

## **Nutrient TAG Meeting**

**April 10, 2014**

### **AEP Dolan Chemical Laboratory**

#### **Attendance**

Member/Alternates – Guy Jamesson, Kristen Kubitz, Adam Sackenheim (A), Adrienne Nemura, Anthony Sasson, Michael Brom (A), Rob Reash, Steve Samuels (A)

Observers – Bill Hall, Chris Morgan, Brian Johnson, Steve Haughey, Todd Colquitt

Via conference phone – Elizabeth Toot-Levy, Gail Hesse, Bill Knapke, Sandy Bihn, John Lyons

Ohio EPA – Bob Miltner, Chris Skalski, Gary Stulhfauth, Melinda Harris

**Handouts** – Alternate Proposed Box Model for Trophic Condition, Presentation Slides

Meeting began at 10:00 a.m.

#### **Introduction**

- Rob Reash started the meeting with an overview of AEP's laboratory and a training and safety reminder.
- Brief introductions around the room and phone.
- Rob offered the opportunity to tour AEP's lab after the meeting.

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

Guy Jamesson

- Today's Agenda – final, no changes.
- March 14 minutes – Melinda asked group to send any revisions to the minutes next week, otherwise will be considered final.

#### **Report out from TIC scoring subgroup**

Guy Jamesson

- The subgroup looked at the TIC and Box model. Had several subgroup meetings and a meeting with Bob Miltner.
- Subgroup looked at pros & cons of both and reached a consensus that the box model was more appealing – more flexibility. TIC was seen as more rigid but clearer.
- Members put together drafts of a box model with parts taken from Bob Miltner's model – some differences though.
  - Attainment and non-significant departure considered the same for this purpose.
  - Subgroup still needs to decide on values for benthic chlorophyll.
  - No weighting of parameters.
- Rob Reash asked Bob Miltner about non-significant departure.
  - Statical quality control - more a measure of precision, background variability.

- Non-attainment of reference sites – cut off to say there are reference sites that do not have impacts, no “pristine” sites.
- Non-significant departure considered “low-level” passing.
- Guy Jamesson mentioned that the group just put this together and Bob Miltner has not had time to review so Agency can’t provide total feedback right now.
- In the second row of the table, Bob Miltner was asked if it is frequent to see biology attaining but other parameters point that nutrients could be a stressor – asked what else would be helpful to look at – Bob mentioned looking at other sites around – likely to see one in nonattainment, the HUC 12 would be listed as impaired then.
- The subgroup’s box model has fewer columns than Bob’s box model – notes column missing (next steps) – group decided that was implementation – need to discuss this further after more dialogue.
- Other column missing is nutrient concentrations, subgroup thoughts:
  - Nutrient Concentration per say, not that helpful as a stressor.
  - Subgroup felt it was too confusing, nutrients in water column not only place nutrients are found.
  - Agency will have the nutrient data so can discuss how this information is weighted.
  - Anthony Sasson mentioned that from his perspective (and his office), they want to know what the nutrient concentrations are – an additional piece of information.
  - Guy said the nutrient data will be available just don’t think it has to be included in the box model.
  - Question – in regards to nutrients, is it the concentrations or mass loading that is more important?
- Benthic Chlorophyll values – group took Ohio EPA’s 4 levels and put into three.
- Overall, subgroup wanted to simplify categories – didn’t want the box model to be too complex.
- Bob Miltner mentioned that he would not know how to sell the box model to U.S. EPA Region 5 without nutrients in it – though Bob doesn’t personally have issues with it. Bob reminded the group that justification will have to be provided for all changes from Bob’s version of the box model. He also asked the group to think about where protection comes into play. Group thought the implementation step will address this – see box model as Step 1 and implementation as Step 2.
- Bob Miltner – will have to tie in with nutrients concentrations and loads somewhere and will have to include discussion on protection for high quality waters – maybe under Antideg., discussion on BADCT.
- Subgroup is willing to work with Agency to satisfy U.S. EPA but really pressing for state flexibility.
- Thoughts from observers:
  - Bill Hall – concern of “nutrient over-enrichment” in cases where nutrient concentrations are low and reducing nutrient load will not correct the problem, maybe fixing habitat or other stressor would – maybe just say “over-enrichment”?
  - Bob Miltner mentioned that we have to distinguish between organic enrichment and nutrient enrichment.
  - Bob also pointed out that nutrient enrichment is one of the categories to use on the 305(b) report.
  - Maybe the subgroup could look at definitions – define nutrient enrichment.
- Subgroup said next steps would be to have more discussion with Bob Miltner.
- Subgroup is asking for comments and feedback before next meeting – send feedback to Guy Jamesson and copy Dan Dudley and Beth Toot-Levy.

