

## Nutrient TAG Meeting

February 13, 2014

### Ohio EPA Groveport Field Office

#### Attendance

Member/Alternates – Tim Lohner, Elizabeth Toot-Levy, John Lyons, Guy Jamesson, Larry Antosch, Ron Wyss, Kristen Kubitzka, Adam Sackenheim (A), Dale Kocarek (A), Adrienne Nemura, Doug Busdeker, John Meyer, Anthony Sasson, Gary Sheely (A), Michael Brom (A)

Observers – Bill Hall, Todd Colquitt, Dave Ritter, Chris Morgan

Via conference phone – Bill Meinert, Gail Hesse, Doug McLaughlin, Mark Wilson, Steve Haughey

Ohio EPA – Dan Dudley, Bob Miltner, Chris Skalski, Dale White, Gary Stulhfauth, Melinda Harris, Heather Raymond

**Handouts** – Agenda, Two Slides from Summary of Numeric Nutrient Criteria Technical Workshop Presentation

Meeting began at 10:07 a.m. Quick around the room introductions – members/alternatives first and then observers and phone.

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

- Today's Agenda – no changes
- Jan 9 minutes – ok final
- FYI – items distributed with agenda
  - 3<sup>rd</sup> meeting minutes, revised responses for Group A questions, Group B & C issues
  - Expanded reading resource on U.S. EPA Guidance and Science Advisory Board (SAB) Review – U.S. EPA did ultimately finalize the document. Guy will forward to group. Division of Surface Water (DSW) will post on Technical Advisory Group (TAG) webpage as final guidance.
  - Expanded summary of Early Stakeholder Outreach (ESO) comments (PCS Nitrogen added) – DSW will post on TAG webpage
  - FYI, Paper for National Association of Environmental Professionals (NAEP) panel on numeric nutrient criteria – annual meeting in April. Dan Dudley will be presenting what Ohio is doing. DSW will post on TAG webpage.
  - Ohio Water Environment Association (OWEA) Governmental Affairs Workshop, March 13
- Plans for U.S. EPA Region 5 and TAG member interaction – Region 5 is willing to be on a conference call for an upcoming meeting. Dan asked the group to prepare what they would like to discuss with the Region ahead of time and will send to Region 5 so they can prepare. Maybe appropriate time for a call would be when we have something drafted. Dan will check in with the group next month or so to see

when we are ready. Anthony brought up having someone as keeper of questions for U.S. EPA. Elizabeth offered to be the keeper – will not edit, just copy and paste into a word document. Bob Miltner recommended not asking open ended questions or requests for guidance instead offer something for them to give a reaction to.

- Re-schedule or skip March meeting? March meeting would be the 13. Same day as OWEA meeting and others have conflicts. So maybe skip and do take home work or reschedule for Friday March 14. Group asked to think about during meeting. Dan is not available for meeting in April – presenting at the conference referenced above.

### **Report out from TIC scoring sub-group**

- Guy Jamesson - Meeting this morning included 8 members of the group. Tropic Index Criterion (TIC) is not a water quality criterion – it is a screening tool so maybe the name should be revised to make that more clear. TIC and how it is used is key and group really needs to keep looking at this. Still have more work to do as a subgroup. May get together again in 2 weeks. Will talk with Bob and Dan about further discussion. Stay tuned.

### **First Draft of minimum data requirements**

- Rob Reash - Rob is at the Ohio River Valley Water Sanitation Commission (ORSANCO) meeting. Tim Lohner (sub) not ready to say anything. Rob is only member of subgroup. Dan and Bob might need to talk to Rob about the fit with our survey program. Dan is thinking we need something to reference somewhere all methods that need to be followed in data collection. Thought purpose was to specify exactly how much data do we need to calculate a TIC score – no one else from the group volunteered to help Rob. Dan offered to work with Bob and others in **DSW to outline Agency thoughts; forward to Rob within the next 2 weeks**

### **Summary of Numeric Nutrient Criteria Technical Workshop**

- Bob Miltner
  - Meeting highlights – Combined Numeric Nutrient Criteria
  - Box model option (Maine’s rule)
  - Consider forming small work group focused on criteria portion of rule
  - Bob’s presentation (available on TAG webpage). Box model as decision trees. Michigan example. Wis nonpoint performance standards – address higher loading. Discussion on independent application. Box model or range approach alternative (more of what Ohio is doing). Bob’s take home is that now is the time to get something through. What if we put the TIC into the box model. Good start to looking at implementation – way to frame discussion. Discussion over protecting downstream use. Group recommended Bob replace “low or high” with “any concentration” to avoid confusion. Sites can have more than one cause of impairment. The TIC helps us decide with confidence that nutrients are a cause. More discussion about how we determine causes and sources; **TAG members requested additional written material regarding the steps taken to determine cause and source.** High nutrients demonstrate a potential for impact. Have to look at biology. Ron Wyss supports the inclusion of downstream considerations in the

