



SMSWG MEETING NOTES

Wednesday November 28, 2018 12:30 pm

Eliot Town Hall Select Board Chambers – 1333 State Road, Eliot, ME

In Attendance:

SMPDC: Abbie Sherwin

Kittery: Jessa Kellogg,

Eliot: Joel Moulton, Jess McQuade

South Berwick: Jon St. Pierre

Berwick: Steve Eldridge

York: Leslie Hinz,

Portsmouth Naval Shipyard: Jay Flagg, Andrew Smith

Maine DEP: Rhonda Poirier

Integrated Environmental: Kristie Rabasca

DOT: Taylor LaBrecque

MTA: Aimee Mountain

Agenda

1. Introductions – Andrew Smith will be taking over stormwater duties from Jay Flagg for Shipyard. Looking for training programs to expand his expertise. Provided suggestions in agenda item 4 below.
2. Permit Renewal Update
DEP is drafting a new version of the permit, which will be sent to all stakeholders for review. We anticipate there will be a stakeholder meeting to allow DEP to explain the draft before any formal comments are due. R. Poirier confirmed DEP does not have a specific date when next version (6th?) will be issued, nor date of stakeholder meeting.
3. Tasks this year (until next permit is effective)
 - a. Review DEP Guidance on Task Implementation (statewide call on Friday 11/30/2018 morning to discuss guidance and provide consolidated comments and questions for DEP). Action: K. Rabasca provided L. Hinz and J. Kellogg with meeting invite (completed 11/29/2018). Guidance recommended completing Public Education Activities identified in PY 4. (Note a subsequent Guidance letter issued 12/13/2018 clarified that no septic system work was required).
 - b. Municipal Awareness: K. Rabasca provided all present with attached summary of activities required for municipal awareness plans. Generally:
 - i. Provide Fact Sheets to any new Board members and it might be a good time to do updates with boards if their schedules are light over the holidays.
 - ii. Meet with Departments for Stormwater O&M Procedures (let me know if you need updates on the procedures)
 - c. Training review:
 - i. J. Kellogg will provide training for Kittery
 - ii. L. Hinz and K. Rabasca will provide training for York on normal schedule (with Safety training in May/June).
 - iii. K. Rabasca will send out two invites for a combined Eliot/South Berwick/Berwick Stormwater Training. Invitation will include Abbie Sherwin. Propose time in March.

4. Updates from Towns and Partners (including dates of interest)
 - a. Nonpoint Source Priority Watersheds List (comments due 12/14/2018) – all agreed we should provide comments on the list. There is a designation called, “Threatened for Highway-access related development”, based on proximity to I-295 and the Maine Turnpike exits. Waters in Kittery and York are affected by this listing. DEP did some field work related to the listing and hopes to make communities more aware of the development threat through the listing. The listing makes these streams and watershed accessible to 319 funding. There are no adverse impacts to having a water listed, but all agreed we should ask what the protocols were for the desktop study and field work that resulted in the listing. (Post meeting note – KLR provided comments on 12/14, cc’ing J. Kellogg and L. Hinz and received a response from DEP. The comments and response are attached.)
 - b. NEWEA (New England Water Environment Association) Annual Conference Jan 27-Jan. 30, 2019 <https://annualconference.newea.org/> Boston Marriott Copley Place. This is the regional arm of the Maine Water Environment Association (Stormwater Committee, which represents a statewide group of MS4s). Jessa and Leslie recommend the conference.
 - c. Eliot – Wood/Staples/Leach Road Stormwater improvements were completed this fall. A Request for Qualifications is being issued to provide Design services for the next permit cycle. Three firms will be selected based on quals, then each will provide pricing for individual projects throughout the 5 year period.
 - d. Eliot, Kittery and York – Illicit Discharge investigations are moving forward.
 - e. Kittery will be hosting the Maine Healthy Beaches conference in 2019.
 - f. T. LaBrecque, J. Kellogg and A. Mountain are Certified Professionals in Municipal Stormwater Management (program offered by Envirocert <https://www.envirocertintl.org/cpmsm/>)
 - g. SMPDC – Partnered with Kittery and Portsmouth Naval Shipyard to assess if transportation infrastructure could support the workforce at the Shipyard for future years. Timing is excellent because PNS just submitted permitting documents to State and Army Core of Engineers to construct new dry docks to expand capabilities to do maintenance on submarines.
 - h. DOT – Developing capability to conduct field inspections electronically (GIS based). Maintenance of infrastructure is on-going.
 - i. Planning has begun for the 2019 Maine Stormwater Conference (in Portland usually just before Thanksgiving.

