

Minutes

Date: **March 14, 2018**
Time: From 10:30 AM to 11:30 AM
Location: Utah State DEQ Multi Agency Office Building, Room 1015
Address: 195 N 1950 W, Salt Lake City, Utah

Mission Statement: The Utah Storm Water Advisory Committee will coordinate efforts to reduce storm water pollution and provide adequate flood control. The committee will jointly review governing regulations, disseminate information to enhance compliance with those regulated, promote effective storm water management training, and assist local municipalities and other interested parties to implement best management practices, consistent with their individual needs and resources. The committee will also review any proposed storm water regulations to assess potential impacts on the regulated community.

1. Welcome to the USWAC members and introductions: *Tom Beasley welcomed everyone with a special recognition of Ross Ford from the Utah Home Builders Association.*
2. USWAC membership roster sign in. *Some members did not get the March agenda and requested to be added to the distribution list. If you do not receive the agenda and meeting minutes please check your spam folder first*

ACTION ITEMS

1. Review and approval of the minutes from the **February 14, 2018** meeting. *The minutes were move to be accepted by Paul Taylor and seconded by Greg Baptist. Thereafter the body voted to approve the minutes.*

A brief reminder of the USWAC mission statement was mentioned to help guide the comments to be useful feedback for the State Stormwater Managers.

2. Discussion: When does the Erosivity Waiver make sense?

Some MS4's were not aware of the Erosivity Waiver and a handful of MS4's received a small number of applications a year. Some MS4's did not allow the waiver or had their own ordinance and construction programs to require BMPs in the absence of the NOI.

The State indicated the Erosivity Waiver was allowed and when warranted a NOI was not required to satisfy the CGP requirements, however the waiver still has limitations including but not limited to: time restraints and sites are still subject to local ordinances.

The Erosivity Waiver was intended to address climate related variations across the State with respect to erosion potential [to be used with sound judgment].

Several MS4's comments implied waving some erosion controls could be justified but operational controls including but not limited to: "track out, concrete waste, other liquid waste, trash and dust controls should not be waived. Some sites also could have TMDLs and other sensitive features that should be protected. In addition, sometimes BMPs are necessary to protect the Right-of-Way from unsafe construction site situations and construction nuisances that should be prevented and many times the surrounding neighbors to construction projects expect to be protected by the Cities/Counties.

It was also discussed that the MS4 permit includes requirements expecting local ordinance [implying the existence of associated programs and standards the ordinance supports] to manage activities that can pollute water bodies and other sensitive features in the absence of a NOI, including but not limited to: ordinance support for MS4 Permit IDDE requirements, ordinance support for the overall intent of MS4 Permit Construction Site Storm Water Runoff Control and local ordinance governing various construction related activities.

USWAC Feedback: Overall the discussion revealed concerns with the Erosivity Waiver. Protection of water bodies and consistency could be improved by including Erosivity Waiver criteria to address most operational activities that can also generate pollutants and are not usually directly the result of erosion caused by precipitation.

2. Discussion: With regard to the Common Plan of Development definition some projects that should warrant stormwater BMPs do not qualify for an NOI. What challenges does this create for your MS4?

Some MS4's indicated when projects did not qualify for an NOI under the Common Plan of Development project definition it did cause some contention/frustration with the equal scale projects that did require a NOI. The discussion seemed to reveal this was more of an issue with the MS4's that did not have ordinance or other construction programs that govern projects that do not meet the criteria for an NOI with respect to the Common Plan of Development definition.

The MS4's that have a Land Disturbance Permit, Grading Permit or equal program appeared to have less concerns, however, there was a fair level of discussion relative to the lack of unity this ungoverned construction situation may cause for construction projects within the MS4 and across MS4's.

USWAC Feedback: The discussion revealed a fair level of concern that some projects warranting best management practices may not be governed suggesting that best management practices for all projects with equal potential for affecting water quality may need to be included. Perhaps this can improve uniformity and minimize inconsistency that is a concern of the construction industry. Improve MS4 permit language to include non Common Plan of Development Projects that warrant the implementation of best management practices in order to protect water quality.

REPORT ITEMS

1. State of Utah Updates:

- a. Municipal Program by Jeanne: *Jeanne noted that a number of outreach meetings have been or are being scheduled throughout the state with the Building Industry and local MS4s. A meeting in Salt Lake County has been held and that a meeting in Weber and Davis Counties was being held tomorrow. That a meeting in Cache County was being held next Friday. The meeting discussion included some of the consistency issues and a survey document was being prepared and would go out soon. The information from the discussion was being used to address the issues and to get a clear set of goals.*

Jeanne requested current stormwater manager contacts and asked local coalitions and MS4s to keep the DEQ as contacts change.

Jeanne asked if USWAC had a model ordinance.

Paul T. Was aware of the ordinance but it was out of date.

Jeanne asked if USWAC wanted to create a committee that to update the ordinance.

Tom asked do we want to create this committee. Does anyone want to serve as the chair?

No one responded.

Jeanne She indicated she had attend the national round table two week ago and it did seem that model ordinances were helpful. That such were used by state to help their MS4's. She would help with that effort.

Paul he had a copy and would send such to her.

Jeanne indicated that the LID manual RFP was not yet out but would be out shortly.

Jeanne noted that we were lucky to have local coalitions feeling that it was resulting in few legal challenges for the current UPDES Program. She complemented us for having a USWAC committee willing to discuss these issues.

Jeanne noted that a TMDL for Utah County and Utah Lake was coming up. She noted that ways to measure success would be considered.

Jeanne noted that EPA's e-reporting rules require electronic reporting for MS4 NOIs,

Jeanne noted that Annual Reports and Industrial Discharge Monitoring Reports by December 21, 2020.

