



## Meeting Minutes

### NMSA Member Call

December 12, 2017

9am to 10:30am PST, Noon to 1:30pm EST

#### Agenda Discussion:

1. New Members

It was announced that NMSA had added two new members since the last call: the Kentucky Stormwater Association and the Utah Stormwater Advisory Committee (USWAC).

2. WEF Stormwater Institute – Water Week

The next in-person meeting of the SWI members will be at Water Week. Water Week will be held April 15-19, 2018.

WEF Stormwater Institute activities during Water Week were discussed. The WEF SWI and NMSA are collaborating on a White Paper for use at Water Week in 2018. The purpose of the White Paper is to provide an 'ask' for members to take to their congressional contacts. The White Paper will be limited to two pages (front and back), and circulated to NMSA membership for review and approval to carry the NMSA logo.

3. ASCE Report card

NMSA is assisting in an effort to develop an infrastructure report card for stormwater. NMSA is collaborating with ASCE to develop a stormwater section of the ASCE report card. NMSA will be meeting with ASCE representatives to discuss how we can assist in developing a grade for stormwater infrastructure nationally. The meeting is set for January 9 in Washington DC with the USEPA.

NMSA has an informal stormwater infrastructure survey that can be taken on line at: [www.nationalstormwateralliance.org](http://www.nationalstormwateralliance.org), and request that each member publicize the survey and ask municipal programs to fill it out. The purpose is to champion this addition to the existing ASCE report card, not produce an independent report card. Daniel Apt noted he has worked on a Stormwater report card for ASCE in Orange County, CA, and will forward the grading criteria.

4. On call services contract for Web maintenance

The updated NMSA website was discussed. The website was updated by a private contractor for NMSA, Kristina Twigg. The website will require ongoing maintenance. Kristina has forwarded a



contract to support the website maintenance, as-needed for \$45/hr. The Chair called for a vote regarding signing a contract with Ms. Twigg for maintenance (as-needed, no retainer). The motion carried unanimously.

## 5. WOTUS

The 2015 rulemaking will be updated by the EPA in 2018. Comments were requested to EPA (general from the public) by November 28<sup>th</sup>, 2017. NMSA submitted a six-page letter on behalf of the members, primarily noting that an exclusion for stormwater control measures from classification as a water of the US (WOTUS) should be retained in the new rule, with additional clarifying language.

JB Dixon to investigate IECA as a possible co-signer to future comments with NMSA. Randy Neprash to forward a copy of the letter to Ryon Barron for comment. Geoff Brosseau noted that some stormwater control measures may need to be grandfathered in to the regulation, and was also concerned that the criteria, “in dry land’ to determine when a location could be excluded from the Rule was ambiguous.

## 6. USEPA Meeting in January – Agenda Items

NMSA will be meeting with Headquarters EPA staff on January 9<sup>th</sup>, 2018. The following is a draft agenda for the meeting:

- a. Member Update
- b. NMSA Activities and priorities
- c. WOTUS
- d. ASCE Report Card
- e. MS4 Permitting workshop (CA)

Additional agenda items for the meeting were solicited. Randy Bartlett noted that environmental groups should be engaged when Stormwater rules or policy making is contemplated. In general, broader stakeholder engagement is needed. It was agreed to add stakeholder engagement to the meeting agenda with EPA.

## 7. MS4 Survey update

The WEF SWI is developing a survey of MS4 Permittees to understand the needs of the sector. An information sheet on the survey is attached to these notes for reference. The survey is in draft form, and will be finalized in January, sent out to respondents in February 2018, and a report developed by April, 2018. Distribution of the report has not been determined at this time. Members that have potential questions for the survey should send them to Scott Taylor, who is a member of the SWI Workteam guiding the survey process.



#### 8. WEF Stormwater Messaging

The WEF SWI held a Stormwater messaging meeting on November 28 and 29, 2017 in Alexandria, VA. The purpose of the meeting was to develop needs and ideas surrounding stormwater messaging. A document will be prepared with information and tools, targeted at local elected officials and senior staff. The report will standardize and simplify jargon, it is due out in Spring 2018. Distribution for the report has yet to be determined. Two of NMSA's members (Scott Taylor and Randy Bartlett) participated in the workshop in November.

#### 9. Chesapeake Symposium

NMSA is helping to coordinate a Stormwater track for a Symposium on the Chesapeake Bay for Monitoring and Research. The Symposium will be held June 12-14, 2018 and will include, if approved, a two-day stormwater track. Interested persons are advised to look out for a call to papers early next year.

#### 10. MA Litigation

There is currently litigation in Massachusetts regarding the EPA issued Stormwater permit. The permittees have taken legal action against the USEPA for 'overreach' in Permit requirements. Accordingly, the issuance of the Permit has been delayed. Robin Craver to send a synopsis of the issues for distribution to NMSA members when available.

#### 11. MS4 Permitting Workshop

A workshop was held in Oakland CA on December 5, and 6, 2017 to discuss options for improving the efficiency and effectiveness of MS4 Permits. Attendees (about 25) were from around the US, but biased toward Region 9 permittees, and California in particular. EPA Regions 1, 4, 9 and Headquarters participated, as did MS4 permittees, consultants and NGOs. A white paper or compendium of the workshop will be compiled by PG Environmental, and should be available for distribution in the Spring of 2018.

