

**MEETING OF THE
ADVISORY COMMITTEE ON TRANSPORTATIONAL STORMWATER MANAGEMENT**

Summary Minutes

Tuesday, March 15, 2016

9:00 AM

901 S. Stewart St. 2nd Floor, Tahoe Hearing Room

Carson City, NV 89701

Video Conference – NDEP Las Vegas Office, Red Rock Conference Room

2030 E. Flamingo Rd., Ste. 230

Las Vegas, NV 89119

Members Present:

David Emme, Administrator, Nevada Division of Environmental Protection - Chairman
Leo Drozdoff, P.E., Director, Department of Conservation & Natural Resources
David Gaskin, P.E., Deputy Director, Nevada Department of Transportation
Craig Madole, CEO, Nevada Associated General Contractors of America, Inc.
Gale Fraser, Public - Retired General Mgr., Clark County Regional Flood Control Dist.

Beginning Summary Minutes

- I. Call to Order, Roll Call, Establish Quorum (Discussion)** Chairman Emme called the meeting to order at 9:00 a.m. and confirmed all members present, therefore they had a quorum.
- II. Public Comment (Discussion)** Chairman Emme called for public comment. There was none.

A full account of the introductions was captured in the audio recording, available on the ACTSWM's webpage.
- III. Approval of Agenda: (For Possible Action)** Chairman Emme requested comments from the members on the agenda. Hearing none, agenda was approved.
- IV. Approval of Meeting Minutes: (For Possible Action)** Chairman Emme requested comments from the minutes. Hearing none, November 30, 2015 Meeting Minutes were approved.
- V. Status Report on Development and Implementation of NDOT Stormwater Management program: (For possible Action)**
 - a. Status of EPA enforcement Case. Mr. Gaskin provided a handout of the Stormwater Program Update Presentation. He gave a brief overview of his presentation from the last IFC meeting on what caused the development of the stormwater program. As a result, the Nevada Legislative in June 2015 approved Senate Bill 324 and a budget amendment which gave NDOT resources and authority to build a fully compliant stormwater program. SB324 provided NDOT specifically with enforcement authority for unauthorized discharges in order to have control over those discharges. This made discharges without a permit illegal and gave NDOT authority to follow up with penalties, injunctive relief, or criminal action if

necessary. NDOT is working with EPA and NDEP to implement a sustainable stormwater program that meets or exceeds all requirements in the Clean Water Act and with their permit from NDEP.

Mr. Madole asked if there are potential criminal components, would the enforcement officer require post certification.

Mr. Gaskin stated no, and that they'd refer to the Attorney General's Office for prosecution to carry out compliance and enforcement. NDOT has progressive compliance and enforcement to correct issues and the last consideration would be criminal action.

- b. Update on program development, including program goals for 2016, hiring, equipment, training and year-to-date expenditures relative to budget. Mr. Gaskin stated they have all their management positions in place and they're working with Tracy Larkin, Co-Deputy Director and the District Engineers on hiring the compliance and maintenance personnel positions in the three districts. Furthermore, they're in the process of hiring the training manager, enforcement supervisor, and staff for the Design and Planning group. In addition, they're hiring a training manager for stormwater to handle education and awareness efforts required for NDOT, the public and contractors working for NDOT.

Mr. Fraser asked if it would be better served for there to be contactors to assist NDOT with all the positions created, since it could be hard to get rid of a position.

Mr. Gaskin stated that was discussed at the Legislature and negotiations with EPA, therefore EPA advised NDOT to have a sustainable stormwater program. In the past NDOT had a couple employees that worked with stormwater and they contracted services out, which wasn't effective at that time. NDOT's Stormwater Program staff continues to coordinate efforts with contractors and consultants to identify needs externally versus internally.

Mr. Drozdoff mentioned one of the commitments he and Mr. Malfabon presented to the Legislature was that they would examine where the positions are needed and they wouldn't fill 50 positions all at once. Position would be evaluated throughout program development to determine whether it's truly the right mix.