Jeanne note that their budget had been approved and that new fees would be in effect as of July 1st.

- b. Industrial Program by Mike George: *Mike indicated that the Industrial committee had met this morning that they had had a big turnout and that Greg Baptist would be giving a report.*

Mike reported that 5 new sections were posted as of today.

Mike indicated that consideration and work on modifying the Main body of the MSGP. He would like to get consensus on anything to make the effort smoother and for the changes to succeed.

- c. Construction Program by Harry Campbell: *Harry noted he was working on the CGP but work on the SWPPP for the Common Plan Permit has been current focus. His work or changes to focus on the owner builder, and small contractors.*

He indicated he was working on 27 questions for the Common plan project considering or a handful of such would relate to each small project. The response to such being a yes or no answer. He wanted to organize the questions in a more logical sequence. He wanted to provide more applicable BMP's.

- d. Storm Water Program by Trisha DiPaola: *Trisha noted the MS4s need to maintain a current contact list with their division asking any changes to municipal contacts to be emailed directly to her.*

Trisha thanks the Jordan Valley MS4s for submitting their Notice of Intents (NOIs) on time. She noted that an outreach and scoping meeting to discuss JVM permit updates will be held on May 18th at the Salt Lake Co. Coalition Meeting.

Trisha noted several inquiries have recently come up regarding State projects in MS4 jurisdiction and whether Permittee's are required to inspect them. State projects typically constructed by Utah Division of Facilities Construction and Management (DFCM) of an acre or greater or part of a common plan within MS4 boundaries need to be inspected by the municipalities monthly. This is because MS4's are responsible for their storm infrastructure. DWQ is happy to assist or to advise as needed.

- e. Storm Water Program by Lisa Stevens: *No report.*
- f. Storm Water Program Monique Bridges: *No report.*
- g. Groundwater Protection by Brianna Ariotti: *No Report.*

2. USWAC Subcommittees Updates:

- a. Industrial: *Greg Baptist indicated the group had met today that it was a good meeting Greg was going to get a summary of the meeting and send to me to include with the minutes.*
- b. Long Term Storm Water Management: *No report*
- c. R.S.I. Program: *Paul Taylor indicated that a new training schedule was out. He indicated that they had had to cancel the training session in So. Utah as the trainer had retired. They were looking for a new trainer in the So. Utah Area as it was cost prohibitive to pay expenses for pay for travel and lodging to have someone go down from the north.*

It was asked if the trainer was being paid Paul explained that none of the trainers to date were being paid or had chosen not to be paid and this was so that the City providing the trainers could get the credit for the training requirement of their MS4 Permit.

- Paul expressed some concern over the registration problems for the RSI training saying that people were not being able to get through to register and that APWA was only posting one or two sessions at a time.*
- d. R.S.W/R.S.R. Program: Tom Beasley reported that they had held the second class there in Riverton. He indicated attendance was low and which was likely the result of electronic registration difficulties.*
 - e. MS4 Unification Review Committee: Don Reynolds indicated that their committee had met on March 1st, with attendance from private consultants working in the field MS4s and DEQ representatives and that from such the Survey Document previously mentioned by Jeanne had resulted. He again encourage that as many people as possible especially those doing inspections respond even though that had multiple responses for various agencies. He noted that such was confidential that no names were being used but position titles did show in the petition.*
3. *APWA News and Updates: Paul reported that he and Trace had met with the APWA board. He indicated that there were still meetings going on with LTAP to take over the RSI Registration. That the change would have to have APWA Board Approval. Paul indicated that LTAP would have number or costs for their takeover of the registration and or administration of the RSI program.*

Paul explained that everything being done by APWA for the present was on a volunteer basis. So patience was in order. He noted the classes were being well attended except for the cancelled class in So. Utah.

It was asked if APWA had the funding available to pay the instructors which Paul responded that they did, but again to change such but as noted before it was not the current policy requiring board approval and that there were other complications to be considered.

Utah coalition had also asked about paying for an instructor. Paul noted again that such must be voted upon by this body as well as the APWA Board.

APWA has invited USWAC to give a presentation at their next meeting on March 22, 2017 that those interested in attending needed to RSVP to Utah APWA. There is a charge for the luncheon but APWA members have a reduced rate.

4. **Stormwater Coalitions News and Updates:**

SLCo. - Tom Beesley , the water fair was coming up on May 9th and 10th. It was noted that a new public relations consultant had been engaged.

Weber County – Blane Frandsen noted that their Water Fair was scheduled in April.

Washington County – Linda Gibson. It was noted that Linda Gibson from Ivins was the new Coalition Chairperson. She also noted their Water Fair was up and coming no date was noted. She indicated they have had discussion regarding their need for an RSI trainer as well as discussions on LID issues.

Utah County – James noted that they were having discussions regarding LTSP implementation that some Cities were not ready to sign the agreements.

Cache County - Their water fair was noted.

Davis County - Water Fair coming in April.

5. Other topics/ business: *Greg Baptist – noted CISEC train scheduled for April 12th and 13th at the Utah county Facilities. Registration was directly through CISEC.*
6. Public comments or questions: None
7. Adjourn to advisement/ subcommittees and collaborative business: about 11:45
8. Next meeting: Wednesday **11 April** at 10:30 AM.

Note: *Copies of the USWAC meeting agendas, minutes, presentations, forms RSW/RSR and RSI information are available at the following link: www.uswac.org*

RSI, and RSW/RSR 2018 Training Schedule

Go to <http://utah.apwa.net/> for RSI and RSW/RSR class schedules. The links are on the front page under Upcoming Events.

Registration to attend the RSI and RSW/RSR training classes are available online only. APWA only schedules classes 2 Months in advance.