5. Planning for next Permit Cycle – continued focus on Public Education. Brief review attached meeting notes updated from prior meeting and determine next steps. - There was insufficient time to review this information in Detail. K. Rabasca planned to attend the 12/13/2018 BASWG meeting, but the meeting was cancelled. The next meeting will be 1/10/2019, and K. Rabasca will attend.

Next Meetings: (last Wednesday of Jan, Mar, July, Sept, Nov, always from 12:30 to 2 and food is provided)

Wednesday January 30, 2019 – South Berwick Town Hall (Snow day 1/31)
Wednesday March 27, 2019 – Berwick Town Hall Berwick Town (Snow day 3/28)
Wednesday May 29, 2019 – York Library



Southern Maine Stormwater Working Group Meeting
Wednesday 11/28/2018
12:30 pm to 2:00 pm
Eliot Town Hall

Printed Name	Affiliation	Signature
Rhonda Poirier	Maine DEP	<i>Rhonda Poirier</i>
Jon St. Pierre	South Berwick Public Works Director	
Joel Moulton	Eliot Public Works Director	<i>Joel Moulton</i>
Jess McQuade	Eliot Public Works Admin. Assist	<i>Jess McQuade</i>
Abbie Sherwin	SMPDC	<i>Abbie Sherwin</i>
Jessa Kellogg	Kittery Stormwater Coordinator/ Shoreland/ Environmental Resource Officer/Planning Assistant	<i>Jessa Kellogg</i>
Dave Rich	Kittery Public Works Commissioner	
Dean Lessard	York Public Works Director	
Leslie Hinz	York Stormwater Manager/ Assistant CEO	<i>Leslie Hinz</i>
Whitney Baker	York County SWCD	
Melissa Brandt	York County SWCD	
Aimee Mountain	GZA/MTA	<i>Aimee Mountain</i>
Taylor LaBrecque	Maine DOT	<i>Taylor LaBrecque</i>
Kristie Rabasca	Integrated Environmental Engineering, Inc.	<i>Kristie Rabasca</i>
James Bellissimo	Berwick Planner	
Steve Eldridge	Berwick Town Manager	
Carly Stella	Berwick Administrative Assistant	
Jay Flagg	Portsmouth Naval Shipyard	<i>Jay Flagg</i>
Andrew Smith	Portsmouth Naval Shipyard	<i>Andrew Smith</i>
Melissa Libby	Portsmouth Naval Shipyard	
Mary Wicklund	Eliot Resident	

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Municipal Awareness Cheat Sheet:

	Berwick	Eliot	Kittery	South Berwick	York
Council/Select	Fact Sheet to new members and Need annual presentation	Fact Sheet to new members	Fact Sheet to new members and Need annual presentation	Fact Sheet to new members and Need annual presentation	Fact Sheet to new members and Need annual presentation
Budget Comm	NA	Budget Meeting MS4 discussion	NA	NA	Narrative provided to Budget Committee
Planning Board	Fact Sheet to new members and need annual presentation	Fact Sheet to new members	Fact Sheet to new members and Need annual presentation	Fact Sheet to new members and Need annual presentation	Fact Sheet to new members and Need annual presentation
Conserv. Comm	NA	Fact Sheet to new members and offer to meet (Planner)	Fact Sheet to new members and offer to meet (Jessa)	Fact Sheet to new members and offer to meet	Fact Sheet to new members and offer to meet (Leslie)
Shellfish Comm.	NA	NA	Fact Sheet to new members and offer to meet (Jessa)	NA	Fact Sheet to new members and offer to meet (Leslie)
New staff	Fact Sheet and meeting with any new Code Officer	Fact Sheet and meeting with any new Code Officer	Fact Sheet and meeting with any new Code Officer	Fact Sheet and meeting with any new Code Officer or Rec Director	

