

## Nutrient TAG Meeting 8

June 12, 2014

### Ohio EPA Groveport

#### Attendance

Member/Alternates – Guy Jamesson, Steve Samuels, Kristen Kubitza, Larry Antosch, Dale Kocarek, Ron Wyss, , Doug Busdeker, John Stark, David Carani

Observers – Chris Morgan, Bill Meinert, Chris Henney, Brian Mead

Via conference phone – Mike Brom, Bill Hall

Ohio EPA – Dan Dudley, Bob Miltner, Chris Skalski, Gary Stuhlfauth, Dale White, Melinda Harris

**Handouts** – Responses to questions from meeting 7, U.S. EPA Memo Re: Permits Limits & Chesapeake Bay

Meeting began at 10:05 a.m.

#### Introduction

#### Review of Agenda, Meeting Date and Misc Topics

Dan Dudley

- Today's Agenda – no changes
- May 8<sup>th</sup> minutes – send revisions by next meeting to Dan, otherwise will consider final
- Dan gave an update on the Hypoxia Task Force (HTF) meeting he attended on May 20-22 in Little Rock, Arkansas.
  - U.S. EPA announced their Memorandum of Agreement (MOA) with Land Grant Universities in all 12 member states – should cut red tape on funding from USDA to universities to help answer questions regarding hypoxia issues.
  - Andy Ward, OSU – symposium in the fall with other researchers
  - Ohio will host HTF meeting in spring 2015 – Dan will be networking with other Agencies to plan conference
  - Public Session – letter from the Mississippi River Collaborative (group of environmental organizations) to Nancy Stoner made available, letter names 6 states where they believe numeric nutrient criteria are stalled. Ohio was not included.
  - Executive Session - Nancy Stoner discussed approach for states to sequence nutrient criteria adoption, concentrating on downstream nutrient sinks first. Ohio is moving in reverse but everything should come together for Ohio and steps should not make a difference – our job is to keep making progress.
- Study plans for Big Darby and Rocky not on web yet. Dan will email both these plans when available.
- Dan requested feedback on Big Darby field day participation – at least half a day to see how Agency performs surveys. Dan will let Erin Sherer know of interest.

## Report out from TIC scoring subgroup

Guy Jamesson

- Subgroup is continuing to work and making good progress
- Big news – the subgroup has decided on a new name – Stream Nutrient Assessment Procedure or SNAP – replaces “box model” and “TIC” with a more descriptive name. The subgroup thinks stream is important in the name and useful as it distinguishes from lakes and large rivers
- Steve Samuels asked Guy about the flow charts and when they would be ready for the larger group to review. Guy explained that the subgroup is not ready to share yet, the flow charts are not finished yet, still at QA/QC stage and still have questions and issues to work out
- Presentation slides similar to last month’s meeting – see handout of flow chart of snap procedure slide
- Steve Samuels asked - For the 8 threatened by nutrients that Guy mentioned in his example of the SNAP flow chart, would you go to implementation? Guy replied yes
- SNAP matrix discussion –Dissolved oxygen swing is best indicator of nutrient enrichment with benthic chlorophyll next, then move into the flow charts
- Dan Dudley asked about non-significant departure – this should be built in later in the determinations of threatened (could be up to 4 units below standard) and should carry some weight later in the process. Bob Miltner said he feels that it is baked into the cake and he thinks that questions in the flow chart will address the issue where the biology is underperforming because the stream is threatened. Guy said he thinks the flow chart will correctly determine the situation
- Discussed slides of scaled down flow charts A, B and C which are still being worked through, this is just to give us an idea of what they are thinking. Flow chart C – run through for one final check to verify it is nutrient impairment
- Steve Samuels asked if product of the subgroup is viewed at ground level or 5000 feet – Larry Antosch said this just deals with nutrients and does not deal with how agency handles other causes and sources of impairment (this process is already in place). The SNAP ends with “It is nutrients or not?” Guy Jamesson does not think the subgroup work product will be a very detailed guide but will be the outline for Agency to flesh out. Steve Samuels is asking because he is on the implementation group and the more detail in the SNAP group means less that needs to be worked out in the implementation group
- Steve Samuels asked about who does the work to answer these questions – Bob Miltner said that the Agency does this as part of the technical support document (TSD) and that this would be a new step in the process
- Slide on “Why No Nutrients?,” Dan Dudley brought up that in speaking with U.S. EPA the group needs to be clear that we do not ignore nutrient concentrations, we do sample them and use this to inform our work Table A2 does include looking at nutrient concentrations. We need to state how – say secondary or tertiary – we are using nutrients to answer U.S. EPA’s questions. Steve Samuels asked if it is U.S. EPA’s expectation that the Agency monitor for phosphorus and nitrogen and use that data to determine attainment or is it that nutrients will be required to be reduced in programs if determined to be cause of impairment. Dan Dudley answered it’s the latter; he explained this is a narrative approach backed up with the SNAP, nutrients are secondary/tertiary for use in the process
- Ron Wyss brought up the issue of loading and high flows – when are these going to be addressed? Guy Jamesson brought up that we will have a subsequent rulemaking addressing large river and will also have to have address downstream resources like inland lakes. The Great Lakes Water Quality Agreement will

set standards for Lake Erie. We are getting this one part done so we can focus on the downstream nutrient sinks

- Dale Kocarek made the point that the subgroup might be able to adjust the preamble to include some of the points Dan and Ron brought up. Dan mentioned that the preamble is a good start
- Bob Miltner noted that nutrient concentrations are very much a part of the decision making process
- The TAG Group has a draft of the preamble, any comments or edits should be sent to Guy Jamesson
- Powerpoint presentation will be posted on the TAG web page
- Dan Dudley asked a procedural question - Where does the subgroup feel they are in having something ready for the larger group? Dan brought up that the subgroup should not seek perfection because implementation equally important if not more so. By August Dan would like to move on to implementation. Guy Jamesson thinks this is reasonable.

