

Water Quality Standards Advisory Committee

MEETING SUMMARY

Thursday, July 10, 2014 1:30 pm – 3:30 pm

Department of Environmental Services

Rooms 112/113/114

29 Hazen Drive, Concord, NH

Attendees

Name	Organization
Dan Blais	Home Builders and Remodelers' Association of NH
Sam Demeritt	NH Wildlife Federation
John Hodsdon	NH Farm Bureau Federation
Mike Metcalf	NH Water Works Association
Ellen Weitzler	US EPA
Allan Palmer	Rivers Management Advisory Committee
Ken Rhodes	Associated General Contractors of NH
William Schroeder	NH Lakes Association
Jason Stock	NH Timberland Owners Association
Ricardo Cantu	City of Manchester
Mike Parsant	NH Assoc. of Natural Resource Scientists
Neil Cheseldine	Wright-Pierce

DES Attendees

Ted Diers

Gregg Comstock

Jeff Andrews

Owen David

1) Introductions

The meeting began with a round of introductions.

2) Approval of 01/09/14 meeting summary

The meeting summary prepared by DES was approved as written.

3) Update on DES Staffing

Ted Diers reported that Phil Trowbridge, who had coordinated the WQSAC for last decade or so, has left DES. He is now working for the San Francisco Bay Institute as a coordinator of their monitoring efforts. DES intends to rehire a senior water quality scientist but it may take a while. In the meantime, Gregg Comstock and Ted will provide staffing to the Committee.

4) Update to Organizational Principles for WQSAC

Ted Diers presented a revised draft of the Organizational Principles document that was first presented and discussed at the last meeting. He reminded the Committee of the rationale for the change which is to better reflect how the committee actually operates. He noted that DES encourages broad participation in the WQSAC because outside parties provide needed expertise on various topics, and the organizations and individuals with that expertise changes from issue to issue. The new Organizational Principles make it explicit that the committee acts in an advisory nature and that the membership is flexible.

The version presented addressed previous suggestions of the Committee, including the following:

- Clarifying statements about what is meant by “consensus” and how it is reached; and
- DES will report back to the committee if the agency takes an approach that is significantly different from the consensus of the committee or on controversial topics.

The WQSAC approved the new Organizational Principles as presented (see attached). DES will craft a draft letter to be sent from the Chair and the DES Commissioner to organizations with official membership encouraging their continued participation. This letter will include a summary of topics to be addressed by the WQSAC over the next year, not the least of which is the Env-Wq 1700 rule update. The next meeting agenda will encourage all interested parties to attend the meeting.

5) Proposed rule regarding compliance schedules for NPDES permits

Ted Diers presented a draft rule which would give EPA the ability to include compliance schedules into NPDES permits. The primary reason for this change is to allow for flexibility in meeting water quality based effluent limits. Currently, that flexibility only can occur through Administrative Orders. Schedules in permits will allow applicants to avoid non-compliance the moment a permit issued. The rule change is needed because EPA does not feel that the current general statutory language allowing for schedules is specific enough. DES and EPA have been crafting this rule change for a number of months and agreed on the language in the draft. The committee identified the following issues and recommendations:

- In section (a)(2), the word “initial” is confusing and should be clarified.
- There was significant discussion about the statement in (a)(2) that “limitations are based on new, newly interpreted, or revised water quality standards...” In general, the suggestion was made that DES consider additions to the list that reflect new information, newly enforced regulations, and/or changes in analytical accuracy as other aspects.
- Delete the words “New Hampshire” in Section (b) so it is not limited to NH standards and is consistent with the intent of Section (a). (this suggestion was received by email after the meeting).

DES and EPA will follow up on these suggestions. Once the draft language is finalized, a public hearing will be held as part of the rulemaking process. It was suggested that a public hearing be scheduled to occur at the same time as a regular WQSAC meeting.

6) Clarification of Aluminum Criteria (Acid Soluble)

Gregg Comstock presented a recent letter (July 1, 2014) from DES to EPA regarding the interpretation of the state’s freshwater acute and chronic aluminum criteria (Env-Wq 1703.21). He noted the criteria is based on the 1988 EPA guidance but that the NH criteria does not specify the form in which aluminum (Al) is regulated (i.e., Total Recoverable, Acid Soluble, or Dissolved). The July 1, 2014 clarifies that DES is interpreting our standard as Acid Soluble. This is both consistent with the EPA guidance and is protective and representative of the more toxic forms of Al in fresh water. The NPDES permit for the City of Manchester is up for reissuance. In 2009/2010 the City conducted an in-depth study of aluminum in the Merrimack River. The study concluded that approximately 75% of the total recoverable Al in the Merrimack River is acid soluble. Consequently, an acid soluble aluminum criterion of 87 ug/l is approximately equivalent to 116 ug/l of total recoverable aluminum in the Merrimack River (87/0.75). It is expected that EPA will consider this information during the permit reissuance process. EPA is going to issue new Al guidance sometime at the end of 2014 or early 2015.

DES will take the new guidance and the July letter into account in the impending updates to Env-Wq 1700. The committee also discussed the issue of background versus natural sources and agreed that this topic deserves more attention.

7) EPA proposal re: Updated National Recommended Water Quality Criteria for the Protection of Human Health (HH): Implications for Env-Wq 1700 update.

Gregg Comstock presented an introduction to EPA proposed revisions to the recommended HH criteria for 94 toxic pollutants. He noted that these new criteria are meant to protect human health are based on ingestion by water and fish, and by fish only. Ellen Weitzler noted about 75% of the recommendations are stricter than current EPA guidance and the 25% are less strict. One of the factors that drives the change is changing assumptions about exposure related to body weight and water and fish consumption rates. These recommendations will be taken up for discussion at the next WQSAC meeting. DES will investigate local information about exposure assumptions in advance of the next meeting and the potential impact on NPDES permittees.

8) Other Business

The next meeting will be on October 9, 2014 at 1:45 PM.

9) Adjourn

The meeting was adjourned at 3:15 pm.