Mr. Gaskin stated the full org chart was a response to what they anticipated in the Consent Decree, CD from EPA and what they need to meet all the requirements in a short timeframe. The Legislature set forth 42 new positions and 17 repurposed positions, therefore the repurposed positions come from existing vacancies within NDOT. They're sequentially filling positions as they evolve and develop the program.

Mr. Fraser asked why NDOT would be in need of an IT person under the stormwater program.

Mr. Gaskin stated EPA recommends automated systems for inspections and reports, therefore they're working with the IT department of NDOT on developing compatible data bases. They've helped with the development of the Enterprise Asset Management system which is mapping of their facilities. Throughout the state there are many hydraulic facilities, culverts, pipes, drains and ponds that are involved in the stormwater program. Over the past few years NDOT mapped those locations and now they need to be electronically filed into a GIS system. The IT Department at NDOT doesn't do that maintenance of the data and all the information that goes into data base has to be done by the individual divisions. They have an assortment of components to maintain and update electronically to have their own GIS staff.

Chairman Emme inquired what the training manager's position description entailed.

Mr. Gaskin commented there are two series of training managers. One would have more advanced skills to organize and communicate in an effective manner and the other would have an environmental background with water and communication skills to convey basic information. Every employee would have a certain basic level of training and as they get more involved in stormwater activities they would have more detailed training. In addition, they've had mandatory AGC training that's been successful along with basic training.

All major stormwater equipment is on order for FY 2016 as well as working with Tracy Larkin, and district engineers on roles and responsibilities of stormwater requirements to ensure they have equipment in the right place.

NDOT is revising their website and several improvements have been made to their homepage. Their Public Information Office, Kim Smith, is working to ensure the FAQ's, public involvement, education, contacts and stormwater program information is readily accessible. The website is anticipated to be completed sometime next year.

Mr. Madole asked what the cost of the settlement was for NDOT.

Mr. Gaskin stated the cost of the settlement will be available to the public as soon as the CD is finalized and once the CD is signed, it will be released on NDOT's website.

Mr. Drozdoff mentioned that they're still in negotiations.

Mr. Fraser asked if the CD would be available for review on the Board of Examiners website or on a public website.

Mr. Gaskin commented the question is whether the Board of Examiners gives approval before the CD is signed or after it's signed. Those are some of the aspects the Governor's Office is viewing as to the sequence of review and approval.

Mr. Gaskin provided an update of their past and future meetings and presentations: Dec. 2nd – EPA negotiations; SF, Dec. 15th – SWAT meeting with NDOT; Jan. 7th – EPA negotiations; Jan. 12th – Meeting with Liaisons for EPA, FHWA and AASHTO, Washington DC; Feb 11th – IFC presentation, Feb. 16th – Southern AGC presentation, Las Vegas; Feb. 18th – SWAT Meeting with NDOT; Mar. 2nd – ADOT meeting, Phoenix; Mar. 8th – 10th – RE Meeting and presentation, Elko; Mar. 15th – ACTSWM meeting; Mar. 17th – AASHTO Stormwater CoP, webinar; Mar. 18th – AGC/NDOT Committee Luncheon, Reno, Mar. 22nd – AGC/NDOT liaison meeting, Reno; Mar. 30th – Southern Nevada contractors, Las Vegas; Apr. 5th – Nevada Trans. Conference presentation, Las Vegas; Apr. 11th – Transportation Board presentation, NDOT; and Apr. 13th – RE Academy presentation, Reno; Apr. 14th – IFC presentation, Carson City.

Chairman Emme asked if they've had opportunities to coordinate with the municipalities in southern Nevada.

Mr. Gaskin stated the Stormwater Quality Management Committee, SQMC that was formed at the local jurisdictions in southern Nevada is in a similar position to NDOT, and that their stormwater permit was audited by NDEP, and they found a lot of the same issues as NDOT. They've attended SQMC meetings

and expressed support, sharing resources and ideas since they overlap. Their goal is to make NDOT Stormwater Program better and raise the level of the State Stormwater Program as a whole.

The Legislatively approved budget and NDOT have specific funds dedicated to the stormwater program for a total of \$10,000,000 for FY 16. A large part of that was for the initial purchase of the major equipment costing \$5,000,000 and currently they've spent approximately 67% of their budget.

