

DRAFT MINUTES

**Town of Exeter
River Advisory Committee
January 21, 2021**

Remote via Zoom

Call to order: Chairman Richard Huber called the meeting to order at 3:00pm

Reading of the meeting Preamble

Chairman Huber stated as Chair of the River Advisory Committee, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 this public body is authorized to meet electronically.

Public notice of this meeting was posted on the Town website and on the bulletin board of the Town Office at 10 Front Street. As provided in that public notice, the public may access the meeting online and via phone.

Please note that all votes taken during this meeting shall be done by roll call vote. He asked to start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting and who that person is (son, daughter, spouse, etc.) which is required under the Right-to-Know law.

Mr. Huber started by introducing himself as the Chairman of the Committee. Niko Papakonstantis, Select Board representative was present and stated he was alone. Rod Bourdon, Lionel Ingram, Dan Jones, Ginny Raub and Terrie Harman were present and all stated they were alone. Also present were Town Engineer Paul Vlasich and Natural Resource Planner Kristen Murphy and both stated they were alone. Mr. Vlasich stated Jennifer Perry, Director of Public Works, would be joining later in the meeting.

Review of Minutes:

Mr. Huber stated he has not obtained the minutes of the September 17, 2020 meeting nor the November 19, 2020 meeting for distribution and approval. He is unsure what the problem is but will continue to work to receive them. They will be an agenda item for the next meeting.

Update on River Issues:

Mr. Vlasich speaking on the status the Pickpocket Dam project noted the monies approved for \$110,000 to do a flood analysis was put on hold and he has not been given the OK to move forward with a contract.

[The Chair recognized Don Clement had joined the meeting]

In the interim, the Town is proceeding with a legal review and parts of the review are the prescriptive flowage rights of the abutters to the impoundment. Mr. Huber asked, "Then the abutters have rights to some flow?" Mr. Vlasich confirmed they did.

Returning to the funding, Mr. Vlasich noted the letter of deficiency called for a decision in 2022 as to what we were going to do with the dam. A \$300,000 proposal was put forth in the Capital Improvement Program but as he understood there will not be a warrant article for the engineering studies for all the options for the Pickpocket Dam this coming year.

Mr. Papakonstantis confirmed and added when the warrant was presented to the Select Board and to the public at the Public Budget Hearing on Tuesday, January 19, 2021 for final approval, the funds were not included. But he added the monies not spent (for the \$110,000 originally approved to fund a hydrolytic study) were encumbered.

Mr. Huber asked if that put the 2025 completion date in jeopardy. Mr. Vlasich replied the Town will most likely ask for an extension of the 2022 decision date.

Going back to the funding, Mr. Huber, for clarification, reviewed the series of financing decisions for this project. Recalling the \$110,000 was approved for doing a 100 year flood analysis, and then a \$300,000 amount was submitted to the Capital Improvement Program (CIP) for engineering investigations to determine all the options. And now you are saying there will be no warrant article for the upcoming year.

Mr. Vlasich answered correct. It is his understanding there will be no warrant article this year on funding for this project.

Mr. Clement, also a member of the Budget Review Committee, noted their committee recommended the reduced amount of \$100,000 be placed as a warrant article. However it is up to the Select Board for a final decision. He asked Mr. Papakonstantis to comment.

Mr. Papakonstantis said when the article was presented to the Select Board and the public at the Public Budget Hearing (on January 19, 2022) the decision was made not to place a warrant article for this project for the upcoming year. But the Board did encumber the monies that have not been spent to move forward.

Mr. Huber asked if this puts in jeopardy the deadlines currently in place for 2022 on what was being decided and completion. And could this happen without finding the funds for having completion accomplished by December 2025? Mr. Vlasich felt most likely we would be asking for an extension.

Ms. Harman asked if we don't get it done by 2022 or 2025 and if we just stop what then. Mr. Huber answered he assumed we would ask for an extension of the timeline.

Mr. Vlasich had a second item he wished to share with the committee as it is River related. There are two pipes that go under the River from the Mill complex area over to the pump station on the Swasey Parkway. They are inverted siphons and are under pressure to allow the flow over

to the pump station. There are capacity issues and the project was how to increase their capacity. One answer was to install another pipe under the River to add the extra capacity. And initially contractors were asked to clean and inspect the existing siphons. That resulted in the determination there was enough deterioration to question whether the existing pipes were salvageable.

Public Works sought out companies that could install slip linings into the pipes so the integrity of the pipes could be maintained. The estimates returned proved to be very, very expensive so it most likely rules out that option. The department probably will be looking to add three barrels under the river when they thought they would be installing just one. He wanted the committee to have a general idea what they were trying to accomplish at the Swasey/Squamscott pump station. Funding for this project is undetermined at this time

To Mr. Huber's question, the old pipes would remain and not be removed. They would most likely be filled with some solid substance so they don't collapse.

Mr. Jones asked how old are the pipes and do they run from the lagoon near the Mill complex to the pumping station across the way. Mr. Vlasich confirmed the location and was unsure of age but does have the plans (on file) for them.

Mr. Vlasich continued with an update on the Great Bay total nitrogen permit. A little over a year ago we talked of a draft permit and a final permit from the EPA has been issued. He asked Ms. Perry to supply the details.