Kristie Rabasca

From: Feindel, Kristin B <Kristin.B.Feindel@maine.gov>
Sent: Friday, December 21, 2018 3:03 PM
To: Kristie Rabasca
Cc: Jessa Kellogg (jkellogg@kitteryme.org); Leslie Hinz (lhinz@yorkmaine.org); Garland, Wendy; Dennis, Jeff; Witherill, Donald T
Subject: RE: [EXTERNAL SENDER] Comments on the NPS Priority Watersheds List

Kristie,

Thank you for your quick reply. We look forward to discussion with you, Leslie, and Jessa about possible approaches to protecting these and other streams in Kittery and York.

Happy holidays,
Kristin

Kristin Feindel
Environmental Specialist in the Watershed Management Unit
Bureau of Water Quality
[Maine Department of Environmental Protection](#)
(207) 215-3461

From: Kristie Rabasca [mailto:krabasca@integratedenv.com]
Sent: Thursday, December 20, 2018 4:26 PM
To: Feindel, Kristin B <Kristin.B.Feindel@maine.gov>
Cc: Jessa Kellogg (jkellogg@kitteryme.org) <jkellogg@kitteryme.org>; Leslie Hinz (lhinz@yorkmaine.org) <lhinz@yorkmaine.org>; Garland, Wendy <Wendy.Garland@maine.gov>; Dennis, Jeff <Jeff.Dennis@maine.gov>; Witherill, Donald T <Donald.T.Witherill@maine.gov>
Subject: RE: [EXTERNAL SENDER] Comments on the NPS Priority Watersheds List

Good Afternoon Kristin,
Thanks for the detailed reply. We appreciate the information provided and do see that you had a systematic approach and used standardized protocols and forms. I am also glad to see the work was completed in accordance with the QAPP. Sorry if I misunderstood you during our conversation.

I am sure Leslie, Jessa and I will be reaching out to you in the coming weeks about ways we can assist in protecting these streams and others in Kittery and York.

Happy Holidays.

Kristie L. Rabasca, P.E.
207-415-5830 (cell)

From: Feindel, Kristin B <Kristin.B.Feindel@maine.gov>
Sent: Thursday, December 20, 2018 4:13 PM
To: Kristie Rabasca <krabasca@integratedenv.com>
Cc: Jessa Kellogg (jkellogg@kitteryme.org) <jkellogg@kitteryme.org>; Leslie Hinz (lhinz@yorkmaine.org) <lhinz@yorkmaine.org>; Garland, Wendy <Wendy.Garland@maine.gov>; Dennis, Jeff <Jeff.Dennis@maine.gov>; Witherill, Donald T <Donald.T.Witherill@maine.gov>
Subject: RE: [EXTERNAL SENDER] Comments on the NPS Priority Watersheds List

Kristie,

Thank you for your email with comments and questions about the Threatened Streams NPS Priority Waters List. Please see the following responses to your questions regarding Kittery and York streams on the NPS Priority Threatened Stream list with the reasoning "Highway Access-related Development Threat".

1. Although we appreciate that the designation is designed to make communities aware that the DEP has concerns about the waterbodies listed, we have concerns that the basis for the designation was not sufficiently, systematic, objective, and reproducible. We understand from my 11/26/2018 conversation with you that the waters were first listed based on a desktop exercise (location within 1 mile of a highway access), followed by field visits where no standardized protocol was followed, and no standardized forms were used to document observations and data collected.

I apologize if I misrepresented the extent of our use of standard protocols and forms during our 11/26/18 conversation. Please see below for a more detailed explanation of the selection process and field work associated with the Threatened Streams on the NPS Priority Watersheds list due to Highway Access-related Development Threat.

