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Water Resources Advisory Committee
Minutes of Meeting
August 26, 2009
Town Hall Room 126

Members present: Ron Beck (co-chair), Helen Probst, Joanne Bissetta (co-chair), Barry Rosen, Carol Holley (clerk)

The meeting opened at 7:20 p.m.

Mr. Beck related how five towns have been fined by the EPA for various failings regarding NPDES, including failure to produce by-laws. There are six areas that the EPA says need to be addressed. Basically, Doug Halley has told the Selectmen he was concerned that something could happen regarding money if the town doesn't move on this. The Selectmen voted for the WRAC to do something about this for next Spring's town meeting.

Ms Probst asked what the EPA wanted. Mr. Beck replied that the bottom line is that there is a by-law that towns in compliance have put in place. There is a boiler plate by-law already published, related to stormwater protection and construction. Sediment run-off is a concern. Other areas include public education, and public involvement needs to be done in reviewing these by-laws. Good housekeeping is another activity that needs to happen.

Mr. Beck has spoken to an individual who helped draft the by-laws for Andover – there's a question of which municipal department is in charge of monitoring and enforcement. The EPA isn't pleased when the process is fragmented – there should be one stormwater by-law. Which board oversees it? Will this be Health, Planning or Conservation? In Stow, they use the Board of Appeals for it. Ms Rosenzweig was concerned about public out-reach. Who writes the stormwater permits – Health, Planning or Building? Mr. Rosen noted that it's Building at the moment. Ms Probst noted that the Building Dept. could generate a separate form for stormwater.

Mr. Rosen asked if anybody knew exactly what the missing pieces regarding NPDES compliance in Acton were.

The group discussed the by-law making process. Two WRAC members, Ms Bissetta and Ms Holley, noted that they had been part of the "dirty dirt" bylaw process and had not found it too burdensome.

Mr. Rosen noted that EPA's attitude is that towns are supposed to look at all water – groundwater, stormwater, wastewater – as resources. Nobody knows what the real date is in terms of Acton's potential for getting in trouble.

Ms Probst asked, do you create a stormwater permit, or a stormwater element in the process? They seem to want an additional permit. Ms Bissetta noted that some communities are starting to have a stormwater utility; Ms Probst observed you could charge for that. Mr. Beck didn't think that you had to create a permit, but a site plan review and a way of tracking and reporting activities and a way of enforcement. He related that a runoff control document talks about permitting, but the language is a little confusing.

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Ms Bissetta felt that there was a need to get clarification from the Health Dept on what they need the WRAC to do.

Ms Probst did not mind being given this job, but was unsure of a starting point. Ms Bissetta thought step one would be review of boiler-plate language. Mr. Beck thought there were a couple of steps:

- What are the problem statements? Any focus area and reason for the problem? What are we not complying with?
- Does anyone understand the EPA time-line?
- WRAC needs to understand and accept the charter.

The WRAC mission statement was reviewed – it was noted that although the word “stormwater” had been removed in the latest mission statement, “water resources” was pretty inclusive.

Mr. Rosen observed that Massachusetts is one of the few states that has to deal with the EPA regarding stormwater. In most states, you deal with their DEP. Mr. Beck noted, that’s why the EPA is fining – they are the governing agency. We want to know what the delta is. Ms Bissetta thought they wanted a specific by-law to deal with stormwater.

Ms Probst felt that the group had to find every instance in every Acton by-law that dealt with stormwater; what we have now is a fragmented process, and we need to make it holistic.

Mr. Beck raised some points:

- What does Doug believe is missing? What communications with the EPA has he had?
- If there are any written communications with the EPA, can we see copies?
- Bits and pieces – we need a Planning Board person on this committee. Ms Probst noted that they are a stakeholder.
- We need the Selectmen to specifically direct us to do whatever is appropriate, and ask if an Advisory Committee can really do this project under town laws.

Mr. Beck noted that there will be two things that we have to do: create by-laws and talk to different boards about them, and consider other things we need to create – public education, etc.

Ms Holley volunteered to communicate with Mr. Bartl regarding Planning Board representation on the WRAC.

Mr. Beck assigned homework of by-law assessments. Ms Probst wanted to know what the holes are in Acton’s by-laws first, noting the group needs to set up an appointment to talk to Doug. Mr. Beck will email him, and Carol will work with the Health Dept. to determine his availability. Messrs Beck and Rosen will meet with Mr. Halley sometime next week.

Ms Probst moved that the WRAC accept the charge to do by-law generation and other activities required for NPDES compliance. Ms Bissetta seconded, and all voted in favor.

Mr. Beck noted that the group needed to review the by-law Mr. Halley had written up as well as other versions – how are other towns changing the boiler-plate language? The goal is, if there are better ways to deal with stormwater, can you put it in a by-law to encourage people to do that? Ms Probst noted that when you want to educate people about the new by-laws, you have to tell them why it matters. Ms Bissetta suggested the group look at greenscapes.org for reasons why you should care about run-off.

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It was noted that the group needs to ask staff what they would like people to be doing for NPDES compliance that is pro-active. How can Acton empower the use of Low Impact Development? Ms Holley will ask Mr. Roy to speak to this next month.

Mr. Rosen noted that close to 60% of what Acton drinks comes from the sky. Per capita, Acton has more wells than any other community in the state. The WR Grace wells are the most productive, and all our wells are pretty shallow.

Ms Probst asked if there was a map of Acton's stormwater drain system. Ms Holley will email Bruce Stamski and ask that question. Ms Probst asked, where do the drains dump out?

Mr. Beck talked about a recent visit to the Health Dept., when Justin Snair showed him pump-reminder mailings that included some educational materials similar to the flyer the subcommittee designed. He noted that the database only goes back 3 years. Reminders are being mailed out incrementally so as to not overload staff with public reaction phone calls.

Action items: Ms Probst will look into public education pieces regarding stormwater. Ms Holley will check with the Health Dept. regarding setting up a meeting about NPDES deltas. Mr. Beck will check with the Selectmen about WRAC powers to generate by-laws. Ms Holley will talk to Mr. Roy about tweaking his LID presentation toward NPDES compliance issues.

Mr. Rosen wasn't sure from his notes on Selectman Knibbe's remarks that the WRAC would be permitted to carry on other activities, or whether the by-law was just now at the top of a list. Mr. Beck wanted to reserve a few minutes of the next meeting for a discussion of tank-pumping frequency.

Ms Holley moved to adjourn, Mr. Rosen seconded and all voted in favor. Meeting adjourned at 8:42 p.m.

Respectfully submitted,

Carol Holley