

Water Quality Standards Advisory Committee

MEETING MINUTES

Thursday, June 9, 2011 1:30 pm – 3:30 pm

Department of Environmental Services

Rooms 112/113/114

29 Hazen Drive, Concord, NH

WQSAC Members Present

| Name | Representing | Present | Alternate Present |
|-------------------|--|---------|-------------------|
| Dan Blais | Home Builders and Remodelers' Association of NH | Y | |
| Steve Clifton | Consulting Engineers of NH | | |
| Sam Demeritt | NH Wildlife Federation | Y | |
| Steve Densberger | Water Council | | |
| Diane Hanley | NH Association of Conservation Commissions and Lakes Management Advisory Committee | | |
| Donna Hanscom | NH Water Pollution Control Association | Y | |
| John Hodsdon | NH Farm Bureau Federation | Y | |
| Melissa Hoffer | Conservation Law Foundation | | |
| Kenneth Kimball | Appalachian Mountain Club | | |
| Michael Licata | Business and Industry Association | | |
| John Magee | NH Fish & Game Department | Y | |
| William McDowell | University of New Hampshire | | |
| Mike Metcalf | NH Water Works Association | Y | |
| Eileen Miller | NH Association of Conservation Districts | Y | |
| Larry Morse | NH Association of Natural Resource Scientists | | |
| Allan Palmer | Rivers Management Advisory Committee | Y | |
| Kenneth Rhodes | Associated General Contractors of NH | Y | |
| Peter Rice | NH Municipal Association | | |
| Dari Sassan | Office of State Planning | | |
| William Schroeder | NH Lakes Association | Y | |
| Jasen Stock | NH Timberland Owners Association | Y | |
| Ken Toppin | US Geological Survey | | |
| Michele Tremblay | NH Rivers Council | | |
| John Warner | US Fish & Wildlife Service | | |
| Ellen Weitzler | EPA Region I | | |

Additional Meeting Attendees

Mark Hutchins (Normandeau Assoc.)
Rick Russell (Town of Salem)
Jason Smith (NH Fish and Game)
Ted Diers (DES)
Philip Trowbridge (DES)
Shane Csiki (NHGS)

Ken Edwardson (DES)
Brandon Kernen (DES)
Jillian McCarthy (DES)
Gregg Comstock (DES)
Rep. Andrew Renzullo (House RR&D)
Rep. Judith Spang (House RR&D)

1) Introductions

The meeting began with a round of introductions. Phil Trowbridge announced that Paul Currier had retired and introduced Ted Diers as the new Administrator of the Watershed Management Bureau.

2) Approval of the 4/14/2011 Meeting Minutes

Bill Schroeder asked for an approval of the minutes of the 4/14/11 meeting, which included transcriptions of two public hearings. Bill Arcieri noted (via email) that references to the State of Ohio during his testimony (page 8) should be changed to the State of Iowa. There were no other comments. A motion to approve the minutes as amended was made by Sam Demeritt and seconded by Mike Metcalf. The motion passed without opposition.

3) Schedule for Future WQSAC Meetings

DES proposed to hold quarterly WQSAC meetings on the second Thursday of the first month of the quarter. The next four meeting dates will be:

October 13, 2011, 1:30 – 3:30 pm
January 12, 2012, 1:30 – 3:30 pm
April 12, 2012, 1:30 – 3:30 pm
July 12, 2012, 1:30 – 3:30 pm

The proposed schedule was approved.

4) Report from the Classification Subcommittee

Phil Trowbridge summarized the status report from the Classification Subcommittee. There was discussion about the Flood and Erosion Hazard Protection designated use. Is it really a ‘use’? Flood attenuation is a major function of wetlands so this use should apply to wetlands. What about aquatic life impacts from flooding and erosion? The subcommittee will continue to work on this topic and the other designated uses and will report back to the WQSAC on October 13, 2011.

5) Rulemaking Proposal for 1708.10 and 1708.12

Phil Trowbridge summarized the comments received and revisions made on the Initial Proposal for the 1708.10-12 rulemaking. The following comments on the revised rulemaking proposal were discussed.

- 1708.10(f)(6): DES should change “waste treatment technology” to “water treatment technology” because waste has a specific meaning in the water quality standards. DES may want to clarify whether this section pertains to just active treatment or passive treatment by BMPs (e.g., pervious pavement).
- 1708.12: Should the rule regarding transfers apply to temporary transfers between settling basins during construction? As written, any transfer between surface waters would be

subject to the rules. Some settling basins are surface waters of the state if they were constructed in wetland areas. These settling basins were constructed to comply with the turbidity and other water quality standards. DES should consider ways to exclude these types of transfers from the requirements of 1708.12 because the agency is requiring these basins to protect water quality.

- 1708.12(a)(1): DES should define “active operation” either in the rule or guidance. There will be questions eventually about what this means.
- 1708.12(a)(2): There were questions about whether existing water transfers for water supply would know if they were “causing or contributing to a violation of surface water quality standards”. It was agreed that the biennial 305b/303d list, prepared by DES, would identify violations in either in the source and receiving waters and that a causative link between the transfer and the violation would need to be established.

DES will review these comments and prepare a final proposal for JLCAR by the deadline of July 18, 2011. If ready in time, DES will present the final proposal to the Water Council on July 13, 2011.

6) Triennial Review of Water Quality Standards

Phil Trowbridge summarized the public comments on potential changes to the water quality standards from both the public hearing and written testimony. With limited resources, DES cannot tackle all of the subjects. The WQSAC was asked to help with priorities.

Three of the topics were selected as top priorities:

- Turbidity criteria: review the science, review other states’ and EPA’s criteria, and, if necessary, update Env-Wq 1703.11
- Classification update: continue the work of the Classification Subcommittee to assign appropriate designated uses for all surface waters and wetlands and to develop different tiers of criteria for each designated use.
- Clarification of antidegradation rules: limited rulemaking to clarify the antidegradation provisions in the existing rules to assist with implementation.

The WQSAC requested that DES or others present background information on the other topics to keep track of these issues:

- Temperature criteria: ask UNH researchers to present recent work
- Chloride criteria: review research from Iowa and other states’ criteria
- Biotic ligand model for copper: review other states’ criteria and research ligand models for other metals

7) Other Business

None

8) Adjourn

The meeting was adjourned at 3:30 pm.