The process to originally add streams to the 2014 NPS Priority Streams Threatened list for *Highway Access-related Development Threat*, was as follows. The streams with a high risk of future development in their watershed due to their location near a highway exit were determined by completing a risk assessment of the likelihood of development near each Maine Turnpike, Interstate 95, and Route 295 exit that had stream watersheds within a one mile radius. Streams within the one-mile radius were determined through a GIS analysis, and the associated watersheds were delineated using topographic maps. Identified streams were categorized as having a high, medium, or low risk of development in their watershed due to Access-related development. Streams with a high risk of development were added to the priority list.

In 2015, to follow up on this desktop analysis, DEP staff conducted screening level surveying and water quality sampling of approximately 40 streams that were on the NPS Threatened Streams Priority List due to 'Highway Access-related Development Threat' and several others identified as possibly threatened. The goal of the screening was to get a snapshot of some of these streams to see if they were showing signs of stress or not, and assess whether they fit the NPS priority water selection principles. The guiding principles for NPS priority water selection include evaluation of whether NPS pollution is the primary source of impairment threat and the likelihood that NPS grant funds and support could make a difference in water quality. This screening used the attached field sheet (Threatened Data Sheet), and data results were compiled in the attached spreadsheet (Turnpike Stream Screening (responses)).

In 2016 and 2017, additional follow-up surveying and water quality sampling was conducted on several streams, including Moulton Brook, where more information was needed. Town zoning maps were also reviewed where available. A DEP evaluation team reviewed the survey results and assessed whether any of the surveyed streams were recommended for removal from or addition to the NPS Priority List. The results of that assessment are attached (Threatened Streams Rating Table). The field sheets from sampling that occurred on Moulton Brook, York are attached (Moulton field sheets 2017).

We believe the basis for designation of Chickering Creek, Little River, Moulton Brook, and Unnamed Stream at Exit 7, tributary to Moulton Brook was systematic, objective, and reproducible. Our monitoring work followed the protocols in the DEP-approved Quality Assurance Project Plan for Monitoring Nonpoint Source and Total Maximum Daily Load Streams (Maine DEP, 2010, updated 2016).

2. Please provide any data the Department has related to this designation for the waters listed above.

See attachments described above.

3. We are also requesting clarification as to how this designation relates to the NPS TMDL document and the Impervious Cover TMDL document.

The purpose of Maine DEP's NPS Priority Watersheds list is to guide Clean Water Act (CWA) Section 319 grant funds and assistance and to encourage NPS protection and abatement work in these watersheds. The NPS Priority Watersheds List includes impaired and threatened waters, each on separate lists. Waters on the Threatened Streams List are not on Maine's 303(d) list of impaired waters, and therefore are not subject to TMDLs. If a threatened stream becomes 303(d) listed, it would be moved to the Impaired Streams Priority List and may eventually require a TMDL.

Given the many challenges and high costs associated with stream restoration, Maine DEP seeks to raise awareness and direct 319 grant funding towards proactive watershed protection efforts. We would be interested in further discussion about possible approaches to protecting these and other streams in Kittery and York.

Thank you,
Kristin

Kristin Feindel
Environmental Specialist in the Watershed Management Unit
Bureau of Water Quality
[Maine Department of Environmental Protection](http://www.maine.gov/dep/water/)
(207) 215-3461

From: Kristie Rabasca [<mailto:krabasca@integratedenv.com>]
Sent: Friday, December 14, 2018 12:08 PM
To: Feindel, Kristin B <Kristin.B.Feindel@maine.gov>
Cc: Jessa Kellogg (jkellogg@kitteryme.org) <jkellogg@kitteryme.org>; Leslie Hinz (lhinz@yorkmaine.org) <lhinz@yorkmaine.org>
Subject: [EXTERNAL SENDER] Comments on the NPS Priority Watersheds List

Hi Kristin,

We are providing comments and questions on the Threatened Streams Priority List which does not fit into the standard form you provided. I hope this email suffices.

