systems (wastewater) have a lot of debt – have been financing through debt. Raising rates to meet obligations and now there are challenges. MWRA has a lot of debt and is looking at rates to pay off the debt.
 - 5. Stormwater Mitigation Costs are Looming
 - Stormwater – a moving issue that is coming up repeatedly as something that we are trying to get our arms around. This is an emerging issue that we are trying to deal with. A lot of cities/towns have done estimates for costs (MS4s). New regs, lack of ability to raise rates. There is a burden to pay for this infrastructure by local cities/towns.
 - 6. New Requirements for Operation, Maintenance, and Emergencies
 - Requirements for Op, Maintenance, and security issues – water is a critical infrastructure. There is a need to

anticipate what concerns/threats might be. Need to provide backup. Need to plan for redundancies.

- 7. The Public Has Little Understanding of the Water Systems that Supply and Protect its Water
 - Educate the public – why our water infrastructure is important and why we need to invest in it.
 - Final report is anticipated in the fall. This report will focus on how are we going to look to move forward from a financial perspective as well as looking at new strategies. It will also look at how to incorporate new innovative infrastructure with what we're doing now. Energy efficiency is an area that we are looking at to find strategic investments to reduce energy costs. These savings could go back into pipes/maintenance.
- Jay – submitted a cost add up for next 5 years for planning – MS4, removal of illicit, etc. Andy made up an easy form that would allow any other community to share the information with the Commission. It would be helpful for all the communities who are looking forward into this.
- Q: Has the Commission come up with ideas for the funding issues?
 - There are some ideas, but they aren't yet ready to put them on the table. The commission is looking forward to putting something out there that can lead to discussions and hoping that recommendations are possible given the current funding climate. It would be helpful to know what has worked in the past – perhaps SRF from 2% loan to 0% loan.
- George – Sewered entire communities on grants. The SRF is good, but you need a large project to make it economical. For a smaller sized project, cities/towns will come up with capital.
- Jay – over \$5M, then it works out to be a federal grant. On the smaller projects, if there are 1% or 0% it would be very helpful. When SRF first came out it was 0%.
- George – maybe with stormwater it could be a secondary pool of funds that could compete against themselves for funding. These projects would not get rated well against larger projects. There are a lot of projects that are smaller scale that would be a large benefit.
- Rep Dykema – we are looking at BMPs, capital plans, and enterprise funds, that have come up. One question that we have is: Do we tie SRF eligibility to whether or not a community has done some of these BMPs? Communities might already have these in place.
- Jay – everyone has an enterprise water/sewer system. Other communities like Reading already have a utility. One of the problem with enterprise systems is legal issues. In the Saugus lawsuit a developer was able to overturn some things. Munis

have to be careful with how they set up these utilities so that developers can't find a way around them. There aren't very good guidelines out there that describe how we should do these so legislation could help.

- Concerns with new stormwater regulations – everyone seems to be learning about cost/benefits for stormwater controls. Now going after 10% impervious for maximum cover and are starting to reach out toward pushing higher capital projects and the science is just a guesstimate. It will be interesting if the next permit doesn't become too onerous that we are doing a lot of capital projects, but we might not achieve the water quality improvements.
- Lynne – some are familiar that we currently have a rigorous utility study going on in the Upper Charles. There is a preliminary report posted now. It should be final in the fall. It is tailored to the three communities, but the results should be transferrable. We will make sure to share the information since it might be useful to draw from. The work plan of this project can be found here:
<http://www.epa.gov/region1/npdes/charlesriver/pdfs/ProjectWorkplan.pdf>
- Rep. Dykema: It makes sense to have a regional utility. We keep hearing about the EPA's watershed approach to look at infrastructure on a watershed basis. How can we use the resources in a way that yields the greatest value?
- If communities want to share information with Rep. Dykema, get in touch with George and he will share her contact information.

Caitlyn Whittle and Patrick Herron

Assessing Technical Assistance Needs: Stormwater and Nutrients

- Would like to ask Municipal Subcommittee what would be most helpful to them relating to Priority #2 in the Mission and Priorities document.
- *Priority #2: Create Municipal Technical Assistance Program related to MS4 permit compliance (potential topics listed below; municipal subcommittee will need to weigh in on prioritization of these topics)*
 - Workshop or roundtable for discussion of successes and failures with local IDDE program
 - Workshop or roundtable for discussion of successes and failures with inflow/infiltration programs
 - Provide training on compliance and development of “measureable goals” to satisfy the new MS4 permit and Minimum Control Measures
 - Promote or identify funding for more pilot/example projects to illustrate Best Management Practices relative to infiltration, onsite retention, etc.
 - Provide information on low-cost outfall water quality testing programs (dry and wet weather)
 - Develop fact sheets or assemble information on the connection between water quality and water quantity
 - Engage town leaders on how town plan impacts stormwater
 - Provide access to modeling to identify opportunities for ground infiltration

