

Rochester Water Pollution and Flood Reduction Workgroup
Meeting #3 – March 30, 2023
4pm – 6pm

Meeting Attendees

- Consultant Team: Renee Bourdeau– Geosyntec Consultants; Bella D’Ascoli– Geosyntec Consultants; Dave Fox– Raftelis;
- City of Rochester: Peter Nourse – Director of City Services; Shanna Saunders– Director of Planning & Development; Peter Lachapelle – Deputy Mayor; Katie Ambrose – Deputy City Manager, Director of Finance & Administration; Mark Sullivan – Deputy Finance Director – Budget Management & Purchasing; Jenn Marsh – Asst. Director of Economic Development; Daniel Camara – GIS; Michael Scala – Director of Economic Development; Jarrod Norris – Assistant City Engineer
- Other Participants: Barbara Holstein – Member of SRPC
- Not present: Josh Dame - LDI Solutions; Michael Bezanson – City Engineer

In the News

Article: [Dover, Portsmouth NH object to new stormwater rules for Great Bay \(seacoastonline.com\)](https://seacoastonline.com)

CLF RDA Petition: [Microsoft Word - 2.15.23 Great Bay RDA Petition \(clf.org\)](https://clf.org)

Bourdeau: If accepted by EPA, the CLF petition would require industrial, commercial, or institution properties currently not regulated under a NPDES permit with impervious area greater than 0.75 to be regulated under a new NPDES permit. This would apply to 32% of commercial parcels in Rochester. CLF filed a similar petition in the Boston area (Charles River Watershed) in 2019 and 2020 (Mystic and Neponset River Watersheds). Based on these petitions EPA is exercising their RDA authority and has confirmed they will be issuing a NPDES permit in Massachusetts to regulate the industrial, commercial, and institution properties in these Boston watersheds not currently regulated under a NPDES permit. EPA has 90 days (May 16, 2023) to respond to CLF’s petition

Scala: What is the health of the estuary?

Ambrose: Lots of indicators of the state of the estuary but people disagree in the underlying issues and factors of the estuary (other than nitrogen)

Scala: EPA will have to accept these studies? Inquiring accuracy?

Ambrose: EPA has allowed an adaptive management approach under the NPDES Great Bay General Permit which will allow communities to dive further into the science to understand the health of the estuary and take this information into the next permit

Bourdeau: Wastewater treatment plants have been improving and many communities want to understand how these water quality improvements will change to health of the estuary.

Ambrose: There has been an understanding that this is not just nitrogen

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Nourse: Focus and data has been around nitrogen and estuary health, but is more complex than just nitrogen

Ambrose: The petition raises questions about stormwater utility if these parcels will have a permit

Bourdeau: It may make sense for us to get an understanding of the regulatory response from EPA. If commercial, industrial, and institutional users are regulated under a NPDES permit, it changes the financial contributions quite a bit

Key Takeaways from Meeting #2

Bourdeau: Public knowledge is limited on stormwater. A goal should be to do better budget tracking, so the City has a solid understanding on the investments in stormwater and drainage. Additional notes in presentation slides.

Land Use and Impervious Cover Assessment

Bourdeau: The impervious cover area breakdown has been updated with City owned roads.

Fox: If moving forward with fee, need to tread lightly. There are several uncertainties currently to make a firm decision about the fee. Predominant fee methodology based on equivalent residential unit for non-single family properties. The fee changes based on if we include city and state roads or properties.

Nourse: Can you remind significance of including duplex and triplexes?

Bourdeau: We included all residential housing into one unit for now for simplicity.

Fox: Some communities vary in how they define the fee (charging duplex and triplexes differently than single family homes), but it does not make a significant difference in the fee.

Bourdeau: If it comes down to a perception issue, we can always breakdown the residential building types out with different fees.

Saunders: What about the Dover plan?

Bourdeau: Does not know Dover's plan for residential breakdown. Dover will have planning meeting in May and notes Dover is interested in presenting and talking to this group if there is interest.

Holstein: Notes they may have it televised and great to watch.

Bourdeau: To track the stormwater/drainage budget more efficiently, one option is to set up a single location for funding starting in fiscal year 2024. This would create a stormwater division. Moving forward drainage would be pulled out so that it is easy to inform budgeting and funding. Advantages: improves tracking of stormwater costs and can roll over through years. Disadvantage: budget still requires approval from City Council and from general fund.

Fox: Notes that improved tracking will be beneficial in the future.

Lachapelle, Bourdeau, and Ambrose in agreement with **Fox**.

Ambrose: Would it be a separate division? Not an enterprise fund?

Sullivan: There are multiple divisions. Not a special fund but a division of the general fund to show breakdown.

Lachapelle: From a council perspective, this is positive, as they can see the exact number of what is being spent

Bourdeau: It will be easier long-term to justify increase in spending

Holstein: Would there be competition for fund?

Sullivan: there is always a competition and typically council funds what is necessary.