Regarding the Streams that are listed as "Threatened for Highway Access-related Development Threat" (high risk of future development in a watershed due to its location near a highway exit) in Kittery (Chickering Creek), and York (Little River, Moulton Brook, and Unnamed Stream at Exit 7, tributary to Moulton Brook):

1. Although we appreciate that the designation is designed to make communities aware that the DEP has concerns about the waterbodies listed, we have concerns that the basis for the designation was not sufficiently, systematic, objective, and reproducible. We understand from my 11/26/2018 conversation with you that the waters were first listed based on a desktop exercise (location within 1 mile of a highway access), followed by field visits where no standardized protocol was followed, and no standardized forms were used to document observations and data collected.
2. Please provide any data the Department has related to this designation for the waters listed above.
3. We are also requesting clarification as to how this designation relates to the NPS TMDL document and the Impervious Cover TMDL document.

Please let me know if you need me to complete the form for comments, or provide these comments in some other fashion.

Thanks for your consideration.

Integrated Environmental Engineering, Inc.
Kristie L. Rabasca, P.E.
207-415-5830 (cell)

From: Feindel, Kristin B <Kristin.B.Feindel@maine.gov>

Sent: Thursday, November 8, 2018 9:11 AM

To: aclift@cumberlandswcd.org; amyarsenault@awwatersheds.org; nlra.andrew@metrocast.net; ablanchette@scarboroughmaine.org; Angela.wotton@me.nacdn.net; aubrey@verdantwater.com; jmaloney@avcog.org; Godsoe, Benjamin <Benjamin.Godsoe@maine.gov>; Benjamin.matthews@tnc.org; bgreatful41@gmail.com; Hinkel, Bill <Bill.Hinkel@maine.gov>; wmonagle@roadrunner.com; blfekete@colby.edu; bmzconsulting@aol.com; Bronson, Brian N. <Brian.N.Bronson@maine.gov>; cweymouth@maineconservationdistricts.com; cvmosher@gmail.com; ctetreau@freeportmaine.com; parkstopher@gmail.com; chuck@kvcog.org; colin@leamaine.org; lakesalliance@yahoo.com; cbohlen@usm.maine.edu; djones@lewistonmaine.gov; dalyn@srcc-maine.org; dale@kcsxcd.org; danielle.wain@7lakesalliance.org; Rocque, David <David.Rocque@maine.gov>; Braley, David <David.Braley@maine.gov>; critchfield@emsource.com; Dorr, Dustin <Dustin.Dorr@maine.gov>; tcollins@emdc.org; Gordon, Tom <Tom.Gordon@maine.gov>; gregjolda@hq.fbnintegrated.com; scarver@gpcog.org; tmartin@hcpcme.org; hildy@knox-lincoln.org; ifrignoca@cascobay.org; jreynolds@falmouthme.org; jziegra@bbrwd.org; jacobaman@wellsnerr.org; jfitch@scarboroughmaine.org; Wood, Jana <Jana.Wood@maine.gov>; jdisney@mdibl.org; jen@ecoinstincts.com; jbrockway2017@gmail.com; Meeks, Jessica <Jessica.Meeks@maine.gov>; jkeene@portlandmaine.gov; jonathan.eaton3@gmail.com; Noll, Joshua A <Joshua.A.Noll@maine.gov>; yearly@lewistonmaine.gov; katherine.mcdonald@gza.com; Leyden, Kathleen <Kathleen.Leyden@maine.gov>; karndt@presqueisleme.us; kbuechs@earthlink.net; Kristie Rabasca <krabasca@integratedenv.com>; landis@mainerivers.org; laura.roseday@7lakesalliance.org; lds@maine.rr.com; lhinz@yorkmaine.org; thewhpwa@gmail.com; lindaschier@awwatersheds.org; info@awwatersheds.org; MACDStaff@maineconservationdistricts.com; info@meriresearch.org; envplanner@maliseets.com; Hedrich, Mark <Mark.Hedrich@maine.gov>; Randall, Matthew <Matthew.Randall@maine.gov>; mmclaughlin@oobmaine.com; mcrpc@midcoast.com; oxfordcountyswcd@outlook.com; mvl@midcoast.com; jkamm@nmdc.org; martindana@passamaquoddy.com; pcloutier@southportland.org; patteespond@gmail.com; pplummer@town.harpswell.me.us; phunt@pwd.org; pauline.pare@me.usda.gov; Heidi.Reinhard@me.nacdn.net; heidi.reinhard@piscataquisswcd.org; dan.kusnierz@penobscotnation.org; natlpete@maine.rr.com; Slovisky, Peter A <Peter.A.Slovisky@maine.gov>; Carey, Phil <Phil.Carey@maine.gov>; Garwood, Phil E <Phil.E.Garwood@maine.gov>; ppa@raymondmaine.org; carolyn@pemaquidwatershed.org; rdube6@roadrunner.com; richard.kersbergen@maine.edu; rjioxie8@gmail.com; Rwoodman@acfenv.com; Faunce, Robert <rfaunce@megalink.net>; rmelanson@topshammaine.com; rosie@rosieworks.com; Dzenis, Ruta <Ruta.Dzenis@maine.gov>; burtonry@hotmail.com; sgorneau@acfenv.com; scott.williams@mainevlmp.org; smduchesne@roadrunner.com; info@smrpc.org; Scott, Sophia <Sophia.Scott@maine.gov>; Beyer, Stacie R <Stacie.R.Beyer@maine.gov>; tholtwijk@town.falmouth.me.us; tgruber@maine.rr.com; tlea@fairpoint.net; tnt20@roadrunner.com; Burrowes, Todd <Todd.Burrowes@maine.gov>; president@togusponds.org; Danielson, Thomas J <Thomas.J.Danielson@maine.gov>; Tmilligan@biddefordmaine.org; BristolTownAdm@tidewater.net; manager@cascomaine.org; mgagnon@ellsworthmaine.gov; info@marshallmaine.org; lakes@raymondmaine.org; jhewett@skowhegan.org; townmgr@waldoboromaine.org; Krueger, Tracy <Tracy.Krueger@maine.gov>; umbiosci@maine.edu; marvin@wabanaki.com; jceast@wccog.net; zhenderson@woodardcurran.com