#### 12. NMSA Sponsored Webinar

NMSA is co-sponsoring a webinar with the National Association of Regional Councils on December 14<sup>th</sup>, 2017. The webinar will focus on trees and their value to Stormwater programs. Details are:

**Trees and stormwater: A Tool for Your Community**

Thu, Dec 14, 2017 2:00 PM - 3:30 PM EST

<https://register.gotowebinar.com/register/5993080928747057154>



### 13. Other NMSA Activities

Other NMSA activities were discussed:

- a. Newsletter – published quarterly, send news items to Scott Taylor or Jennifer Watson
- b. MS4 Database – Scott Taylor and Seth Brown working with Aquieous on this project.

Time was given for members to report out. Crystal Bishop (TN) noted that the International LID Conference will be held August 12-15, 2018 in Nashville, TN. The call for abstracts is currently circulating and ends January 16, 2018. Jennifer Watson indicated that the call for abstracts may be extended.

Randy Neprash requested that members send him information on NPDES Permit fees for their state. To his knowledge, this type of information has never been assembled nationally. JB Dixon (Nebraska) noted that there are no renewal fees for his NPDES Permit.

The next quarterly call was discussed. The group determined the next call would be: **March 13<sup>th</sup> at 8am Pacific, 11am Eastern**. Scott Taylor to send an appointment for this date/time to members. The call was adjourned at 10:20am PST, 1:20pm EST.

# NATIONAL MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) NEEDS ASSESSMENT SURVEY

The Water Environment Federation's Stormwater Institute is in the early stages of developing a national needs assessment survey of Municipal Separate Storm Sewer Systems (MS4s). This first-of-its-kind survey seeks to understand and quantify the challenges the regulated municipal stormwater community faces so resource solutions can be directed to fill these gaps.

## UNDERSTANDING THE NEEDS OF MS4 COMMUNITIES

With generally less than 20 years of implementation experience, the municipal stormwater sector is highly diverse. In addition to the differences that exist between Phase I and II permits, stormwater permitting programs, for the most part, are left to states, territories, and tribal entities. The individual regulatory requirements of these delegated authorities vary greatly. As a result, little uniformity exists in the implementation of municipal stormwater programs throughout the U.S.

Many urban communities are striving to meet water quality requirements and restoration goals for rivers, streams, and other water bodies. These goals can be established by voluntary watershed management plans and/or a regulatory-based total maximum daily load (TMDL) conservation plan. For example, a TMDL establishes a "pollution diet" in a watershed where pollution limits are established to meet applicable water quality standards.

Funding and financing is also a significant concern in the stormwater sector. As the MS4 program began, additional funding sources were unavailable to implement new permit requirements. The costs of implementing stormwater programs largely has been shouldered by municipality general budget funding and/or stormwater utility fee programs.

## BACKGROUND INFORMATION

Stormwater management programs in the U.S. are relatively young compared to the drinking water and wastewater sectors. The U.S. Environmental Protection Agency (EPA) began the first MS4 permitting program, known as Phase I MS4s, in 1990. It focused on large and medium size communities with populations of 100,000 and greater. In 1999, the MS4 Phase II regulation was established and expanded stormwater permit requirements to communities of less than 100,000 that are located in urbanized areas, as determined by the U.S. Census Bureau. The Phase II MS4 regulation also includes non-traditional permittees, such as universities, state and local transportation departments, and other similar facilities. According to EPA, there are more than 7500 MS4 permits throughout the U.S. territories; the majority are in Phase II communities.



## DEVELOPING SOLUTIONS

Given this situation, the WEF Stormwater Institute (SWI) is implementing a first-of-its-kind national MS4 needs assessment survey to better understand both the challenges and possibilities the regulated sector are subject to. The national survey will determine where potential program theme gaps may occur, identify opportunities to share lessons among peers, and provide a catalyst for developing new programs to meet the stormwater challenge.

WEF has assembled an MS4 survey work team under the umbrella of the SWI to provide sector expertise and help guide the development of the needs assessment. This work team will also review survey responses and contribute to the survey conclusions.

The MS4 survey will be conducted in early 2018 and completed by mid-2018. The SWI will work with partners to implement indicated improvements to both enhance existing programs and develop new tools to help the municipal sector meet their permit requirements and community water quality goals.

For further information regarding the national MS4 needs assessment survey, contact Chris French, Director of Stormwater Programs, at [cfrench@wef.org](mailto:cfrench@wef.org) and Rebeca Arvin-Colón, Technical Programs Manager, at [rarvin-colon@wef.org](mailto:rarvin-colon@wef.org).

## REFERENCES:

### Stormwater Discharges from Municipal Sources

<https://www.epa.gov/npdes/stormwater-discharges-municipal-sources>

This U.S. Environmental Protection Agency website provides information about the MS4 permitting program and provides links to multiple permit focused resources, including fact sheets, guidance and rule documents, funding sources and resource materials, and training and webcasts.

### Rainfall to Results: The Future of Stormwater

<http://wefstormwaterinstitute.org/rainfall-to-results/>

This SWI report presents a vision for the future of stormwater sustainability and identifies six overarching objectives that will help achieve this vision. This report resulted from a WEF convened meeting of national stormwater professionals whose discussions captured current trends and conditions, as well as opportunities and pathways toward a sustainable and financially sound stormwater sector.

### User-Fee-Funded Stormwater Programs

[www.e-wef.org/Default.aspx?tabid=251&ProductId=28818404](http://www.e-wef.org/Default.aspx?tabid=251&ProductId=28818404)

This WEF publication serves as a resource for municipalities and public works departments to establish stormwater utility fee programs. It identifies drivers for forming user fees, explores how to develop a fee program, and includes considerations on program costs and implementation processes. The publication features 11 case studies.

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