



AMERICAN COUNCIL OF ENGINEERING COMPANIES  
OF MASSACHUSETTS

ENVIRONMENTAL AFFAIRS COMMITTEE

Meeting Notes

Topic: Meeting Notes – February 17

Date: February 17, 2011

Location: The Engineering Center

Attendees:

Name	Firm
Richard A. Baummer, PE, M.AS	Nobis Engineering, Inc
William F. Callahan, P.E.	ACEC/MA Rep to Water Infrastructure Finance Commission
Marc R. Caufield, P.E.	Green International Affiliates, Inc.
Joseph W. Freeman, A.M.ASCE	Tetra Tech, Inc.
Abbie R. Goodman, IOM	ACEC/MA
Jennifer K. Lachmayr, PE	Malcolm Pirnie, Inc
Thomas J. Loughlin, PE	BSC Group, Inc.
Timothy J. McGivern, PE, M.AS	Nitsch Engineering
Wayne C. Perry, PE	Norfolk Ram Group, LLC
Suzanne L. Pisano, PE	GeoInsight, Inc
Timothy J. Power, PE	Allen & Major Associates, Inc.
Michael J. Scipione, PE	Weston & Sampson
Cheeta L. Soga, PE, LEED AP	Nitsch Engineering
Rosalie Starvish	GZA GeoEnvironmental, Inc.
Dianne E. Velardocchia, P.E., M.AS	CDM
Francis W. Yanuskiewicz	Weston & Sampson

Call in: None for this meeting

Meeting Notes:

**1. Update on current year committee activities**

**a. Water Infrastructure Finance Commission participation**

Bill updated committee on current status of WIFC – final report due by end of June 2011

Commission realizes that federal and state \$ will not be increasing; other solutions must be found for financing identified capital needs

Commission looking at ratepayer contributions on the order of 1.5% of median household income each for water and sewer (3% total)

Commission recognizes that they have no good idea of the future needs for stormwater infrastructure

Bill requested that ACEC/MA and committee assist in putting together list of suggested changes to SRF program (e.g, timing of applications re: town meetings). Bill will send request to A. Goodman today...

Bill anticipates that Commission will request an extension of time to complete their work (one year – to June 2012)

Mike Scipione asked if Commission was discussing new tax options – Bill reported that there was recent discussion on a new tax modeled on the CPA;

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also discussion on statewide surcharge on water/sewer bills.  
Fran asks if there is still an opportunity for ACEC member participation on the Commission workgroups – Bill says there is still time for participation. There are four standing subcommittees.

**ACTION ITEMS: Joe/Fran to follow up with Abbie on responding to request for help with SRF program enhancements**

- b. **SWMI status.** Fran reported that he attended his first meeting of the Sustainable Water Management Initiative last week. He suggested that those interested review the PowerPoint presentation that Kathy Baskin used at the last EAC meeting. The large group of very high level state environmental officials is starting to get into and make progress on major items leading to recommendations, and possibly new water program policy.
- c. **Other issues** – Fran requests that attendees suggest upcoming activities/subjects, beyond water/wastewater/stormwater that we have been focused on of late.  
Suzanne – air issues – emergency diesel generators at institutions. DEP actions to apply new standards to existing facilities (e.g., 10-foot stacks, etc.) DEP is looking for “GEP” for existing units – relocation of existing units away from windows, air intakes.

**2. EPA/NPDES – Thelma Murphy**

Section 308 letters sent out on January 7, 2011 to more than 100 cities/towns in MA with substantial \$ fines referenced for not responding.

First MS4 NPDES permit in 2003, expired in 2008, administratively continued.

Requirement for annual reports was continued as well.

New permit probably will not be ready for May 2011, but annual report still due in May 2011 regardless.

Requirement is to submit the report, EPA has not (yet) been judging quality of reports. Thelma references the minimum control measure requirements.

2003 permit required distribution of public education material, e.g. Public participation requires compliance with open meeting law for annual public meetings on developing permit compliance program.

Illicit discharge detection – map of outfalls and receiving waters required for 2003 permit, by-law/ordinance in place prohibiting illicit discharges and employee training program for detection. New permit will require complete map of stormwater system; more comprehensive analysis of system to ensure that there are no illicit discharges. Construction and Post-Construction Standards– most cities/towns are in good shape due to enforcement of MA stormwater standards.

By-Laws/Ordinances – most cities/towns in good shape

Good Housekeeping - 2003 permit not very specific, no big existing problems.

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Key focal point of new permit will be illicit discharge detection/elimination, likely to be a focus of future compliance actions.

Question re: lack of \$ as a reason for non-compliance: not an acceptable excuse, 2003 permit allows for modification of permit and compliance plan in NOI. Reasonable changes are acceptable – not getting the \$ doesn't necessarily fly with EPA. Annual reports are vehicle for updating program described in NOI.

Mapping requirement will include location of all drainage structures (GIS/GPS not required) – particularly important in North Coastal basin (phosphorus in Charles River). 2 year deadline for compliance.

Draft North Coastal permit generated more than 500 comments – main issue was cost of wet weather monitoring requirement. EPA is looking at reducing costs and maximizing benefit of information received. Also looking at stretching out timeline for compliance.

Permit only requires mapping of urbanized areas – cities and towns should focus on that portion of the community in the urbanized area to conserve available funds.

Next permit will include EPA-provided map of impervious area by community – emphasis on reducing discharges from impervious areas to municipal system; Limited to smaller design storms.

EPA MS4 Audit Guide – link provided on meeting webpage

2010 - 108 annual reports out of 237 communities in MS4 program submitted annual reports

77% mapped outfalls

~70% - IDDE ordinance and program in place

78% - construction ordinance/program in place

Future enforcement may focus on specific higher priority watersheds – Mystic River, e.g.

Fines can be structured so that compliance with schedule of improvements can reduce and possibly eliminate fines.

Mike Scipione asks about phosphorus reduction – Charles River TMDL requires 54% reduction in phosphorus load.

Question – has EPA received positive feedback on phosphorus reduction credit

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methodology in draft Upper Charles River permit? A – many comments received, EPA evaluating.

Thelma references a guidance methodology for calculating phosphorus load – will be released in time for North Coastal permit issuance. EPA will entertain alternative methodologies for calculating phosphorus load. Mark Voorhees will entertain comments even at this date (after close of comment period)

Question – does Region 1 look to other regions for examples of best practices? A – Region 1 is unique (two states w/o delegated authority) so Region 1 EPA is out in front.

Question – has EPA done any research on future compliance costs? A – EPA in process of rulemaking on stormwater permit program, each proposed rulemaking must include cost/benefit analysis (OMB requirement). EPA is looking at expanding universe of MS4 program; also looking at merging of Phase 1 and Phase 2 program into single stormwater program. Also looking at development of post-construction standard (new development/redevelopment). Proposed regulations scheduled for Fall 2011.

**NEXT EAC MEETING:** April 14, 2011 – TEC 8:00 AM

Joseph W. Freeman  
EAC Co-Chair