

## **Nutrient TAG Meeting 9**

**August 14, 2014**

**Ohio EPA Groveport**

### **Attendance**

Member/Alternates – Guy Jamesson, Ron Wyss, Doug Busdeker, Beth Toot-Levy, Jason Tincu, Rob Reash, Anthony Sasson, Adrienne Nemura, Mike Brom, Gary Sheely

Observers – Chris Morgan, Bill Hall, Rob Brundrett, Todd Colquitt

Via conference phone – John Meyer, Steve Haughey, Doug Kane

Ohio EPA – Dan Dudley, Bob Miltner, Chris Skalski, Gary Stuhlfauth, Dale White, Debora Roth, Cathy Alexander, Melinda Harris, Bill Fischbein

**Handouts** – Agenda, SNAP, SNAP Preamble, Implementation questions

Meeting began at 11:08 a.m.

### **Introduction**

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

Dan Dudley

- Today's Agenda – no changes
- June 12th minutes – Another week to get revisions to Dan – otherwise final

#### **Report from SNAP Subgroup**

Guy Jamesson

- Subgroup put together final report and recommendations for the Stream Nutrient Assessment Procedure (SNAP) – hard work by group with significant contributions.
- Preamble – look at quote from U.S. EPA's Nutrient Criteria Technical Guidance Manual for Wetlands – represents Ohio's approach in our discussions with U.S. EPA. This is continuing with the work of the TAG – weight of evidence and not numeric criteria. Subgroup is using this quote to explain better approach than the Trophic Index Criterion (TIC).
- Since the last meeting, subgroup has made some tweaks to SNAP flow charts – improvements.
- Looking at the SNAP overview flow chart at end of preamble – first box is the routine stream monitoring that Ohio EPA performs (chemical and biological) – subgroup may clarify first box. Then preliminary status – use flow charts to verify status – then go to implementation.
- SNAP matrix handout – not really changed in last 3 months – subgroup may label column 4 “preliminary assessment” to match with overall flow chart.
  - The subgroup needs to make the point that D.O. and benthic chlorophyll values did not change from what Bob Miltner had done in the TIC, make this point stronger in preamble. The subgroup would be agreeable to Dan Dudley suggesting edits or points that need to be added to make the

preamble stronger. Subgroup would sign the preamble submittal to Ohio EPA so we can pass on to U.S. EPA. Preamble needs to support the SNAP so it really should include the information on the change points for D.O. and benthic chlorophyll – a suggestion was made to include an appendix or reference the TIC Technical Support Document in the preamble. Need to underscore that the fundamentals have not been modified; the subgroup just transferred the TIC into the SNAP. This needs to be the justification for the SNAP.

- Bob Miltner will be working on a document that shows what the TIC score would be and then what the SNAP assessment outcome is and why the SNAP is better.
- Ron Wyss made a point that this should stress that it only deals with low flow. Ron also stressed getting the low flow issues resolved as fast as possible so we can get to the higher flow issues sooner rather than later. Dan Dudley agreed that we need to wrap this up to be ready to address inland lakes and Lake Erie. Also should highlight that this is not radically different than what we have been doing for the last 15 years with TMDLs and the Nutrient Associations document. Need to make this clear to people what we are doing right now and what it will address.
- SNAP Flow Chart A – Determining when status is threatened. The subgroup has made some tweaks since last meeting.
  - SNAP Table 1 – looking for biological underperformance given existing habitat. Subgroup is using 25<sup>th</sup> and 15<sup>th</sup> percentiles to include flexibility. When do you use what percentile? Bill Hall asking for maybe some guidance on when to pick which percentile. Guy Jamesson sees this as flexibility, if the value is over the 25<sup>th</sup> percentile the biology is not underperforming, under the 15<sup>th</sup> percentile the biology is underperforming. In the middle, there is room to look at other information, other sites. Bob Miltner explained that the Agency does not look at this in a vacuum. In some cases there is not enough information to calculate a 15<sup>th</sup> percentile so we could not go with just that. Table 1 is intended to quantify the Agency biologist’s interpretation, which should lead to more consistent application of Agency decisions. This is documented in the stream survey Technical Support Document.
  - SNAP Table 2 is guidance for Ohio EPA to take into consideration. The wording came from Bob Milner. It is not to be used to determine causality – included for reference only.
- SNAP Flow Chart B – Determining when impairment not caused by nutrients. Rob Reash asked Bob Miltner how often the Agency sees combined stresses – nutrients and something else. Bob explained that this occurs mostly with nonpoint sources and is not ambiguous what is causing the problems. For example in the Upper Stillwater River where manure has been discharged into streams, the stressors would be nutrients and organic enrichment. Otherwise there might be cases where something like toxicity is occurring so you don’t see the impacts from nutrients yet, for example total dissolved solids.
- SNAP Flow Chart C – Confirming nutrient impairment. References to Table 2 to be used as additional information or a reference for the reviewer.
  - Adrienne Nemura asked about use attainability analysis. Dan Dudley explained the Agency’s use designation process. Adrienne raised the question of lowhead dams. Dan explained that lowhead dam removal is more common now and they are likely to be removed in 20 to 30 year timeline unless the dam serves some other purpose. Grants are available from the Agency to remove them.
  - Anthony Sasson asked about the use designation rulemakings. Dan Dudley explained the Division has a backlog and are working on a plan to reduce the backlog.