Cc: Garland, Wendy <Wendy.Garland@maine.gov>; Witherill, Donald T <Donald.T.Witherill@maine.gov>; Dennis, Jeff <Jeff.Dennis@maine.gov>; Dennis, Mary-Ellen C <Mary-Ellen.C.Dennis@maine.gov>; Beane, Greg E <Greg.E.Beane@maine.gov>; Hoppe, Kathy M <Kathy.M.Hoppe@maine.gov>; Maclaine, John <John.Maclaine@maine.gov>

Subject: NPS Priority Watersheds List Annual Opportunity to Propose Changes

To: People Interested in 319 NPS Grants

From: Maine DEP NPS Program

The Maine DEP is providing an opportunity for interested parties to submit a request to add or remove a waterbody from the [Nonpoint Source Priority Watersheds List](#). This year the opportunity also includes notice of opportunity to comment on DEP-proposed changes to the priority lists.

Please see the attached “Opportunity to Propose Adding or Removing a Waterbody & Notification of DEP-Proposed Waterbody Changes to NPS Priority Watersheds List” document for more information on submitting a request or comment, including the DEP-proposed changes to the priority lists. This notice has also been posted on the [DEP Opportunity to Comment website](#).

The purpose of the NPS Priority Watersheds List is to encourage NPS abatement work in watersheds most vulnerable to NPS pollution. Waterbodies must be on this list to be eligible to apply for 319 NPS Grant funds. Please note this list is different and separate from the lists in the Maine DEP Integrated Report, which are used for waterbody attainment.

Deadline for requests or comments is December 14, 2018.

For more information or to submit a request or comment, please feel free to contact me.

Thank you,
Kristin

Kristin Feindel
Environmental Specialist in the Watershed Management Unit
Bureau of Water Quality
[Maine Department of Environmental Protection](#)
(207) 215-3461