

# Infrastructure Committee

May 8, 2012

## ATTENDANCE

### Councilors:

Joseph Baldacci

Patricia Blanchette, Chair

Geoffrey Gratwick

Benjamin Sprague

Nelson Durgin

James Gallant

Charles Longo

### Staff:

Art Morgan, Dir. Public Svcs.

Cathy Conlow, City Manager

Brad Moore, Superintendent  
WWTP

Dana Wardwell, Dir. Public Works

### Guests:

Don Witherill, Director Div.  
Watershed Management MDEP

David Breau, CSO Coordinator, DEP

Alex Rosenburg,  
Environmental Compliance &  
Enforcement Officer, US EPA

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The Committee convened at 5:03 p.m.

1. Request to Apply for Federal Transit Administration New Freedom Grant

Dana Wardwell explained the City was hoping to apply for a Federal Transit Administration New Freedom Grant. The requirement being that the proposed projects must be located on a bus route. The grant is 100% funded and administered by the Maine Department of Transportation, with no City resources necessary. The six projects being applied for are:

- Union Street & Griffin Road near Human Services – sidewalks and pedestrian signals.
- Extend sidewalk on Griffin to Maine Avenue.
- Other side of Union/Airport Mall to Griffin Park.
- Dutton Street-Install brick on concrete, with granite curbing, two crosswalks.
- Buck Street-Install brick on concrete, with granite curbing, two crosswalks.
- Railroad Street-Install brick on concrete with granite curbing, two crosswalks.

Councilor Blanchette asked if the City was locked into these locations and the need for pedestrian safety behind the radiator shop on Union Street. Dana replied that location was being applied for under a different grant.

Councilor Gratwick asked about the alternative of stenciling. Dana stated the imprinting of sidewalk technique was disappointing and these projects were preceding a future anticipated paving project.

Councilor Sprague asked Dana to look into the cost of raised crosswalks as they had done with Shape Up Summerville in Massachusetts.

Councilor Durgin asked if the projects were in the annual project list. Dana responded that they weren't. And some of the projects applied for, if approved under one of the grants, would be a 20% match and project completion could be as early as the end of this construction season. Cathy Conlow concurred that these were new projects, not existing funded projects.

Councilor Blanchette suggested Staff contact Summerville, MA regarding plowing interference before proceeding with raised crosswalks.

*Moved/Seconded: Councilor Baldacci and Councilor Gratwick*  
*Vote Yes: Unanimous.*

2. Discussion: Clean Water Act Requirements

Art stated the Council had requested members of the DEP and EPA visit to explain and discuss the Clean Water Act. Joined at the table by Don Witherill, Director of the Division of Watershed Management, Bureau of Land & Water Quality with the Maine Department of Environmental Protection, David Breau, CSO Coordinator, Senior Environmental Engineer with the Department of Environmental Protection, Division of Water Quality, and Alex Rosenberg, Environmental Compliance and Enforcement Officer with the United States Environmental Protection Agency.

Brad offered the history and overview of the treatment plant being built in 1968, the consent decree in the 1980's and 1990's, and the reduction of combined sewer overflows which was outlined in his memo to the Committee. He also stated Staff was working on an integrated approach to stormwater and cso's to reduce the negative effects on streams. There would need to be sustainable, equitable funding and a stormwater utility fee which was based on impervious surface could provide that source of funding. In FY13, a proposal to increase sewer fees by 9.5%. With the increase, businesses would be provided an incentive in the form of a credit if they already had systems to reduced impacts on streams. The Capacity Management and Operation Maintenance (CMOM) would be required for the sewer system with assessments, data collection, cleaning of the system, and equipment purchase.

