



## **NMSA ANNUAL MEETING**

### **Meeting Minutes**

WEFTEC, Chicago II | McCormick Place | Rm N226  
September 25, 2019 | 10:00 am to Noon

Attendees: (see attached sign-in sheet and see below)

- Lori Gates
- Brian Currier
- Daniel Apt
- Lori Laursen
- Randy Bartlett
- Jamie Piziali
- Ellen Tarquinio
- Chris Kloss
- Karen Steele
- Phil Potter
- Jennifer (Lexington)
- Tishan (Contech)
- Harry Zhang
- Steve Dye
- Adriana Caldarelli
- Zach Henderson
- Randy Neprash
- Amy (Greenwich, CT)

#### **II. WEF Stormwater Institute and Committee Update**

- Change in roles with Fernando Pasquel moving to Chair from Vice-Chair and Scott Taylor moving into Vice Chair
- Adrianna Calderelli discussed current SWI initiatives: NGICP, STEPP and MS4 Survey (2020).

#### **III. Legislative Update**

- Steve Dye (WEF Legislative Affairs Director) discussed the following:
- Water Week Fly-in event
  - Hill visits
  - WEF SW Policy Forum
  - Ask document overview
  - April 28-29, 2020

- AWIA Bill - 2018
  - SW Funding/Financing Task Force Created
    - Will help to provide advocacy on the Hill
    - NMSA ED is helping to facilitate the listening sessions.
- WRDA 2020
  - Increased Green Project Reserve focusing on SW
  - Audit SRF application process to understand challenges in getting assistance for stormwater projects via SRF program, etc

#### **IV. ASCE Infrastructure Report Card**

- Stormwater will hold a stand-alone category on the 2021 ASCE National Infrastructure Report Card
- Structure/overview
  - National-level report card
  - State-level report cards are separate, done by states. Some include stormwater category
  - These two levels of report cards are distinct
- Next update for the national report card is 2021
- Definition of stormwater will include local drainage as well as water quality
- Randy Bartlett
  - Very important for the local government level – to get them to see stormwater as a separate and important infrastructure sector
  - It was noted that the Report Card must include the MS4 program as well as local drainage infrastructure.
- Harry Zhang
  - Need to think about terminology for the Report Card – is it “wet weather”? Is it “stormwater”?
- Zach Henderson
  - Report card will need to discuss nonpoint, conveyance, treatment, etc. of MS4 system and/or more

#### **V. Online Toolbox for MS4s and Water Reuse Projects**

##### Online Toolbox

- EPA Region 9 is working with NMSA to create an online resource targeting Phase II MS4s. The resource will include information for operating an MS4 program.
- Will be going live in first quarter of 2020 on the NMSA website.

##### Stormwater Capture & Convening

- EPA Region 9, NMSA and WEF will be convening a stormwater capture event (Racine, WI; April/May, 2020)

- National discussion/gathering of experts to assess barriers to capture and use of stormwater and assist in removing the barriers.
- Develop actionable items as an output from the convening
- Harry Zhang – WRF has a proposal out for research efforts in this area as well. NMSA to coordinate with WRF.

## VI. EPA Update

- SW Funding Task Force Discussion (Ellen Tarquinio)
  - Overview of task force goals (sources, affordability, gaps in capex/O&M)
  - SW Learning Modules moving forward
  - The funding task force is just the start of the discussion. EPA staff will determine next steps once the initial report is published.
  - Randy Neprash – how much is the funding task force focusing on local funding via stormwater utilities?
    - Ans. There will be focus on this. We have already seen a lot of heterogeneity in the number of stormwater utilities.
  - Pat Sauer
    - When will the report be available? Ans: Next spring.
  - Brian Currier
    - Our grants need to be “shovel ready”, but we need funding for project/program planning. This is an issue to consider.
  - Phil Potter
    - Is the feedback to date that SW is seen simply as an additional tax/cost?
      - Ans. Yes, primarily
  - Randy Neprash
    - Thinking about water reuse and stormwater, please consider that there are impacts on stormwater systems
- Public meeting in December in DC to go over results along with a vote by the EFAB, which will drive the report that will be released in April, 2020 and sent to Congress.

### Chris Kloss

- Discussion on communication/education/outreach for stormwater
  - Connect EPA HQ on GI Courses
- AWIA and Integrated Planning
  - Water Reuse action plan reflects need for integrated water vision
  - Need to better understand how stormwater fits into integrated planning
    - Scott – would like to have a “go-by” because there is a lack of clarity on what integrated planning really is in an applied context
    - Kloss – tough part is being flexible but also clear overall
- WOTUS
  - We will be focusing on understanding how MS4 and WOTUS interpretation issues exist, etc.

- Randy Neprash – will our exemption/exclusion language still be applicable?
  - Ans. We will have to consider this
- Discussion on increased permit terms and remand rule implementation
  - Looking to address/reduce backlog of administrative actions and delayed permitting
- Question on Mass MS4 permit issue
  - Petition on industrial and commercial sites is part of this litigation

#### **VII. Discussion on CBT Projects**

- Seth provided an overview of projects and activities (Digital Ag/Stormwater, Pond Summits, GI Course piloting)
  - Zach Henderson noted that there is research identifying BMPs as sources, not sinks, of nutrients – this include bioretention and other GI practices – this is a reason to get STEPP going for GI, as out-dated BMP manuals are promoting/requiring BMP designs that may lead to exporting of pollutants, etc.

#### **VIII. Legal Update**

- Presentation by Ryan Baron on WOTUS, Maui, and other current/pending legal topics and rulings. A copy of the slides presented by Ryan are attached to these notes for reference.

The meeting was adjourned at 12:00pm

## NMSA Legal Update Slide Deck

Presentation Provided by Ryan Baron, Best, Best and Krieger



NMSA - Legal  
Update-c1.PPTX