

Nutrient TAG Meeting 7

May 8, 2014

AEP Dolan Chemical Laboratory

Attendance

Member/Alternates – Guy Jamesson, Adrienne Nemura, Anthony Sasson, Steve Samuels (A), Kristen Kubitza (also on phone), Larry Antosch, Elizabeth Toot-Levy, Dale Kocarek (A), Gary Sheely (A), Jack Irvin (A)

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

Via conference phone – Ron Wyss, Stephanie Singer, John Lyons, Debora Roth (Ohio EPA)

Ohio EPA – Dan Dudley, Bob Miltner, Chris Skalski, Eric Nygaard, Dale White, Melinda Harris

Handouts – Agenda, TIC Scoring Group presentation slides and tables, NPDES Permit Limits presentation slides

Meeting began at 10:05 a.m.

Introduction

Review of Agenda, Meeting Date and Misc Topics

Dan Dudley

- Today's Agenda – no changes.
- April 10th minutes – sent out this morning to meeting attendees for comment by May 16.
- Credible Data program training available – will send out email with links to information (see http://www.epa.ohio.gov/dsw/credibledata/training_testing.aspx and <http://www.mbeducation.com/>)
- Karl Gebhardt is the new Deputy Director of Water Resources and DSW Chief – Dan briefly spoke with Karl about the nutrient workgroup – he may join us for an upcoming meeting.
- Karl is the Ohio member on Hypoxia task force. Upcoming May 21st meeting Dan will attend. Dan will send email with link to U.S. EPA Hypoxia task force webpage, may have new guidance on expectations for states – sequence of actions for states to adopt NNC – could be discussed at future meeting.

Report out from TIC scoring subgroup

Guy Jamesson

- Presentation slides and handouts
 - Most recent version of box model
 - Tables A, B and C
 - Box Model with evaluation results
- Group has settled on the box model.
- Had discussion with Bob Miltner since last meeting.

- Have added decision tables since the last meeting – Tables A, B and C will be used to determine if threatened and if from nutrients.
- Filled in numbers for DO and benthic chlorophyll on the box model table.
- Guy led the group through the new tables.
- On Table A – first question – that would mean the stream reach would be listed as impaired on 303(d) report because the adjacent site is impaired
 - Question about minimum data required to make decisions – have subgroup for that – Rob Reash is the subgroup leader.
- Looking at Table A and box model table with evaluation results – on that table there is a clarification on data set used – larger data set of all data from assessed sites, not just sites just in TIC development. Shows results of Table A: of 24 sites – walking through Table A results in 8 sites being nutrient threatened and 16 sites not nutrient threatened, 4 sites had adjacent site impairment.

Table A has a matrix on second page with TP and DIN concentrations – answers question “Are nutrients from a defined source attenuated along evaluated reach?” Matrix helps answer this question.

- This matrix would only come into play when a site has high benthic chlorophyll concentrations or wide D.O. swings.
- Question about “defined source” as used in the table – Bob said the term was meant to be broad in the sense of point source vs. nonpoint source – not necessarily an identified actual source.
- Tables are still draft and wording can be revised.
- Bob sees the matrix as where we are bring in the nutrient concentrations.
- Dan brought up concerns on not determining a stream is enriched with TP values greater than 400 ppb.
- Dan is concerned that U.S. EPA’s initial reaction on removing ambient TP and DIN concentrations from the “front end” of the process could set us back on tentative agreements with Region 5 and Headquarters. Discussion on how to present information to U.S. EPA and how to make information crystal clear. Need to be clear why box model is an improvement over the TIC and has a better outcome.
- Anthony brought up that other states are concentrating on nutrient concentrations that it may be difficult for U.S. EPA to look at something so different.
- Table B – 34 sites, where nutrients reported on 303(d) list as a cause, there were other causes listed as well. Noe of these sites had nutrients listed as the only cause.
- Adrienne asked Bob: if for the 128 sites – could there be an addendum that lists the sites and include pictures of the sites – might help us walk through everything, to think about wording and how we may be able to package the information for U.S. EPA. Bob can start something in a spreadsheet – look at TIC scores sites where the TIC did not work. Thanks Bob!
- Table C – Bill Hall question – how is last row of box model table different from the Table C row – could there not still be other sources of impairment – looking to see if other things are going on is always part of the process. Bob can list out all the causes when he creates the addendum.
- Last slide – Why no nutrients? – added the “But” sentence at the end of the slide – otherwise similar to slide from last month. Dan thought it was a good summary.
- Dan brought up that U.S. EPA is getting all the information on the meetings. Discussed the future call with U.S. EPA - should occur after we get more pieces put together.
- Dan said that we need a new name for the box model to make a distinction from the Maine Box Model (which is independent applicability).