- Provide forum to share best practice
 - Provide forum to explore sharing of resources, contracts, etc.
- The WQ subgroup went through an exhaustive approach to identify the priorities for this watershed. Any progress we make will be through working with municipal leaders and municipalities. Any of our goals will require the municipalities to agree that these are really important to work on as a collective group where we could have an impact.
- In the context of what this subcommittee is going to do in the next year and identifying its priority, a lot of MS4 issues are important to show progress and implement the progress.
- It will require a lot of information sharing:
 - roundtable with engineers/DPWs to share successes and challenges to implementing IDDE program
 - I/I removal programs
 - training on compliance
 - promote funding over projects
 - sharing information on how to do outfall testing in cost effective manner (share contacts)
 - develop materials together – stormwater outreach materials, sharing best practices
 - sharing contractor (resources).
- Jay – regarding pilot programs:
 - A low cost (~8K) program is being implemented which involves a mobile system to move around Horn Pond which will aerate the pond to reduce cyanobacteria blooms.
 - Would be glad to share the project with MyRWA.
- George – which topics we should tackle first?
 - Andy, providing training for compliance on measureable goals and control measures would be helpful before the notice of intent is due.
 - Nutrient loading is more something that MAPC or MyRWA or EPA would expect to come in with a model document that could be given to communities to implement as necessary instead of a small community trying to develop its own program. This has regional impacts for all communities.
- Lynne – there is interest in all 6 states, for a regional approach to dealing with phosphorous and nitrogen in fertilizers. Once a direction comes out, we'd like to get support and engagement from all of the municipalities. It is an easy solution that is no cost. There is potential here right out of the gate. There is a lot going on behind the scenes.
- Patrick – at the joint committee hearing last week and there is a phosphorus bill put forth that would limit sales in fertilizer sales in MA. Stores can sell the other phosphorus but it would have to be separated and in order to apply it you'd have to show your soils are lacking in phosphorous (with a soil test). The bill could use some additional support.

There weren't many people speaking on behalf of the bill. The MMA had positive comments on it, but few other comments were submitted.

- Jay – As munis we have no way of regulating what kind of fertilizer someone puts on their lawn. Legislation might be overkill and we should be looking at increasing awareness/education.
- Patrick – it is a good opportunity to do the education. At the muni level there is a lot of public land that is being fertilized and taken care of by contractors. As a group, this group could work with contractors/city maintenance departments to not use P fertilizers on areas that can be impacting streams.
- Jay – as munis, all have right of way plans and BMPs for herbicides/pesticides. There is opportunity for cemeteries and parks – maybe find an EPA technical guidance that can be distributed to people.
- Public education campaign going after homeowners is very expensive to get homeowners to listen to you and care about what you're saying. If we can't get them to recycle, how can we get them to pay attention what is in their fertilizers? The bill is important. But it sounds like the issue might be to target Chambers of Commerce and find larger users of fertilizers (big business who do lawns/care). Is it support from munis or DEP/EPA to go in and target the groups? If they are big enough and go in and explain what is going on, then we might see a big bang for the buck. Target DCR and munis with public lands. Look for medium sized business owners.
- Jay – a lot of communities have golf courses.
- George – maybe we can identify what we're doing now with parks, cemeteries and golf courses. We could bring it up at the next meeting and try to come up with a regional policy that everyone can adhere to.
- It is important for it to be regional since businesses treat lawns in an area, not a specific town. Contractors need to hear the same message.
- George – contractors do what we hire them to do. Put out the proposal and ask them to adhere to the specs. Need to start with ourselves on public lands. Don't want to regulate homeowners.
- Micheal Collins (Wakefield): Going to talk to park supervisor. Want education on green lawns and trees. During middle of the summer, keeping perpetual green lawn, is it the point where trees don't have metabolism going. Forcing spring look during the summer, are we overloading with pesticides/fertilizers? This does vary across the year how you do this. We do need to do public education, but how many people will follow the practices? It is a great idea to take this and talk to large local landscaping people to outreach in a friendly way to work together.
- Lynne – the items we select, the water quality subcommittee would work first on this hand-in-hand. This is the opportunity to focus the resources of the water quality subgroup. There are a number of people trying to be helpful.

