

## Frequently Asked Questions About the Southeast Watershed Alliance

### **Q: What is the Southeast Watershed Alliance?**

**A:** The Southeast Watershed Alliance (SWA) is a regional organization of municipalities in New Hampshire's coastal watershed. It was established by RSA 485-E in the 2009 legislative session with the purpose of improving and protecting the state's coastal water resources through increased intermunicipal cooperation. According to Section 485-E:3 of the legislation, the SWA is separate from the state and includes the New Hampshire municipalities whose boundaries include a portion of the coastal watershed and who have agreed to participate.

The SWA legislation replaced Senate Bill 481, the Estuary Alliance for Sewage Treatment, which focused on public wastewater collection, treatment, and discharge systems. Conversely, the SWA focuses on addressing water pollution from multiple sources, including stormwater runoff as well as wastewater. Further, section 485-E:9 of the legislation, Regional Outfall Construction: Prohibition, states that "The Alliance shall not construct a regional outfall that transfers water out of the Great Bay estuary watershed directly into the Gulf of Maine absent legislation specifically authorizing it to do so."

### **Q: What municipalities are eligible to join SWA?**

**A:** According to Section 485-E:2 III. of the legislation, the following communities are within the coastal watershed and eligible to join SWA: Barrington, Brentwood, Brookfield, Candia, Chester, Danville, Deerfield, Dover, Durham, East Kingston, Epping, Exeter, Farmington, Fremont, Greenland, Hampton, Hampton Falls, Kensington, Kingston, Lee, Madbury, Middleton, Milton, New Castle, New Durham, Newfields, Newington, Newmarket, Nottingham, North Hampton, Northwood, Portsmouth, Raymond, Rochester, Rollinsford, Rye, Sandown, Seabrook, Somersworth, Strafford, Stratham, and Wakefield.

### **Q: What is the geographic scope covered by SWA?**

**A:** As defined in section 485-E:2 III., the coastal watershed is the land area in New Hampshire that contributes groundwater, surface water and stormwater to the Atlantic coast and Great Bay estuary. Water bodies within this watershed include the Squamscott, Lamprey, Oyster, Bellamy, Cocheco and Salmon Falls Rivers; Great Bay, Little Bay and the Piscataqua River; and the Hampton-Seabrook Estuary.

### **Q: So, what's the problem with New Hampshire's coastal resources?**

**A:** These water resources are increasingly subject to pressures associated with population growth and development. Pressures include increased pollutant loads from nonpoint sources, such as stormwater runoff, septic systems, lawn fertilizers and agriculture, as well as point sources, such as wastewater treatment facilities.

With the increasing pollution comes increasingly stringent state and federal water quality regulations. According to Section 485-E:1 of the legislation, Findings and Purpose, "In

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order to improve and protect water quality and meet state and federal regulations, it is necessary for municipalities to reduce nutrient loads from wastewater treatment facilities, stormwater runoff, septic systems and septage, and land use practices. It is essential that the state, and the municipalities located within the state's coastal watershed, work in a coordinated way to address these problems and protect the health and sustainability of New Hampshire's coastal resources."

### **Q: How are regulations becoming more stringent?**

**A:** The New Hampshire Dept. of Environmental Services (NHDES) recently completed an assessment of the Great Bay/Piscataqua River estuary for nutrient-related parameters, in accordance with the estuary nutrient criteria published in June, 2009. The assessment results show that most of the estuary does not meet the criteria for nitrogen concentration. NHDES has requested that these impaired waters be added to the 2008 303(d) list of impaired waters. An impairment of water quality standards necessitates the NHDES and Environmental Protection Agency (EPA) to restrict additional loading to the water body.

Both federal and state law require that water quality criteria be attained. The primary federal mechanism for attaining criteria is the National Pollutant Discharge Elimination System (NPDES) permit program. The program, administered by EPA Region 1 in New Hampshire, and by the Maine Department of Environmental Protection in Maine, currently covers wastewater treatment facilities and stormwater in urban compact areas. It has the potential to cover all stormwater discharges through "residual designation." State Law (RSA 485-A:12.II) gives NHDES authority to require pollution abatement of "the person or persons responsible for the discharging of such pollution."

The EPA will also focus on wastewater National Pollutant Discharge Elimination System permits, establishing limits on nutrient output. These permits are likely to require nitrogen removal to between 3 mg/l and 8 mg/l. However, this limit will not be enough to meet water quality standards, so other sources must be reduced. NHDES has several methods at its disposal to carry-out the requirements for nutrient reductions. Largely this will be accomplished by the use of water quality certifications on permitted projects. Other methods may be used depending on the source and location of the pollution.

### **Q: What happens if we do nothing?**

**A:** When a water body is impaired for a specific pollutant, the federal Clean Water Act requires the state (NHDES) to take action to stop further pollution. NHDES is working on load allocations for specific pollutants in the coastal watershed in impaired water bodies, including Great Bay for the pollutant nitrogen. Load allocations will require user groups (such as farmers, homeowners, and municipalities) to reduce pollutant loads. These reductions are enforceable under both state and federal law, for property owners and dischargers who don't meet their load allocations for pollutants in impaired waters. This could limit the approval of permits on new development and/or increase costs to communities to control stormwater from existing roads and town facilities. The EPA has the power to enforce these regulations if the NHDES is unable or unwilling to do so.