Introduction to WLA & NPDES Permit Limits

Eric Nygaard

- Assume already have done the assessment and have reasonable potential for one or more nutrient parameters.
- See 40 CFR Part 122.45 and OAC 3745-33-05 (C)(1) Re: Expression of NPDES limits
- Ohio's rules for NPDES permits last updated in 2011 to match what feds think it should say.
- In federal rule on how limits should be expressed in permits, refers to POTWs – Ohio's rule refers to sanitary and is limited to conventional and nutrient parameters, did not include metals and toxics.
- Anytime have water quality based effluent limits, have to have mass and concentration using the wasteload allocation discharge flow except for wet weather flows and water conservation/flow reductions (example: steel, manufacturing facilities).
- Flexibility in rules – what does “impracticable” mean, other more restrictive period needed to meet water quality standards.
- Example of expression of limits in Upper LMR
 - TMDL had 60% reduction for each plant – Ohio EPA rearranged the wasteload allocation for the point sources since they were not all starting at the same point. So Agency gave them equal concentrations (times design flow to get the load). 0.5 mg/l was the concentration.
- Steve Samuels – 6111.03(J) source of flexibility?? To be decided in the Fairfield County Tussing Road case.
 - Point source to nonpoint source trading – Steve said the existing trading rules need a lot of revision.
 - Regarding implementation of a TMDL, individual wasteload allocations (WLA) could be revised so long as the sum of WLAs remains the same, and individual load allocations (LA) could be revised so long as the sum of Las remains the same.
 - As we are working on nutrient rules, keep in mind others rules that are out there that might need to be revised. Dan brought up that we have been thinking of revisions to Chapters 1, 2 and 33.
- Bill Hall – if you meet month/weekly but violated seasonal – how many violations would that be? Guy said one. Need to look this up... Steve said it would be a violation for everyday during the period from the point of view of penalty calculations.
- Dan brought up creating a summary of how limits have been expressed in permits to date for the group to look at.
- What did we do with smaller plants in the Upper LMR TMDL? Will have to check on.
- Will need to think about this as we go into implementation. We did discuss this in the nutrient strategy.
- In federal reasonable potential rules – might be able to look at a significance test to handle these small facilities.
- In Missouri – included an economic test in rules dealing with new ammonia criteria.
- If TMDL calls for summer season limits – outside of season – no limits. Correct?
- If using alum for treatment in summer – are you allowed to not treat in the winter?
- If using biological nutrient removal – could you operate differently in winter? Maybe if Permit to Install and engineering reports describe this.
- Have to remember downstream waters.

Report out on Implementation Groups

- **Adaptive management**
- **Financial issues**
 - Adam is not here.
 - Adaptive management group not prepared to discuss at this time.
 - Adrienne recommends the subgroups go back and update slides and report out at next meeting.
 - Chairs of subgroups need to be identified.
 - Beth will email each subgroup and ask who will be the chair.

Field Survey Study Plans

Dan Dudley

- Darby
- Rocky River

Dan will send links to these when available – so the group can see how many stations we are sampling and where we are collecting TIC data. There is going to be an event later in summer on the Darby that group can participate in – Dan will send details. Erin Sherer is coordinating Darby. Chuck Boucher is coordinating Rocky River.

Wrap up

Next meeting on June 12th at Ohio EPA Groveport Office

Meeting adjourned at 12:28

Tic subgroup will stay after today (since we are getting done early) to talk about next steps. Dan suggested that the group create a one to two page overview of the model – why it is better and include more narrative.