## Report out on Four Implementation Groups

### Current Nutrient Limits

Adrienne Nemura

- Addressed Questions B7, C6
- See slides
- Subgroup mentioned that allocation of load reductions under TMDLs needs to be looked at.

### Rule Language

Adrienne Nemura

- Addressed Question C16
- Guy Jamesson asked the subgroup to start thinking about off-ramps.
- On slide 18, numeric values means target values.
- Rob Reash brought up that having target values in rule is a two way sword – sometimes you might want a value.
- Subgroup suggested Operational Guidelines because implementation of detail might change overtime as we get more experience on this.
- Might want to consider that third parties have more input in the rule process – rules can be written with flexibility where needed.
- Maybe discussion on what should be in rule vs. guidance is premature.
- Policy decisions are coming up and the group needs to identify these topics – effluent trading, multiple stressors, etc.

Lunch break from 11:53 a.m to 12:37 p.m.

### Minimum Data Requirements

Rob Reash

- On slide titled “Standardization of Field Procedures,” Rob asked Bob Miltner if there is a “don’t sample” flow that Ohio EPA uses – Bob said for fish, Ohio EPA has a “don’t sample” based on a certain secci disk reading.
- On slide titled “Miscellaneous,” Rob asks what happens if the two fish sampling events result in highly divergent results/use attainment status? – Bob Miltner said that the Agency uses average values to make attainment determinations, outliers are flagged and not used.
- Bob Miltner mentioned that macroinvertebrates get stimulated by nutrients – Agency’s bug people can pick this up. Agency has not identified fish species that are more sensitive to nutrients than others.
- What about impact of major storms – Bob Miltner said the protocol is to stay 10 days away from major storm events.
- Guy Jamesson asked Rob Reash to consider minimum requirements for each parameter in the TIC. The Agency collects continuous dissolved oxygen readings twice and Chlorophyll A once. Bob Miltner said the precision on Chlorophyll A is pretty good and is collected during the most critical period.
- Members recommended increased sampling size to increase certainty but live within Agency’s limitations.

- Bob Miltner said the Agency does not yet have enough data to go back and look at whether the sampling that was performed for TIC determinations was sufficient.
- Question for Agency – what happens with years of biological data at a site, do we consider that?
- Question for the group to consider – if there are limitations on data collection because of Agency resources, will this increase error in the output of the TIC? If yes, then the group will need to make recommendations.
- If Agency has limited resources, then the Credible Data rule can be used by permittees to fill in the gaps.
- Note to consider in rule, guidance development – set up data collection so that it will be considered credible.
- Gary Stulhfauth said the group could recommend having these parameters put in a permit.
- Steve Samuels recommended a subgroup to look at how to make sure data be considered credible for calculation of the TIC – Send Beth Toot-Levy an email if you would like to be on the subgroup.
- Anthony Sasson expressed concern about the scaling back of sampling on small streams to shift efforts in other areas.
- Steve Haughey asked if other confirmatory parameters could be collected in the field for example – change in diatoms, algal toxins, and visible signs of algal blooms? Rob Reash asked Steve Haughey to write this down and send to him.
- Adrienne Nemura commented that some of the items Steve Haughey mentioned are very expensive and methods still being worked on.

### **Seasonality of Limits**

Adam Sackenheim

- Comments from Gary Stulhfauth – expression of limits in permits can depend on how the TMDL was developed, sometimes there are two critical periods. Currently, monthly/weekly limits are required for POTWs in rule. To vary, would have a receive a finding from U.S. EPA that monthly/weekly limits are not appropriate. This issue is being raised right now in Region 5 states.
- Issue that needs to be looked at – how we write the rule, how TMDLs are written, ways to take an annual load and convert to monthly/weekly limits. In effluent dominated streams, there is more support for seasonal limits. In watersheds with more agricultural land use, might make sense for annual loads.
- Look into statewide finding to avoid monthly/weekly limits.
- However, limits in the examples provides are more like technology based limits so frequency is more reasonable but when lower phosphorus limits are required, will be harder to meet monthly/weekly limits.
- Send Adam Sackenheim any questions/concerns about seasonal limits.

### **Adaptive Management**

Adrienne Nemura

- Guy Jamesson mentioned that the group hopes to provide the Agency with input on this key part of the rule.
- Bob Miltner mentioned that this would be where guidance documents come into play.

Did not get to presentation on Financial Issues.

**Wrap up**

Next meeting on May 8<sup>th</sup> will be at the AEP lab again.

Meeting adjourned at 2:00 PM