Councilor Durgin was concerned that citizens could not afford the 9.5% increase and suggested seeking sources of funding from Federal resources. Councilor Baldacci concurred. He stated it was worthwhile, but budgets could not add on any additional responsibilities on citizens, who couldn't do it all. He also suggested seeking Federal sources and noted the sixty million the City of Bangor had already provided to reduce impacts and the tens of millions more that would be necessary to keep in compliance. Brad appreciated their concerns and said the City had utilized SRF funds for past projects. Councilor Longo concurred with Councilor Durgin and Councilor Baldacci's comments. Also stated Bangor should be a model for the program and take the lead with a pilot program with Federal funds.

Don Witherill provided a handout and spoke about the various grants and programs offered. Permit requirements were then discussed. The City's permit was due to expire next year. As part of the permitting process the City was required to provide public outreach and education, public participation, and provide a watershed management plan for impaired streams. Bangor identified the Penjajwoc as their first priority and had already established a plan. There must also be a funding mechanism in place, thus the proposed 9.5% increase.

Don provided the following points for the Council's consideration.

- DEP is supportive of the concept of establishing a stormwater utility, but would not require it, nor specify how one should be operated, if created.
- Stormwater Utility would provide revenue to pay existing and future stormwater program costs (MS4 permit is up for renewal in 2013).
- Stormwater Utility would provide revenue to work on restoration of the City's priority impaired stream(s). This could provide a shield against an RDA petition, as was filed for Long Creek.
- Provide a means to by-pass TMDL on priority impaired stream if the City shows means to implement an approved watershed management plan (Penajawoc Stream).
- Could allow DEP to waive permit requirements of the Stormwater Water Management Law, including the urban impaired stream standard, for any watershed where the city is implementing an approved watershed management plan.

Don explained they regulated requirements; it was up to the City how they would meet those requirements.

There was some discussion of the five Bangor impaired streams and Long Creek. Councilor Sprague requested clarification of the terminology for the new Council Members and wondered what the City would have to do to make DEP go away.

Cathy explained they would phase in a plan as opposed to use tax dollars. Staff figured about \$22 per household and also including non-profits who wouldn't normally pay taxes. Councilor Gratwick urged the need to explain the necessity to the Citizens, as it was taking money away from education. And he asked what the guarantee was that Bangor wouldn't be in a Long Creek situation. Don explained that adequate progress was being made and measures taken to meet the requirements. If Residual Designation Authority (RDA) petition filed, he didn't expect it would be successful. He also explained the NPDES program permit was only good for five years. Possible changes to the stormwater regulations at some point may be expected that the City may not like.

There was continued discussion regarding phase in of the fee. Cathy explained that Staff provided best approach to minimize impacts on individuals and commercial tax

base. She stated that increases were staggered against Bangor Water District's increases.

Councilor Durgin expressed frustration that they couldn't see the full picture of what was expected. Councilor Blanchette recalled building a state-of-the-art wastewater facility and still being told they were polluting and two years later new regulations imposed. The City's in the same situation now. Bangor was doing a great job but not because of the regulations, but because it's the right thing to do. She urged the Council to set a target and if the State and Feds wanted the City to do more than the City could safely do, then they needed to fund it, not the City because it was an unfunded mandate that the citizens and taxpayers couldn't afford. Also the Councilor needed more information as they have four new members that were unfamiliar. Councilor Longo concurred.

David Breau stated that they understood. But the goal would be 100% elimination of CSO's and strive and work for water quality. He explained programs available to communities to help such as SRF funds that were low interest loans. He explained it would be up to the City to determine the most feasibly practical and economical plan to address these problems. The City was required to have a 10-15 year control plan. There were thirty-two other communities facing the same regulations.

Alex Rosenberg stated the communities needed to do all they could to reduce pollutants. Federal definition of economic hardship was 2% of median household income.

Councilor Gratwick asked for early warning from EPA and DEP and encouraged each the regulators and the City to work together.

Art stated they had done their best to help with funding sources and to provide relief to the taxpayers, he surmised the funding sources were drying up.

*Vote: Not Required, Informational Only*

There was no further discussion. Meeting adjourned at 6:35 P.M.