- box model. Nutrient concentrations do matter. Need to tweak semantics. Discussion of habitat features; Bob indicated he's found no means to directly include habitat in the TIC scoring model.
- Pros and cons – box model is an alternative for the group to discuss. Group thought “Not plug and chug” is really a pro on box model.
  - See what Maine did – have a box model. Region 1 endorsed the model but headquarters wanted independent application. Since then U.S. EPA pressing combined model. Region 5 pressed the TIC as the NNC for Ohio. Now things have changed and box model may be approvable.
  - Discussion over NPDES program, TMDL program and nutrient reduction strategy. Discussion about implementation that needs to occur in future meetings. [Side note: Ohio's Nutrient Reduction Strategy is available at: [http://epa.ohio.gov/Portals/35/wqs/ONRS\\_final\\_jun13.pdf](http://epa.ohio.gov/Portals/35/wqs/ONRS_final_jun13.pdf)]
  - Questions about flows – when we sample in the summer and what we use in the TMDLs
  - Michigan evaluating approach based on natural background conditions which would result in criteria that are more stringent than the TIC (<http://www.michigan.gov/deq/0,4561,7-135-3313-264525--,00.html>)
  - Wisconsin's nonpoint source requirements - NR 151 (<http://dnr.wi.gov/topic/surfacewater/phosphorus.html>)
  - Dan would like a small group to start crafting language on the water quality standards chapter rule in near future. Dan will put back on agenda in future meeting. DSW will put together more information so group has more information in front of them to look at box vs. TIC and will give data ranges in box for help – follow up.

10 minute break.

#### Follow up on Group A ESO Questions

- Dan Dudley – revised text sent out with agenda
  - 6, 11, 30 updated responses
  - Response to 30 – ok
  - 6&11 have some implementation to them so maybe belong in Group b
  - Discussion on habitat and how that fits in implementation – example Ottawa River with low head dams and use designation not modified. Getting designated uses right. But also in localized situations like above, how we will deal with that. DSW will put something out for reaction. How to deal with cases where nutrients may be a stressor but other stresses are also present that will inhibit benefits of nutrient reductions until they are resolved.

#### Implementation aspects of rule – Groups B & C issues

- Beth Toot-Levy
- Beth cut out the issues on paper so the group could pair up questions. Then the group paired like questions into 14 groups which could translate into 14 subgroups. Beth going to organize and send out an email for everyone to sign up for groups – 3 per subgroup. These will be addressed at upcoming meetings. Groups should prepare power points ahead of time and send to entire group to be prepared.
- Dan envisions us looking at this for the rest of the year.

## Discussion

- TIC scoring subgroup will also look at the box model.
- Could be TIC and matrix or box model. Desire to get into the implementation discussion – Dan hopes so soon. TIC scoring subgroup should explore and recommend one of these approaches for the rule
  - TIC alone
  - TIC / box model hybrid
  - Box model only
- Question about discussion today and if it conflicts with standard practice. No this is line with what we have been doing for over 10 years.
- Next meeting – need to talk more about TIC vs. box model. Not skip –Next meeting will be March 14. Groveport conference room is available.
- Dan discussed other use impairments like Public Water Supply (PWS) and Harmful Algal Blooms (HABs) in inland lakes and reservoirs.
- Heather Raymond discussed PWS impairments – started noticing cases where Aquatic Life Use (ALU) was attained but nitrates high so started listing in the integrated report as a separate impairment. In draft 2014 Integrated Report (IR), Agency is listing impairments for HABs. We are looking at pollutants not removed by conventional treatment. USEPA is likely to issue national thresholds for cyanotoxins this fall. This is why downstream impairments are important. Group would like to hear more from Heather at a future meeting. Comment period on draft IR is up on Feb 28<sup>th</sup>. [Draft report available at: <http://epa.ohio.gov/dsw/tmdl/OhioIntegratedReport.aspx>]

## Wrap up, review action items

- Dan – table group for water quality standards (wqs) rule drafting for a while.
- Will add more context/inner workings of the box model – how we factor in habitat. Will stress importance of having correct use designation in place before we start nutrient work. Will look into localized habitat issues and how we will implement/handle this in management decisions.
- Outline minimum data requirements – Ohio EPA will work with Rob.
- Outline how we handle flow in the modeling.
- Summary of Adrienne’s question – if we impose nutrient controls, will there be any benefits. Discussion on Lima again.
- Beth will send out categories – group has one week to sign up for the subgroups so work can get started. Alternates can be on the subgroups as well.

Meeting adjourned at 2 PM