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Working together on the problems is a benefit to communities because it shows state and federal regulatory agencies good faith effort by communities in the coastal watershed on solving their pollution problems. It is a better alternative for everybody than state or federal enforcement. One SWA member used the following metaphor: “You can either help drive the bus, or get run over by it.”

### **Q: Why is SWA being formed now?**

**A:** The SWA is being formed now to allow communities the opportunity to get organized in advance of stricter water quality regulations. The SWA is intended to provide a way for communities to more effectively address the challenges of meeting state and federal regulations watershed-wide.

Great Bay, a tidally influenced water body considered the gem of New Hampshire’s coast for its environmental, recreational and cultural significance, has been listed as impaired for the pollutant nitrogen by the New Hampshire Dept. of Environmental Services (NHDES). An impairment listing means that Great Bay is now subject to the Clean Water Act regulations as required under federal law.

DES plans to publish a load allocation later in 2010. This will identify how much of existing and future pollutant sources are allocated to potentially enter the Great Bay. At that time, communities will be able to see what sources of nitrogen occur where within their boundaries which will help to target reductions.

### **Q: Great Bay is no where near my town. Why should I care?**

**A:** Many water bodies throughout New Hampshire’s coastal watershed are listed under the Clean Water Act as impaired for one or more types of pollutants, and the list continues to grow. Our entire watershed is at risk from increased pollution.

In addition, Great Bay receives pollutant loads from seven rivers, connecting the coastal watershed communities to each other. The pollution is coming from upstream and downstream communities, from both towns and urban centers.

### **Q: I’m not a sewered community. Why should I care?**

**A:** Whether or not you are a sewered community, your community impacts the water quality in the coastal watershed.

Specific to the nitrogen impairment in Great Bay, preliminary estimates are that very significant reductions in nitrogen loading to the estuary will be needed, on the order of limits of technology for wastewater treatment facilities and 30 to 50 percent for nonpoint sources, including stormwater, septic systems, and atmospheric deposition. It is quite clear that reductions in loading from for wastewater treatment facilities will not be enough to reach the loading target.

### **Q: What about the Hampton-Seabrook Estuary?**

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**A:** Though the focus has been on the Great Bay nitrogen impairment listing, the entire coastal watershed, including the Hampton-Seabrook Estuary, is at risk from increasing pollution. Many water bodies within the watershed are listed under the Clean Water Act as impaired for one or more types of pollutants, and the list continues to grow.

For instance, the Hampton-Seabrook Estuary is not meeting water quality standards for bacteria, including frequent closings of shellfish beds.

The estuary is a tremendous resource in New Hampshire's coastal watershed, supporting important coastal habitats, including the most productive softshell clam beds in the state. It also provides important roosting, feeding and nesting grounds for shorebirds, as well as remnant sand dunes that help protect from coastal storms.

### **Q: What about Maine?**

**A:** The legislation does not specifically address Maine. However, about a quarter of the coastal watershed and several wastewater treatment facilities are in Maine, and half of the Salmon Falls and Piscataqua rivers are Maine waters. Although Maine and New Hampshire have historically worked well together on water quality issues, there are no formal mechanisms now in place for collaboration, except perhaps for the Piscataqua Region Estuaries Partnership (formerly the New Hampshire Estuaries Project) which is a National Estuaries Program that, as of early 2009, includes all Maine and New Hampshire municipalities in the coastal watershed.

The SWA is currently considering if and how to include Maine municipalities. Similarly, portions of Massachusetts contribute to pollution in the New Hampshire coastal watershed, and the SWA will also consider if and how to include those communities.

### **Q: So, what's in it for my town?**

**A:** The SWA gives your community a seat at the table in making decisions affecting regional water quality. Additionally, the SWA gives your community the opportunity to leverage funding through regional solutions. The days of bearing costs alone are behind us as a necessity.

In addition, the SWA keeps you informed about the latest developments in state and federal regulation and may assist you in meeting those regulations. Your community will have a network of knowledgeable professionals in the planning and environmental community through the SWA's Advisory Committee as well as a new network of communities all facing the same regulations.

Lastly, your community will be in on the ground floor of a new vision for New Hampshire's coastal water resources.

### **Q: How do you join SWA?**

**A:** Communities join the SWA through a vote of the City Council or Board of Selectmen. The governing body also appoints one representative to participate in SWA

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meetings. Refer to Section 485-E:6 Method of Joining the Southeast Watershed Alliance. The bylaws are currently being written, and will include language on alternates.