Ms. Perry said the final permit from the EPA was issued in November after receiving a lot of public comments. The initial comment period was only 30 days but that allowed municipalities a very short window to digest what was in the initial draft. They did listen to the municipalities and the deadline was extended until May giving the towns time to work amongst themselves and with their consultants. The final permit has removed the language of achieving very specific non-point source nitrogen amounts. The nitrogen present in stormwater is difficult to calculate. The new permit establishes how many pounds per day each municipality can discharge. For Exeter it is 103-104 lbs. per day on an average of over a year. She feels very confident this is achievable when reviewing the past year totals that showed an output of about 71 lbs. She is thinking of signing on to the general permit, which surprisingly is an option. It would be beneficial to the Town as it less restrictive than the initial language that spoke of nitrogen discharge limits to 3 milliliters per liter a day.

There is a signing deadline of April 1- 2. You can retract out at a later date but you can't sign on after the April deadline. She does feel it is important the Town to sign for several reasons. She sees the potential for improving the water quality in Great Bay as it will engage all the thirteen waste water treatment facilities in NH that discharge into the Bay. The facilities located in Maine are not affected by the permit at this time but it is her understanding they are working with the Maine DEP on permit writing.

This is a great opportunity for the towns to work together on several very important water quality aspects that need to be addressed rather than going it alone, be it water quality monitoring

programs or total Nitrogen measurements, as it can get expensive very fast. In conversations with the other thirteen towns we see the possibility to develop an inner municipal agreement that can address some of these common challenges. There is a lot more detail that digested in the past two months but is feeling a lot more positive than she initially thought she would.

Mr. Jones asked if this agreement protects us from any future stricter regulations. Federal regulations are known to change and down the road could we be asked to do more.

Ms. Perry replied that unfortunately she doesn't see where it does provide us with any guarantee of not getting lower or more difficult requirements. But it is her understanding that when a permit comes up for renewal there is an opportunity for change and typically pollutant discharge rates. The permits are granted for a five year period and from her experience the EPA is actually is not timely in renewing permits. They most often just extend administratively and you continue to be obligated to meet the standing permit requirements. She feels the EPA's preferred approach is to see all of the municipalities opt into this and as she said, she does not see any negative side to it. And she is trying to look at it strategically. She offered there may be a downside but does not see it at this point.

Ms. Perry spoke of the cost factors determining the design of the current wastewater treatment facility and going with a more moderate technologic approach to the plant. The design permitted the threshold of 5 milligrams (Nitrogen) per liter as opposed to going with a design to produce the 3 milligrams threshold with increased cost. She feels it was a good choice but how long that will last as the town is experiencing growth and that is going to increase our nitrogen loads. We've got to be balanced in that approach. But again based on our figures from this past year and we do not have explosive growth we should be good for a while.

To date, there hasn't been a formal recommendation for signing presented to the Town Manager. She and Mr. Vlasich just recently were in talks with legal counsel conferring with what is going on. She would like to sign before the April deadline if possible.

And too from the Town's perspective we are all in this together and if we can move the needle on water quality improvement and do it in a way that is shared financially, with all the other dischargers that is a positive. Then the next piece is the adaptive management. It isn't just about the wastewater treatment plant it is about what is going on in the Town for non-point source reductions. That is an important piece we have to continue to work on and educate others as to what we are doing. At some point we all want to see this go beyond just the communities that have treatment facilities. These other communities also have stormwater runoff impacting water quality but we as wastewater treatment owners need to step forward to make any kind of movement going forward. She feels the final design and the current permit language, is a moderate approach than being forced to go to the limit of technology. In review of where we are and the amount discharged this past year she feels we are in a good place. But we have to continue to make non-point reductions. It is an important piece Exeter has been working on, noting Ms. Murphy and Mr. Vlasich efforts. But there is a need to continue to identify opportunities to make reasonable inroads to this end.

Mr. Clement took the opportunity to thank Ms. Perry and the staff and the other thirteen communities who work hard to get this through the EPA acknowledging it was a difficult challenge. Continuing he said we still need to reduce non-point pollution. And yes it is difficult to manage and can be expensive. He asked if the permit references in any way the standards we have to meet?

Ms. Perry acknowledged it does reference non-point but doesn't establish exact amounts. Presently the Town does use pollutant tracking and accounting programs and has for some time. And that needs to continue as we evolve our nitrogen control plan. EPA will be meeting shortly for preliminary discussions with all the municipalities on what the towns have been doing and what they are planning to do to reduce non-point nitrogen. The prior requirements in the draft permit were untenable and could only be accomplished without some really radical work.

Mr. Clement thanked Ms. Perry and felt, in review; this is where we want to be. He added as a member of the Exeter River Squamscott River Local Advisory Committee (ESRLAC) they, as a committee are committed to trying to work with the upstream towns that do not have municipal wastewater systems to try to manage their non-point contribution. It has been an education process as they work with those towns on how they may understand and can contribute to the overall reduction as they too are part of the problem.

Ms. Perry replied she was glad Mr. Clement added that because he was right. It has to start with education and understanding. And the farther away you are from the Bay and/ or River the message gets harder. Ms. Perry thanked Mr. Clement and ESRLAC and asked them to continue the good work. She added she would keep them in the loop so they can do "some of the heavy lifting for us".

Other Business

Mr. Huber referenced a link sent to him by Mr. Clement for a publication from the Piscataqua Regional Estuaries Partnership (PREP) entitled Habitat Spotlight. The newsletter covers a number of topics he felt might be of interest to the group. A link to the publication will be provided when a notice is sent out with the date for the next meeting.

Discussion for the next meeting followed. With no anticipated matters requiring the group's attention a March meeting appeared to be a satisfactory. **March 18, 2021 was set for the next meeting.**

With no further business a motion to adjourn was made and seconded. Meeting was closed at 3:40pm

Recorder for this meeting,
Ginny Raub