- c. Update on program implementation, including modification of the Stormwater Management Plan, status of the mapping, inspection and operation and maintenance programs. Mr. Alan Tinney, Stormwater Administrator, stated that they're working with agencies on the MS4 in Las Vegas and they're currently working up an agreement with Clark County to use some of their decant basins, so they don't have to build their own. The Source Water Management Plan, SWMP is a living document and they continue to work on that per the CD as well as working with NDEP on the permit requirements for the SWMP.

They're working on the Illicit Discharge Detection and Elimination, (IDDE) Program as well as working with their RE's through the RE Academy, a Construction Site BMP Program to help provide guidance to the RE's on which BMP practices are best. The Facility Pollution Prevention Plan (FPPP) and the Maintenance BMP Manual have been approved by EPA and will be placed on NDOT's website and submitted to NDEP. Their major maintenance facilities are located in Carson City, Reno, Elko, Winnemucca and Las Vegas. They've rebuilt the Reno yard and are currently halfway through rebuilding the Carson City yard. New wash pads have been installed in both of those locations. NDOT has a video of the wash pad located in Carson City on their website. They've also made improvements to other maintenance facilities across the state, Virginia City, and District 3 in Elko.

Kim Smith, PIO has been developing the Public Outreach Program, including coordination with UNR, School of Journalism on how to do the best outreach and the age group to outreach to.

Operation & Maintenance, (O&M) is in the early stages of development of the O&M manual and O&M schedule which will be part of their Asset Management Program. They've mapped extensively around the state of Nevada of approximately 30,000 pipes over a 5,000 linear mile area. As of March of this year they've mapped 99% of their pipes and assessed 85%. The Hydraulic Division will place those maps on their website by July of this year. They're producing manuals on construction site inspections, as well as compliance manuals for compliance enforcement policies and procedures.

The IT group is developing GIS mapping and as they move forward they'll show how they maintain those maps and the GIS component as they inspect and show the abilities of each of their assets to the O&M Plan in the future. EPA recently passed the E-reporting rule and NDOT is working with their IT group to make sure their permits will have the capability of reporting directly to NDEP and EPA.

NDOT has encroachment permits which they issue throughout the state of Nevada. Some deal with stormwater and they'll be working with their permitting group under another division within NDOT to make sure we have input on stormwater. They have media and public outreach on stormwater media posts of which they've produced a few YouTube videos. Stormwater Outreach BMP Facts sheets are located on their website.

Mr. Fraser asked if information was being shared throughout the state or with the MS4s in Las Vegas.

Mr. Tinney commented they are attending SQMC meetings and working with Andrew Trelease and Steve Parrish very closely as the CD gets finalized and one of their commitments to the SQMC Committee is to

share what they've learned through the process. Also they were in Clark County working with a construction group at a construction site along with Andrew Trelease and his crew to produce the YouTube video in the Las Vegas area.

Mr. Gaskin shared that Kim Smith, PIO has been attending the SQMC meetings and said she could give an update of the activities and public outreach to this committee.

Mr. Drozdoff complimented Mr. Gaskin, Mr. Tinney, and staff on all the different fronts of what's exactly needed for NDOT's stormwater program. Once again, if the NDOT Stormwater Program is running into budget issues, the ACTSWM Committee should be notified since it would be difficult to ask for a large budget enhancement given the sizeable amount of work done at the last Legislative session.

Mr. Gaskin stated that they would keep the ACTSWM Committee up to date with budget developments and what they have anticipated and experienced thus far. Budget developments will be placed on the agenda each time.

The next meeting is scheduled June 14 @ 9:00 a.m. in Carson City with the room location within DCNR to be determined.

VI. Public Comment: (Discussion) Chairman Emme asked for questions and public comment. There was none. He stated budget updates and tracking of the status of the CD will be placed on the agenda. During the interim if it becomes available, through some public process, such as a Board of Examiners Meeting or Public Notice, the members will receive notice of the CD if it comes out before June.

Full accounts of the presentations were captured in the audio recording, available on ACTSWM's website.

Adjourned – 10:09 a.m.