Funding Alternatives

Bourdeau and **Fox** briefly walk through options (refer to meeting slides)

Discussion and Questions as follows:

- General fund
 - No questions on this section
- Stormwater user fee
 - **Holstein:** Is sewer use is not indicative of stormwater?
 - **Fox:** No these are separate. Stormwater would be contingent on sq ft of impervious cover
 - **Ambrose:** Have we confirmed that legislation/authority exists to go after users who do not pay?
 - **Fox:** No
 - **Norris:** What percentage of people pay and do not pay water or sewer?
 - **Sullivan:** 5% shut offs per year on average, 350-400 a year out of about 7000 customers
 - **Fox:** Anecdotally we see 1-3% shut offs on average for other communities.
- Other fee mechanisms
 - No questions
- Public-private partnerships
 - **Nourse:** Notes that Rochester has implemented system development fees for water and sewer for new development
 - **Bourdeau:** Is this is above and beyond usage fee? One time?
 - **Nourse:** Yes, one time and it is helping to offset rate payers. Fee is \$4.33 per gallon of sewer and \$3.17 per gallon water. This is for perspective and is an option for stormwater
 - **Bourdeau:** Is this fee different from impact fees? What were those for?

- **Sullivan and Marsh:** Impact fees were for police dept, school, fire dept percentage for new development. Ended up at as a zero line item
- **Bourdeau:** What made this fee successful?
 - **Nourse:** Development is taking off
 - **Sullivan:** And it was presented as an equitable fee that everyone pays the same size per bedroom whereas the other fee was based on square footage. It was key that it was treating everyone the same.
 - **Fox:** The justification is that the rate payers have been paying historically and new payers would likely not have paid much before.
 - **Sullivan:** Water fund is stressed heavily as an enterprise fund
- Grants/loans
 - **Nourse:** Grant funding is not always aligning with budget but usually go through
- Bonds
 - No questions

Next Steps

Bourdeau: Next steps will be to write up feasibility study report. The feasibility study report will include recommendations to establish a stormwater division, dedicated funding, robust public outreach, identify program goals, strategy for realistic timeline (update based on NPDES permit), and program/division resource requirements

Nourse: EPA will administratively continue 2017 MS4 permit after July 1st until the new permit becomes effective. A draft has not been released

Bourdeau: EPA process for accepting new permit will be a long process but should be release draft permit soon (was expected in Q1 2023).

Nourse: Does the feasibility study need to be submitted before 12/2023? We shouldn't rush this

Marsh: We should wait for more information on the CLF decision

Bourdeau: is it better to write report now and then present to city council when we are ready (before December 2023)

Lachapelle: council would want to know what is coming down the road (even as a best guess)

Bourdeau: Asks if EPA's decision on the CLF petition will change the recommendations that we have outlined?

Nourse: something to be conscious of that the WWTP received NPDES permit which could cost 20-30 million to treat phosphorous and this will be coming to the council. City needs to digest issue and appeal the permit and we should manage events as they are presented to council.

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Saunders: Reminds all that the goal is to respond to CLF. Maybe the best thing is to present to council and get it out of the way as a “consideration”

Nourse: Notes **Saunders** has a good idea. However even if we do not recommend a stormwater fee, they are going to petition anything

Lachapelle: Who does EPA report to

Nourse: Congress under the Clean Water Act. It gives broad support to EPA.

Ambrose: How long will writing the feasibility study take?

Bourdeau: Couple weeks to a month? Depends on when we want to present to council

Ambrose: That will cover what we have examined: barriers, enforcement?

Bourdeau: Yes, everything that has been covered in meetings. It would state reasoning behind recommendations

Saunders: Not looking for vote?

Bourdeau and Lachapelle Yes

Sullivan: When is EPA wastewater discussion going to city council?

Nourse: May

Holstein and Sullivan This should come after budget. More likely September

Bourdeau: We would at least have a response from EPA to CLF by September and perhaps even a new draft MS4 permit.

Marsh: We will review again and note that this is not stagnant or stationary.

Marsh: How long would it take for the city to get to the point of implementation?

Sullivan: No idea, we have no mechanism right now.

Bourdeau: If the city continues to educate in the off time and bring the public up to speed, it will reduce the time the city needs to implement

Marsh and Bourdeau Agree that 1-3 years is typically the implementation phase to billing.

Fox: We’ve seen them done faster (6 months) but that is not realistic expectation. Notes it should be years to consider and do it the right way and due diligence with every factor (billing, rate, data, education, etc). Reminds that right now is not the correct time for a fee but as we collect data and other case studies arise, that recommendation can change.

Bourdeau: Sounds like the earliest we want to go to council is August/September.

Ambrose: Unless something comes out of Dover or MS4 permitting, we do not need to meet again.

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Bourdeau: Will share Dover meetings and information as it becomes available

Holstein: Things will be changing, and we do not want to be ahead of it but want to see where they are going. Notes stepping back is helping right now

Bourdeau: These meetings have been positive for moving forward in the future with data collection and discussions. We will move ahead with feasibility study and info from neighbors

Nourse: \$100,000 grant for public outreach, where does that go?

Saunders: Does this have to be for stormwater?

Bourdeau: It could be more for creative ways: website, education videos, crediting?

Lachapelle: what is timeframe?

Nourse: Next week will be at council with grant

Ambrose: Notes we can say that funding is available

Fox: A fee is going to go live 2023/2024 for Boston Water and Sewer and that the first step is education and rolling out context so that the fee does not come out of no-where.

MEETING ADJOURNED AT 5:15 pm