### **Report out on Implementation Groups**

- Beth Toot-Levy not in attendance. She has heard some progress from the implementation groups.
- Adam Sackenheim is now with Cincinnati Metropolitan Sewer District, he is not sure if he will be able to continue to participate in the TAG external advisory group
- Next meeting on July 10<sup>th</sup> – Dan Dudley mentioned that by August the Agency could have some ideas put together on implementation topics as a starting point for additional discussion
- Steve Samuels mentioned that he has been in communication with Beth about implementation issues – he had volunteered to be on several subgroups and he discussed with Beth at last meeting about how to get the ball rolling but is willing to get the ball moving. Thinks it is helpful that implementation was deferred until the technical work was nearly complete. Dan offered to help with the implementation issues – anyone that wants to be involved should contact Steve Samuels and copy Dan Dudley. Guy Jamesson mentioned that he is very interested – should have a strong science presence on the team. Group B and C questions are a great start to inform Steve Samuels' effort
- Bob Miltner asked if anyone was keeping track of any the implementation issues that can up during the SNAP issues - no
- Steve Samuels also asked if anyone has any questions about implementation that they send them to him
- Gary Stuhlfauth brought up parking lot issues – will post on the TAG web page
- Ron Wyss asked that an email go out to the entire group about this

### **Follow Up from Meeting 7**

#### **Dan Dudley / Gary Stuhlfauth**

- Gary went over the handout addressing questions from the May 8<sup>th</sup> TAG meeting
- Limits in permits – what does impracticable mean? No clear guidance from U.S. EPA
- Examples where we vary from limits expressed as monthly and weekly averages for POTWs – metals
- In Chesapeake Bay – had USEPA finding that justified why nutrient limits should expressed as annual averages.
- How target values are derived and expressed and TMDL modeling and implementation are important in providing justification for alternate averaging periods.
- Gary also mentioned Wisconsin's approval from U.S. EPA – where they make the finding on why nutrients should be expressed differently. Gary's impression was there is no reason that we can't do this

- Will send out the Wisconsin letter
- Steve Samuels asked if the Agency thought about writing a guidance on what is meant by “impracticable.” Gary does not think we need to go to that level
- Next question, “How nutrient limits have been expressed in permits?” Gary found this very interesting
- Steve Samuels asked how many majors do not have phosphorus limits – Gary estimated hundreds
- Minors mostly have monthly limits consistent with how the TMDLs are written
- Steve Samuels asked how many have limits because of TMDLs – Gary said that most have limits due to TMDLs other than the majors in the Lake Erie basin
- Steve Samuels asked about Gary’s review of TMDLs – did he look at how load reductions are divided up between point and nonpoint? Dale White said the current way is based on percent contribution
- Gary explained the Upper Little Miami River model for TMDL implementation in NPDES permits
- Steve Samuels asked about any other states with good effluent trading programs with good results – Gary said none but there is some trading going on in Chesapeake Bay states, Long Island Sound, and North Carolina. Steve Samuels asked about other states with robust rules. Gary replied no, Ohio is it and the rules come up for review in 2017. Michigan rescinded their rules because they were not used. Other states to look at include Virginia for point to point and Pennsylvania for nonpoint to point
- Question to consider - If we have narrative criteria, how do you establish a trade??
- For small wastewater treatment plants in the upper Little Miami River TMDL, today would allocate at existing loads – but would not get reductions
- Any permits with limits for dissolved inorganic nitrogen right now – Gary replied no
- Guy Jamesson asked if the International Joint Commission requirements for Lake Erie were going down to 0.5 mg/l total phosphorus. Gary said the 0.5 mg/l total phosphorus limit is already in the agreement. Work is going on right now to establish new loading targets for Lake Erie
- Gary mentioned new permit language the Agency is drafting to encourage operational changes operators can make to an existing wastewater treatment plant to better reduce phosphorus and nitrogen removal. A few NPDES permits already have this language
- Steve Samuels asked if economics and need of the biology is being considered – Gary replied yes
- The Agency should consider including “where practicable” in the requirement like Maryland and Virginia – like not during high flows at plants with combined sewer overflows or below certain water temperatures
- Gary Sheely raised the topic of integrated planning and suggested the Agency consider how nutrient reductions fit in with other clean water act program requirements.

### **Wrap up**

- Next meeting – skip? Yes – this will give the implementation group time to have something ready
- August 14<sup>th</sup> next meeting – will send email out

Meeting adjourned at 12:37

Note: Adam Sackenheim, alternate for Elizabeth Toot-Levy and representing AOMWA, has taken a new job with the City of Cincinnati and will no longer be able to participate in the Nutrient TAG.