

Nutrient TAG Meeting

November 19, 2013 (1:30 to 4:30 p.m.)

Ohio EPA Groveport Field Office

Attendance

Member/Alternates – Larry Antosch, Jack Irvin (A), Tom Price, Tom Menke (A), Bill Knapke (A), Doug Busdeker, Anthony Sasson, Kristen Kubitza, Ron Wyss, Guy Jamesson, Dale Kocarek (A), John Lyons, Dave Ritter (A), Adrienne Nemura, Gary Sheely (A), Elizabeth Toot-Levy, Adam Sackenheim (A), John Meyer, Michael Brom (A), Cheri Budzynski (A)

Observers - Mark Wilson, Dan Button, Rob Brundrett, Chris Morgan, Bill Hall, Gene Phillips, Todd Colquitt, Mike Bailey, Kevin Elder, Greg LaBarge

Via conference phone – Steve Haughey, Remegio Confesor (and others at Heidelberg University), Bill Meinert

Ohio EPA – Dan Dudley, Bob Miltner, Jeff DeShon, Chris Skalski, Melinda Harris, Eric Nygaard, Dan Gill, Gary Stuhlfauth, Cathy Alexander, Dale White

Handouts

- Agenda, List of TAG Members/Alternates, List of TAG Observers, Ohio EPA Guide to Rule-making fact sheet, Purpose and Charge Given to TAG, TAG Member Perspectives on the Development of Numeric Nutrient Criteria, Nutrients ESO Comments Summary

Introduction

Dan Dudley gave welcome and went over agenda. Dan asked that everyone present introduce themselves and use one sentence to describe background experience that will be useful in this task. Have quick written notes on this part. See list at end of minutes.

Dan Dudley asked members to review the meeting's agenda – no changes were suggested.

Dan's expectations – get to know one another for the work over the next 12 months. The TIC is a near field tool, an improved tool box. However, the job is not done. We need to think about downstream, need to think about how to tackle the work in a manageable way.

List of issues/work

Adrienne – supports chunks – fits in with USEPA nutrient framework – 8 steps

Dan – we do have the Ohio Nutrient Reduction Strategy (ONRS) – not talk about now – will work on the 8th step.

Ground Rules

Dan Dudley went over the ground rules for the TAG –

- Professional common courtesies.

- Non-voting – consensus seeking; option for minority opinions.
- Alternate can step in when member cannot. Observers will receive all materials. Encourage off-line discussions.
- As co-chair Dan will cut off tangent discussions if need be.
- No objections were voiced to the ground rules.
- TAG meetings will not be run by a facilitator. Dan Dudley will be co-chair. Elizabeth Toot-Levy volunteered to be the other co-chair.

TAG Charge

Dan Dudley discussed the 4 bullets on the handout. These are Dan's ideas – if any issues, let him know. Dan has learned from previous EAG groups – wants a different outcome – wants to get rules done. Dan is looking for the group to provide a good effort especially on implementation side because we need the input – can't think of all questions. Rule language to be drafted by Agency and small group if interested. White papers authored by groups. Will use "parking lot" for issues to be addressed later.

Timeline for effort – originally 18 months, maybe 12 to 18 months. Expect to meet monthly with work being done outside of meetings – offline work. Nutrient rules are a priority for Agency and director in 2014 – first item on list of priorities. Already did ESO (first step in rule process). Next step is drafting rule language for Interested Party Review. Plan to have IPR rule package in early 2015.

Member Viewpoints

Member viewpoints on nutrient pollution and means to control impacts. Had everyone skim the handout and those that did not respond give thoughts.

- Tom Price – excellent comments, agreed with most. Coming from farming background – wants to get arms around what we are trying to do and bring that back to the 88 county soil and water districts.
- Adrienne Nemura – supportive of point source comments. For small POTWs - economics and benefits to water quality must be there, concern over high incremental costs associated with increasing levels of control, need to consider impacts on rate payers, businesses, and agriculture who are important for the local and state economies.
- Doug Busdeker – agriculture and retailers with crop nutrients know ag is part of the problem. With NPS voluntary efforts and changes in management practices – want to be part of the solution.
- Kristen Kubitza – agrees with LEIA and TNC comments – wants outcome to be obtainable, measurable, and quantifiable – all sources of nutrients addressed.

Overview ESO

Dan Dudley went over how we got here and why. U.S. EPA published national recommendations in about 2000. States can either adopt the national recommendations or something else that is protective of the designated use. That is how program works. At this point, very few states have adopted nutrient standards. Ohio EPA put together a plan and

started collecting field work. Then it took couple of years to convince U.S. EPA that our approach was ok with their plan. Finally go ok from region and headquarters to proceed. TIC not perfect but we think is as good as going to get. Next is implementation – details that we have preliminary ideas on but group input is important. We need stakeholder support in front of JCARR. Without that, rules will not go anywhere. Please give honest advice on this issue.