- George – Many municipal officials are thinking of hiring consultants to find ways to comply with MS4 permits
 - It would be helpful from the water quality and testing is to get good technical input on a cost effective way of testing. The permit should be tailored to test kits in the field. It would be good to get input and guidance from someone who is well-versed in this. Educate everyone. Come up with a standard that is good and useful for everyone.
 - MyRWA would be happy to provide this information through a workshop if they are the right resource. One of the towns could host the workshop in the community. We could go into the field and test some outfalls.
- Jay – many are in the consortium to get water treatment. Not everyone uses a consultant to do the testing. We could form a consortium. If we knew the right specs for surfactants, bacteria, ammonia – if we did it as a bid for a few years, all the consultants could use it and get a deal on that.
- Lynne – EPA has been working on a new low-cost method. Next step is to bring it out to state and watershed. If we could do it at the tail end of the season or off season. EPA and MyRWA could do a joint session. Could use some as a pilot. We could gear it toward the Mystic.
- Jay- if there's a new technique, we'd all like to hear about it. Everyone could discuss ways to work together.
- Patrick – municipalities could refresh outreach or education materials it might be an opportunity to develop materials together as a group instead of each town paying their own consultants to do it on their own.

Discussion: Regionalization

- Doug – George mentioned looking at a regional policy on municipal lands and suggestion would be to go through Tom Philbin at MMA. All municipal park directors have an association. They probably deal with the fertilizer issue annually. Do a joint meeting to talk about that one issue on application of fertilizer on municipal properties. Find out where the state trade association is. Lynne mentioned there is a lot happening in the Charles River and possibly getting the DPW director from Franklin out to make a visit to talk about what the three towns are doing in terms of exploring cost and utility options since they might be a little further along. Could bring him in to be helpful. Rep. Dykema mentioned regional approach, but having been to the Massachusetts Municipal Association board of directors meetings – in this budget, there is only one new grant program and that is for regionalization for municipalities to tackle issues regionally. Don't have much more information or if there is application here, but it might be worth reaching out to the governor's office to find out more.

- George – not sure if it's the same program, but in Reading through the new budget process – getting grant for regionalized conservation services and health services. Might be the same program.
- Doug – not sure if there are hard and fast restrictions on what you regionalize. Maybe you want to analyze or evaluate something. You can find out if the grant program makes sense here.
- Jay – Patrick submitted a proposal to DEP for 604(b) program. Woburn, Reading, Burlington, Winchester, MyRWA for a mini study to do a pilot program. George and Jay formed a joint powers agreement between Woburn, Winchester, Reading, Arlington, Medford, etc. with legislation to act regionally. Gave more points on grants. Will be moving forward through MyRWA on the 604(b) program.
- George – the hard part with regionalization is that legislatively we aren't structured that way. The home rule makes it difficult. There is a new bill that allows public works to do mutual aid like police and fire. There is movement thru MMA to get additional legislation for regionalization. A lot of public works departments have been doing it for years unofficially by sharing resources (e.g. road salt). There are cost savings if we start regionalizing.

Cheryl Rosner

New England Sustainability Network

- Have formed a group at the EPA called the Communities Coordinating Committee (C3) – we have many grant programs that help communities and it would be a good idea to make sure that we communicate within EPA. Joel Sonkin (EPA) has spearheaded an effort to create New England Municipal Sustainability Network. New positions as Sustainability Directors in municipalities are developing. It is a new effort, which kicked off on June 9, which focuses on issues relating to climate change adaptation, green/healthy homes, forestry, complete streets, etc. This discussion is really informative. Medford, Cambridge, Somerville, Chelsea sit on the Network.
- Medford – the issues are dealt with differently. When they have subgroups that meet on the issues, figure out who will be sent.
- More and more communities are appointing a sustainability director.
- EPA is launching a municipal website that should be up and running in a few weeks. Group is trying to link to other federal agencies – HUD, GSA, DOT, EPA
- Doug – the website will be very helpful – It will be a one stop shop to get lots of information. Should be up in a few weeks. Will be called the New England municipal website.

Follow-ups and Meeting Wrap-Up

- What is the current status of the MS4?

- EPA is looking at the comments and trying to make good decision based on all of the comments that came in. Folks are trying for the end of the year. Comments are voluminous and may have to go back out to notice. Watch the website – it is updated monthly. Trying to have a look across all the permits and add consistencies.
- Patrick – will the website give some notice before the permit is issued?
 - Continue to watch the website for information about the issuance of the draft permit. EPA will likely not publish a predicted date.
- **Next meeting is tentatively scheduled for September 22nd in the morning in Everett.**

**Mystic River Watershed Municipal Subcommittee Sign-in Sheet
July 20, 2011**

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