### **Q: Is there a requirement to prove membership?**

**A:** There are two ways a community can document membership: 1) an official hardcopy letter or 2) by emailing the meeting minutes; just one of these methods is adequate. The Council/Board of Selectmen can write a letter to Ted Diers, Coastal Program Manager at NHDES, 222 International Drive, Suite 175, Portsmouth, NH 03801, informing NHDES of the date of the meeting when the vote to join occurred and who the representative will be. Alternatively, the Council/Board of Selectmen can e-mail a copy of the meeting when the community voted to join the SWA to [secretary@southeastwatershedalliance.org](mailto:secretary@southeastwatershedalliance.org).

### **Q: How can a community leave the SWA?**

**A:** A town can opt out of the SWA through a vote of the Council/Board of Selectmen. Refer to Section 485-E:6 Method of Joining the Southeast Watershed Alliance.

### **Q: Does it cost money to join?**

**A:** There is no membership fee. Joining does **not** commit municipalities to funding projects in the future.

### **Q: How many appointees can each town have?**

**A:** The SWA has one representative per town but other community members are welcome at all meetings. The bylaws are currently being written, and will include language on alternates.

### **Q: Who should be appointed to represent the community on this group? What kind of background is expected?**

**A:** This decision is made on each unique case of circumstances, including such practicalities as the availability of volunteers, willing volunteers/interest, etc. A background in stormwater and water quality issues is helpful, but not necessary. The person should have knowledge of or be involved in his or her town or city's government.

### **Q: How will communities be represented through their appointees?**

**A:** The community representatives will make decisions about the operational structure of the SWA during the first six months. They will also provide input on the mission and goals of the organization and drive the direction of work tasks. Later, representatives will provide initiative on how to improve intermunicipal collaboration.

The frequency and method of communication between the representative and their Council/Board of Selectmen is entirely up to the individual community.

### **Q: What is this group doing? What can they do?**

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**A:** As a fledging organization working out its operating procedures, it's premature to say exactly what the group will do. The bylaws and future meetings will determine what activities will occur in the future.

### **Q: How is the SWA funded?**

**A:** Currently, the SWA does not have a revenue source. However, section 485-E-8 sets up the Southeast Watershed Alliance Fund, which would be used for planning, public education and outreach, organizational assistance, and implementation. Possible sources of funding as listed in the legislation include: state and federal governments and private sources. According to Section 485-E:8, NHDES would administer the Southeast Watershed Alliance Fund until the Alliance had the operating procedures and organizational structure and capacity to administer the funds. As of February 2010, there are no funds to administer.

### **Q: Where can I get a copy of the bylaws?**

**A:** The legislation that enables the Southeast Watershed Alliance only sets up an organizational framework for municipalities to come together to work on solutions to water quality issues in the coastal watershed. The operating procedures and organizational structure are currently being developed by the SWA members. When the bylaws are adopted and approved, they will be posted on the SWA website at [www.southeastwatershedalliance.org](http://www.southeastwatershedalliance.org).

### **Q: What is N.H. Department of Environmental Services' role in the SWA?**

**A:** The SWA is a community-driven organization. The N.H. Dept. of Environmental Services (NHDES) is providing initial coordination support for the Alliance, as required by the state legislation; refer to section 485-E:5 Duties of the Department. This support has included informing coastal watershed communities about how to join SWA, holding a public information meeting, and developing and maintaining the SWA blog. A NHDES member also serves on the Advisory Committee. In addition, the NHDES is available to provide technical and logistical assistance until the Alliance is self-supporting.

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### **Q: What is the Planning Committee? How can I get involved?**

**A:** According to the legislation, the Planning Committee must be made up of at least eight coastal watershed municipalities and one representative from the Advisory Committee. The Planning Committee is charged with establishing the governing operating procedures and organizational structure of the Alliance as well as proposing a Board of Directors. In addition, at the first SWA meeting, the Planning Committee was assigned the following work tasks by the larger group: researching organizational structure models, developing the mission statement, discussing the process for legal

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review, determining Maine and Massachusetts' watershed towns' inclusion, and identifying financial resources.

Planning Committee meeting dates and times are posted on the SWA website at [www.southeastwatershedalliance.org](http://www.southeastwatershedalliance.org). Anyone is welcome to attend the meetings.

### **Q: Who is on the Advisory Committee? What is the role of the Advisory Committee?**

**A:** As outlined in section 485-E:4 of the legislation, the Advisory Committee is made up of six members with a designee from each of the following organizations: the N.H. Dept. of Environmental Services, the N.H. Department of Transportation, the Strafford, Rockingham and Southern N.H. Regional Planning Commissions, and the Piscataqua Region Estuaries Partnership. The SWA may add members to the Advisory Committee as they see fit.

According to the legislation, the purpose of the Advisory Committee is to provide technical assistance, education, scientific advice and consultation to the Alliance. At its first meeting, the SWA also charged the committee with outreach to nonmember towns. The Committee members are nonvoting members of SWA.

The Advisory Committee will only meet as requested by the Alliance. There is no chair or regularly scheduled meetings.

### **Q: Where and how often does the SWA meet?**

**A:** Times and locations will be posted on the SWA website at [www.southeastwatershedalliance.org](http://www.southeastwatershedalliance.org).