

Water Quality Standards Advisory Committee (WQSAC)

MEETING SUMMARY

Thursday, April 9, 2015 1:30 pm – 3:30 pm

Department of Environmental Services

Rooms 112/113/114

29 Hazen Drive, Concord, NH

Attendees

Name	Organization
Bill Arcieri	Vanasse, Hangen, Brustlin, Inc (VHB)
Dan Blais	Home Builders and Remodelers' Association of NH
Terry Desmarais	City of Portsmouth
Mark Hutchins	Normandeau Associates
Robert Johnson	NH Farm Bureau Federation
Don Kretchner	DK Water Resource Consultants
Brian Maloy	Monadnock Paper Mills
Mike Metcalf	NH Water Works Association
Eileen Miller	NH Association of Conservation Districts
Allan Palmer	Rivers Management Advisory Committee
Mike Parsont	NHANRS
Kenneth Rhodes	Associated General Contractors of NH
Rob Roseen	Geosyntec Consulting Engineers and Scientists
Rep Judith Spang	NH Rivers Council
Jasen Stock	NH Timberland Owners Association
Toby Stover	US EPA
Ellen Weitzler	US EPA

DES Attendees

Gregg Comstock	Brandon Kernen
Sandy Crystall	Kirsten Nelson
Owen David	Matt Wood
Ted Diers	Mary Ann Tilton
	Miranda Adams

1) Introductions

The meeting began with a round of introductions.

2) Approval of 10/09/14 meeting summary

The meeting summary prepared by DES was approved as written.

3) Update of DES Staffing

Ted Diers of DES reported that Phil Trowbridge's position has been reclassified to "Senior Scientist" and that DES is waiting for approval from the Personnel Department to post it. This position will not be shared with the Piscataqua River Estuaries Program (PREP) as PREP now has their own coastal scientist. DES will still receive some funding from PREP for work relative to GIS and quality assurance/quality control.

Ted also reported that Jacquie Colburn, the DES Rivers and Lakes Program Coordinator will be retiring in approximately 6 months. This position is general funded. Currently, there is a hiring freeze for general funded positions. It is unknown if the freeze will extend into the next state fiscal year, which begins July 1, 2015.

4) Legislative Updates

Ted Diers reported the following:

State Budget - The budget passed by the House would impact the DES Watershed Management Bureau in some respects. The House cut out the fee portion of the Salt Certification program which is needed to fund this program. HB2 includes language to create a fee program and to fund a salt certification position, which we hope will survive. With regards to shellfish, the House budget proposes a little more funding in the Shellfish Program for aquaculture and vibrio monitoring. With regards to other bureaus, the House budget would result in the loss of two currently vacant positions in the Wetlands Bureau and one currently vacant position (the River Restoration Coordinator) in the Dam Bureau. The River Restoration Coordinator position would not be funded the first year but would be funded the second year. According to Ted, the House budget also cuts approximately \$400,000 to \$500,000 from the State Aid Grant program. The House budget is now being reviewed by the Senate.

River Designation – Nomination of the Ham Branch River in Easton for designation under the NH Designated Rivers Program has passed the House.

DO Legislation – Proposed legislation to delete the 75% dissolved oxygen saturation requirement in RSA 485-A:8,II did not pass the House.

Wetland Buffer Bill- Mike Parsont (NHANRS) reported that the purpose of the bill was to identify which wetlands need to be protected by vegetated buffers. The bill was tabled because the recommendations lacked a sound scientific basis. NHANRS is working with DES and others to form a committee to develop the scientific basis. Anyone interested in joining should contact Mike.

5) EPA Updates

Ellen Weitzler of EPA reported the following:

New EPA WQSAC representative - Ellen reported that she was recently promoted and is now the head of the municipal NPDES permit section at EPA. As such she will no longer be the EPA representative on the WQSAC. Until they fill her position, Ralph Abele and Toby Stover will be the EPA contacts. Everyone congratulated Ellen and thanked her for her many contributions to the WQSAC.

Changes to 40 CFR 131 - Proposed changes to 40 CFR Part 131 (Water Quality Standards) are under review at the Office of Management and Budget (OMB) and should be finalized any day. Changes include (but are not limited to) revisions to the antidegradation section and clarification of variances in water quality standards.

New Human Health Criteria (HHC) - EPA is preparing responses to comments they received on the draft proposal to revise the HHC for 94 chemicals. The proposed HHC are based on revised assumptions used to calculate the criteria such as the average weight and the average amount of water consumed per person. Some of the draft HHC are being revised in response to the comments received. EPA's final HHC recommendations are expected to be issued in April or May of 2015. DES stated that if the HHC are not finalized in the very near future, they will not be included in this rulemaking session.

New Health Advisories for Cyanotoxins – EPA will be issuing new health advisories for two cyanotoxins by this summer. The advisories are not recommended water quality criterion but should be helpful to state beach programs.