Provided summary of ESO comments. Dan started list of parts we need to start working on. Chris putting items on board. Group decided to have Bob Miltner go first with TIC overview before we come up with list of items to work on.

Bob Miltner's Presentation

- Copy of presentation available on TAG web page
- New category of "Hold" for one off events – need to think about how to handle in rule language

Back to list of work components/Questions

After Bob's presentation, the group went back to the task of brainstorming items to work on:

- How to translate necessary reductions to sources
- Use of TIC in relation to WLAs
- Source Identification
- Enforce/Implement
- TIC – how it was developed/how it works
- Stratification by ecoregion / stream size
- When in the process do we do the TIC
- Nutrient reduction in relation to other stressors
- Site specific options/offramps
- Nuts and bolts of TIC operation – how much data, what to do if data is missing
- Different load reduction strategy options for TMDLs
- Average periods and appropriate WQBELs and loads vs concentrations
- Adaptive management
- Treatment options/effectiveness/costs – point and nonpoint sources, technology feasibility on nonpoint sources
- Mass balance

At 4:30 p.m. Dan decided to continue working on this list and will send it out via email for further input.

Next Meeting

Scheduled next meeting for December 10th at Ohio EPA Groveport Field Office.

List of Items for Further Exploration

- Look into further what other states have done – for example Montana (where they adopted low nutrient criteria but then granted variances) – also look at Wisconsin and Kansas
- More details on Ohio EPA's assessment process and TIC development

Members/Observers Introduction Statements

- Dan Dudley, Ohio EPA, DSW, Manager of Standards and Technical Support program, aquatic biologist
- Cheri Budzynski – alternate for Rob Reash who has been involved with the EPRI ORSANCO water quality trading program
- Elizabeth Toot-Levy – represents AOMWA and NEORS – large point sources
- Tom Price – Chair of the Ohio Soil and Water Commission – farms along the Scioto River
- Larry Antosch – represents Ohio agriculture and have three water related degrees
- Adrienne Nemura – small POTWs – nutrient issues in other states (Chesapeake Bay watershed) and represents the City of Lima in the TMDL process
- Guy Jamesson – represents OWEA and AOMWA – engineer with experience in WWTP nutrient removal design and operation
- Ron Wyss – represents Lake Erie Improvement Association – modeled after GLSM group and is a farmer
- John Lyons with Strand Associates – represents AOMWA and has a background in green infrastructure
- Doug Busdeker with the Andersons – fertilizer sales and partnership with The Nature Conservancy is a 4R certification program
- Anthony Sasson – represents The Nature Conservancy – freshwater conservation. Worked on WLEB project and other recent water quality committees
- Kristen Kubitzka – represents the Ohio Environmental Council – mostly involved in the urban side of nutrient issues
- John Meyer with John Morrell foods. Is an environmental engineer and has participated in TMDL committees in the past.
- Remegio Confesor Jr. and another professor with Heidelberg University

- Bill Meinert with O'BRIEN & GERE represents POTWs and participated in the Point Source and Urban NPS work group
- Chris Skalski, Ohio EPA, DSW, Standards and Technical Support program
- Melinda Harris, Ohio EPA, DSW, Rule Coordinator
- Eric Nygaard, Ohio EPA, DSW, Permits program
- Dale White, Ohio EPA, DSW, Modeling and Assessment section
- Bob Miltner, Ohio EPA, DSW, Ecological Assessment unit
- Jeff DeShon, Ohio EPA, DSW, Manager of Ecological Assessment unit
- Gary Stuhlfauth, Ohio EPA, DSW, Permits program
- Dan Gill, Ohio EPA, DSW, Supervisor of Permits program
- Cathy Alexander, Ohio EPA, DSW, Manager of Modeling and Assessment section and CAFO unit
- Michael Brom with Potash Corp.
- Bill Hall with Hall & Associates. Environmental Engineers with 15 years of experience with nutrients.
- Dale Kocarek with Stantec represents point sources and chair of the OWEA Government Affairs committee
- Bill Knapke with Cooper Farms
- Tom Menke with Menke Consulting – involved in permitting and nutrient management plan development for livestock farms
- Mark Wilson with Land Stewards represents the Certified Crop Advisors
- Gary Sheely, Director of Utilities for City of Lima, represents small POTWs and local experiences
- Adam Sackenheim with Butler County represents AOMWA
- Chris Morgan with Jones Day represents the City of Lima
- Rob Brundrett represents the Ohio Manufacturing Association
- Jack Irvin represents the Ohio Corn and Wheat Growers Association
- Todd Colquitt with Ohio Common Sense Initiative Office
- Dan Button with USGS
- Gene Philips with Ohio Department of Health – regulation of household sewage

- Mike Bailey with Ohio Department of Natural Resources, Soil and Water
- Dave Ritter with NEORS has experience in urban storm water
- Greg LaBarge with The Ohio State University Extension
- Kevin Elder with Ohio Department of Agriculture, Livestock Environmental Permitting