

FINAL MINUTES
HB 1295 COMMISSION TO STUDY THE ISSUE OF
STORMWATER MANAGEMENT

July 6, 2009 1:00 PM
NH Legislative Office Building, Room 305, Concord, NH
Rep. Judith Spang, scribe

Members Present:

Chair: David Cedarholm	NH Public Works Association
Vice Chair: Judith Spang	NH House of Representatives
Karen Ebel	The Nature Conservancy
Donald Sienkiewicz	Home Builders and Remodelers Association
Michael Trainque	American Council of Engineering Companies
Newb LeRoy	Associated General Contractors of NH
Rep. David Borden	NH House of Representatives
Mark Hemmerlein (for Charlie Hood)	NH Dept. of Transportation
Paul Currier	NH Department of Environmental Services
Dave Danielson	NH Association of Regional Planning Commissions
Sen. Jacalyn Cilley	NH Senate
Joe Robertie	NH Timber Owners Association

Members Absent:

Dari Sassan	NH Office of Energy and Planning
Charlie Hood*	NH Department of Transportation
Carl Paulsen	NH Rivers Council
Jacalyn Cilley	NH Senate
Eber Currier	NH Farm Bureau
Chris Devine	NH Local Government Center
Steve Kahl	NH Lakes Association
L. Mike Kappler	NH House of Representatives
Rob Roseen	University of New Hampshire Stormwater Center
Amy Manzelli	Business and Industry Association of NH

Commission Staff Absent:

Jillian McCarthy	NH Department of Environmental Services
------------------	---

*Representative sent in place.

Non-Members Present:

Gene Forbes	Hoyle, Tanner and Associates (presenter)
Beth Sargent	Pennachuck Water Works
Joel Anderson	House staff

I. APPROVAL OF MINUTES FROM MAY 4, 2009 MEETING

Minutes of Previous Meeting: Approval Postponed, lacking a quorum. (It was later established that a quorum consists of half plus one of the appointed, filled seats.)

II. PRESENTATION – GENE FORBES, HOYLE, TANNER and ASSOCIATES

Presentation, Gene Forbes, Hoyle, Tanner and Associates on Stormwater Utilities, featuring work done in Vermont and planning for the Manchester, NH utility. (The Powerpoint presentation is available on-line)

Questions and Comments during the presentation:

M. Hemmerlein: Should the utility be municipal? Private? Regional? Or a statewide utility? There are advantages to having the community as a whole hooked into the utility, even those that are outside the utility service boundary, or the municipal boundary.

G. Forbes: The legislation passed last year needs to provide clarity on whether the utility is to be project specific, or municipality-wide. It is a responsibility of the community to pass clean water downstream to the rest of the watershed, whether financed through a tax or a utility. In general, NH's legislation needs work to improve clarity.

J.Spang: the bill was deliberately general and municipality-driven to avoid political opposition.

J. Spang: Should a developer pay a high "impact fee" for installing impervious surfaces to begin with (with subsequent owners paying an ongoing fee)? This would discourage the use of impervious in the first place.

G. Forbes: Subsequent owners of a property are still responsible for their runoff, whether they installed the impervious originally or not. Private roads should always be charged for. Some communities charge for public roads, some do not.

D. Cedarholm: Agriculture?

G. Forbes: In Vermont, farmers get credit against the fees for good BMP's and the program can provide for a rate modification if they are managing waste poorly.

K. Ebel: Is there a need to provide more detailed guidance in the statute to help the smaller communities that lack knowledgeable staff?

G. Forbes: Maine developed such models. But a cookbook approach prevents communities from wrestling with some important decisions. It is essential to start with a public understanding of the need (flood or pollution control) and then have the public decide how to fund it. It should never be asserted that state or federal regulations are forcing the utility onto the community, because these agencies in

fact do not dictate how the pollution prevention is to be paid for (taxes or utility fees).

P. Currier: The Section 319 program is giving money to Rochester, Portsmouth and Nashua to study the feasibility of a utility, and Manchester is receiving money to implement.

D. Borden: The Charles River Watershed group is advocating a giant “rain barrel” approach. How would this play into a utility?

G. Forbes: The model does not favor major technological solutions, since these require maintenance and ignore dealing with the sources of the problem.

D. Cedarholm: Rural areas don't need the large sums of money that a utility provides, because of the scale and lack of infrastructure.

Mike Trainque will provide Jillian with the powerpoint for the web site, including the link to the Vermont enabling legislation.

III. INTERIM REPORT DUE NOV. 1, 2009

Interim Report due Nov. 1, 2009 although the final report has been extended until 2010. The report could support a general legislative initiative. The Commission should have a rough draft of the final report finished by Nov/Dec. of '09 and finished in April/May.

J. Spang: One of the commission's legislative members can draft wording for legislation, and if the commission members, with their wide experience and perspective can vet it, the bill would be much better. Any legislation for the 2010 session is due in September, but (Joel Anderson confirmed) legislation coming from a commission can be submitted later than this deadline.

One of the initiatives from the commission might be to amend the Stormwater Utility legislation, as well as other issues coming forth in the next few months.

IV. LAND USE DEVELOPMENT COMMISSION

What is its relationship with the Stormwater Commission? Overlap?

P. Currier: No, the LUD Commission is now just dealing with buffers and secondary impacts around surface water bodies, not stormwater *yet*.

J. Spang will contact the Chair, Rep. Gottling, to report to us on the Aug. 3rd meeting.

V. SUBSEQUENT MEETINGS

We need to meet more. It was decided that we would meet for 4 hours once a month, for better continuity, rather than twice a month.

VI. FUTURE MEETING DATES

The next meetings will be Aug. 3rd from 12:00-4:00 and Sept. 14th from 12:00 to 4:00. Members are invited to bring their lunches.

VII. NEEDS MATRIX

A very brief discussion took place on the needs matrix. **Members are urged to review the matrix before the next meeting** and provide D. Sienkiewicz with three things:

- a. Identify elements missing
- b. Identify elements that should be taken out
- c. Comment on which needs should be emphasized.

Comments should be put on the original, with suggestions italicized with the author's initials.

The meeting adjourned at 3:10