- Bill Hall asked two questions. On SNAP Flow Chart C – what is the floor? Bob Miltner responded that the Agency would use the action level target – 0.13 mg/l (from Table 6 in the Nutrient Criteria TSD). Then Bill asked what if there is a stream with nutrient issues that has the riparian buffers removed – would restoring the buffer address the issue? If the stream is channelized and in nonattainment of modified warmwater habitat, nutrients would still have to be addressed.
- SNAP wrap up. Guy Jamesson stated that this is essentially final – no more significant changes. Guy mentioned that he really tried to incorporate everyone’s comments. Beth Toot-levy mentioned that small tweaks mentioned during the meeting could be made but need to take it to U.S. EPA Region 5 to get their input. Adrienne Nemura asked if members of the group could present this to U.S. EPA Region 5. Dan Dudley would first like to get input from the full tag before sending to the Region. Anthony Sasson mentioned he would like to see a reference to the Technical Support Document. Bob Miltner said he can draft something to send to Guy. Rob Reash will send to other utilities for their input. From time Guy finalizes the SNAP to the next meeting, the TAG will have time to get input on the package. If there is non-consensus then it should be documented. Dan Dudley would like to present the SNAP to U.S. EPA Region 5 in October.

Break - 12:34 to 1:04 p.m.

### Report from Implementation Groups

Adrienne Nemura

- TAG implementation issues outline. Steve Samuels and Adrienne Nemura got together and looked at issues that might need to be addressed. Steve came up with list of 29 implementation issues – not in any order. Then TAG members were solicited to work on particular issues. Nine issues were picked to make progress on by October 7. Intent is to draft preliminary white papers on each topic. The following is a list of the topics, members of subgroup working on topic and chairs (underlined name):
  - 8 – Adrienne, Beth, Tony, Guy, Jason, Steve H.
  - 10 – Tony, Bill M., Guy, Larry, Adrienne, Gary , Kristy
  - 11 – Larry, Bill M., Guy, Adrienne, Gary, Jason, Steve S.
  - 13 – Dale, Bill M., Adrienne, Gary, Steve H. Jason
  - 14 – Beth, Tony, Rob, Larry, Adrienne
  - 15 – Bill H., Mike, Chris, Rob, Larry, Adrienne, Guy
  - 16 – Guy, Chris, Beth, Steve H., Bill H., Dale, Mike, Bill M., Rob, Adrienne, Gary
  - 17 – Rob, Chris, Larry, Mike, Bill H., Adrienne
  - 21 – Mike, Bill H., Chris, Beth, Dale, Adrienne, Steve S.
- Rob Reash asked more details on the white paper. Adrienne said first should be detailed outline but keep things as short as possible. The subgroups are going to have conference calls every two weeks on Wednesdays, August 20<sup>th</sup> is the next call. In regards to questions about legal issues (antideg, antibacksliding), Steve Samuels suggested to look at those later and go with what the group wants to see initially. Subgroups should document divergent views and let Ohio EPA all views into consideration. Subgroup is working with a 60 day timeline - Nov 10<sup>th</sup> working draft that will also be used for reference. White paper will not be actual rule language but Guy Jamesson mentioned that it could. Dan Dudley asked about Steve Samuel’s email inviting Ohio EPA to be used as a resource like Bob Miltner was to the SNAP group. Guy described how the SNAP group interacted with Bob - the TIC/SNAP group learned that

Bob was needed to answer questions and eventually Bob kind of became a member of the group. Guy would use Bob often as the technical resource for input. Guy sees this happening with the implementation groups – Ohio EPA can be a resource and review and comment on issues. Dan has a draft chart of staff that can be contacts for each issue. Dan will send this out by end of day on Friday. If anyone wants to tackle issues not on current list then let Adrienne and Steve know. This is just a start to get the ball rolling.

- Dan asked the TAG group if there is more work to be done before the end of the year when the Agency had scheduled to disband the group.
  - Guy Jamesson recommended that as working through the white papers, the subgroups should include rough pieces for rule language – try to cut to the chase. Some of these issues might only need 2 or 3 sentences. Rob Reash asked about where in the Ohio Administrative Code these rules would go. Dan Dudley replied parts in Chapters 1, 2 and 33. Dan also mentioned that not everything should be in rule and need to think of this while going through this process. Rob Reash suggested that the subgroup does not need 7 weeks to get this together. Should have something to present at the September meeting. By next meeting leader of each group should have something to present – some issues could be completed. It was suggested to send out information the week before next meeting to give group something to review.
- Todd Colquitt asked is the TAG expects to have discussion at next meeting from all 9 groups? It was decided that the group leader should prepare 10 minutes of discussion allowing 10 minutes of questions/answers for each item. Start next meeting at 10:00 a.m. to allow sufficient time.

### **Wrap up**

- Next meeting – September 11<sup>th</sup> at Groveport
- Dale White gave an update on the Big Darby watershed survey – The Agency deployed 32 D.O. sondes and is conducting an ammonia survey near declining mussel beds. Initial impression is that the mainstem looks better than 10 years ago.
- Meeting ended 1:32 p.m.