



Long Creek Watershed Management District Governing Board

Minutes: March 27, 2015 – 9:00 a.m. meeting

Location: Maine Turnpike Authority Headquarters, Conference Room E, 2360 Congress St, Portland

1. **Call to order:** Mr. Bacon called the meeting to order at 9:03 am.
2. **Roll call:** Dan Bacon, Curtis Bohlen, Craig Gorris (absent), John Branscom, Brian Goldberg, Ed Palmer (absent), Adam Pitcher (late), Tom Raymond (absent), Doug Roncarati, Michel Vail (late), Fred Dillon, Peter Newkirk
3. **Minutes:** Mr. Bohlen made a motion to approve the February minutes. Mr. Newkirk seconded the motion and the motion was unanimously approved.
4. **Treasurer's Report:**
 - a. The Treasurer's report was presented by Mr. Bohlen.
 - Notices of Default were mailed to landowners, payments have been received however they haven't included the late fees and fines. Additional letters were mailed to the landowners stating they are in Default. DEP will follow up with them after April 4, 2015
 - DEP is still preparing proceed with court action for the delinquent payments for CPSP and Corner Brook.
5. **GGP Gravel Wetland:**
 - a. A motion was made by Mr. Vail to award a contract for construction services for the Long Creek Watershed as specified in the Bid Package to authorize the LCWMD Executive Director to execute documents necessary thereto, to award the contract to Gorham Sand and Gravel at a cost not to exceed \$613,000. The motion was seconded by Mr. Dillon and the motion passed unanimously.
 - b. Notice of award will be issued after the board meeting.
 - c. Notice of construction will hopefully be issued in April.
6. **Update on Chapter 500, Maine Stormwater Rules**
 - a. The legislature moved faster than we anticipated and held their work session on March 16th, before we could meet to discuss this further. There is no public comment at a work session; you can only speak if spoken to. DEP approved moving forward with the language Tamara put forth at the March 4, 2015 public hearing¹. The Environment and Natural Resources committee voted unanimously that the resolve L.D. 147 out to pass.

¹ Consider adding the following to section 4. E. Urban Impaired stream standard: 4.E.4. *Where there is a Department approved Management and Monitoring Plan and monitoring demonstrates a stressor in the watershed is contributing to impairment of the urban impaired stream, the Department may require the applicant to utilize alternative or additional stormwater treatment to address the identified stressor. A stressor may be a pollutant or maybe a failure to meet a water quality standard.*

- b. The legislature cannot do rulemaking. The next step will be to have LD 147 go to a vote at the legislature. From there, if the governor signs it, the staff at DEP will have 60 days to bring the revised language to the Board of Environmental Protection for approval.
- c. There is still an opportunity to weigh in on the development of the rules. It is expected that the rules will be given to the Board of Environmental Protection for rulemaking in May or June.
 - Without the proposed language from Long Creek, there would be a gap in the Chapter 500 rules regarding looking at the benefits of using alternative measures that would be better solutions for Long Creek than meeting Chapter 500.
- d. The Board will review the language at the next meeting to see if we have any ideas or suggested changes that need to be submitted as part of the rulemaking process with the Board of Environmental Protection.

7. Discussion on possibility of development/redevelopment incentives

- a. How do we address the potential impacts of the less than one acre parcel to the stream water quality? Currently these parcels represent 10% of the impervious acreage.
- b. At the moment we don't know how the Department and EPA are going to view our success at the end of the Management Plan. It is possible that they will require us to pursue additional retrofit efforts. Does it make sense to complete as much as possible now so we can show that we've done the best we can? What is the best way to accomplish this?
- c. Concern was raised regarding putting off projects identified in the Management Plan and installing projects in conjunction with redevelopment or new developments.
- d. The types of incentives that could be offered need to be identified.
- e. We need to identify what areas make the most sense for us to provide incentives to meet our goals of addressing certain stressors.
- f. Regardless of whether or not we decide to offer incentives, we need to work with the municipalities to ensure that they are encouraging more Low Impact Development in the watershed.
- g. There are two projects currently moving through permitting that provide an opportunity to explore alternative treatment since they are at the headwaters of the South Branch.
- h. We need to look at balancing incentives and our construction plans, by installing the best restoration efforts that are also cost effective.
- i. Staff will bring copies of maps of the parcels in the watershed to the next meeting. These maps will show the less than one acre parcels, the potential redevelopment parcels, and parcels that have been identified as possible opportunities to provide more treatment.
- j. Three levels of consideration of how the Board should proceed with this discussion:
 - Inventory of key areas and hot spots
 - Determine the levels of priority

- k. In addition to monetary incentives, LC should explore other avenues for promoting the use of the best practices in the Long Creek Watershed. Board members suggested that providing more information on low impact development and providing design support at the early stages of design could be an effective way of meeting the needs of Long Creek.
- l. There will be continued discussion on this topic.

8. Policy Discussion

- a. When items or activities come up between scheduled board meetings, the Executive Director should reach out to the Executive Committee to make them aware. The remainder of the Board can be updated at the following Board meeting.

9. Executive director's report:

- a. Development of the CarMax site.
 - The current site plan is being reviewed by South Portland and the District. We are working on encouraging them to include alternative treatment options to better meet the goals of protecting the stream.
 - Due to the plans being 90% complete when they were presented to the District we have asked the City to include the District in future development projects at the first meeting with landowners, so we can be more involved in the design process.
- b. Monitoring RFQ:
 - We received four proposals submitting qualifications. The committee will next interview the top two applicants. If the interviews go well, we will request bids from one or both of the applicants. The contract will be awarded to the lowest bidder. This process was selected in order to resolve the issue of a low bidder who can't do the work.
- c. Landscaping RFQ: Will be released next week. This request will be to provide maintenance for all of our BMPs, meeting the timelines for maintenance and performance required by our maintenance plans.
- d. General Permit Update: The General Permit comment period has been extended to April 6th. The permit should be signed by the commissioner by the end April.
- e. Plan Update: We are coordinating a meeting with a section of the expert review panel on April 15th to review the data that has been compiled to date and help us further flesh out the instream retrofit needs in addition to how to document progress.
- f. There will be a summary of the Chloride study at the next meeting.

10. Public comments: None

11. Next meeting: May 1st at 9:00 am at the MTA Headquarters.

12. Adjourn: Mr. Bacon made a motion to adjourn the meeting at 10:54 am. Mr. Vail seconded the motion and the motion carried unanimously.