Copper Criteria - Since 2007, EPA has recommended that copper criteria be based on the Biotic Ligand Model (BLM) rather than the Water Effect Ratio (WER). Inputs in the BLM include dissolved organic carbon (DOC), hardness and other ions. Two states have adopted the BLM. In the coming months, EPA will issue guidance with regional default values for the BLM which states can use if site specific data is not available. The guidance will also address various statistical approaches. ME has recently used the BLM for development of copper criteria which will be eventually submitted to EPA for approval.

Aluminum Criteria (HHC) – EPA is working on new aluminum criteria which may be based on factors such as hardness and other parameters. The new guidance is expected to be finalized in 2016.

6) Env-Wq 1701.03 Compliance Schedules in NPDES Permits

Gregg Comstock of DES reported that Env-Wq 1701.03 Compliance Schedules in NPDES permits was adopted into rule and became effective on November 22, 2014, and was approved by EPA on February 13, 2015. EPA can now include schedules in NPDES permits that meet the criteria in Env-Wq 1701.03. This includes NPDES permits for individual wastewater treatment facilities as well as general NPDES permits such as the MS4 stormwater permit.

Alan Palmer asked if EPA had followed up on the issues included in the summary for the 10/9/14 WQSAC meeting. Ted Diers said these were addressed in the response to comments received during the public hearing. DES will send the response to comments to the WQSAC.

7) Schedule to Revise Env-Wq 1700

Gregg Comstock of DES distributed a two page handout (front and back) showing the schedule to revise Env-Wq 1700. He stated that it was subject to change and that DES will keep the WQSAC apprised of any major changes to the schedule. From now until around June 2015, DES will prepare the initial rulemaking proposal. As recommended by the WQSAC last October, DES will meet with wastewater treatment personnel on April 27th to review the proposed changes to Env-Wq 1700. DES plans to file the Notice for Rulemaking around September 2015 and hold a public hearing in October 2015. From November 2015 to April 2016, DES plans to prepare the final proposal, file it with OLS, participate in the JLCAR hearing and adopt the final rule. The current rules expire in May 2016. A link to the WQSAC documents website was provided on the back of the one page handout (<http://des.nh.gov/organization/divisions/water/wmb/wqs/meetings/index.htm>).

DES was asked if there was any thought to adopting the chloride criteria used in Iowa (which is hardness and sulfate dependent)? Ted Diers stated that DES is looking into this and has not made a final decision.

8) Update on Plan to Develop Wetland Water Quality Standards

Sandy Crystall gave a presentation on the status of the plan to develop wetland water quality standards. DES received a grant in 2011 to prepare the plan. The grant expires June 30, 2015. With regards to statute and rules, DES will likely recommend adoption in statute the proposed language developed in 2010 by a subcommittee of the WQSAC to ensure water quality standards

could be applied to wetlands, and proposed language developed in 2011 by another WQSAC subcommittee regarding designated uses for all surface waters (including wetlands). The plan will likely recommend to initially focus on developing indicators for aquatic life protection in riverine, lacustrine and some palustrine wetlands (i.e., wetlands with open water) as this is where most work has been done by other states (such as Maine and Minnesota). These wetlands constitute approximately 23 to 48 percent of all wetlands in NH. Indicators will likely be macroinvertebrates (where open water is present), Ecological Integrity Assessment (EIA), and Floristic Quality Assessment (FQA). With grant funds, DES was able to sample 6 wetlands in 2014 and expects to sample another 18 wetlands in 2015 for a total of 24 wetlands. The goal is to select sites that represent a range of human disturbance. DES is collecting macroinvertebrates and other data using Maine's protocols so that it can be input into Maine's model. These efforts combined with additional sampling should help DES eventually develop numeric thresholds for assessing wetlands. The pace of threshold development will be contingent on funding and will likely take years. The plan will also likely recommend updating the 1980's vintage National Wetland Inventory (NWI) maps. In the next few weeks DES expects to complete the draft plan and submit it to the Wetlands WQS Subcommittee (WWQSS) for review. DES will then meet with the WWQSS in May. A final plan will be submitted to EPA by June 30, 2015. Once finalized, the plan may be revisited and updated as necessary (i.e., it's a living document).

Others asked about plans to develop criteria for palustrine forested wetlands which constitute approximately 48% of all freshwater wetlands in NH. How can surface water criteria be developed if there is no standing water? Sandy responded that these wetlands provide services that impact the quality of the downstream (wetter) wetlands and that the EIA and FQA (which is plant based) may be good indicators for the palustrine forested wetlands as well.

Others asked if there could be policy ramifications once thresholds are developed and what one could do to prevent violations of the thresholds. Sandy Crystall responded that there could be policy ramifications in the future once thresholds are developed and implemented, however the plan will not address this at this time. With regards to identifying impacts from proposed projects, Sandy is contacting other states to see if they address this through their Clean Water Act Section 401 Water Quality Certification programs. Once sufficient data are collected it may also be possible to develop relationships between the thresholds and potential causal factors such as land use.

9) Acid Rain Trends in New Hampshire Lakes and Ponds

Kirsten Nelson of DES gave a presentation on Acid Rain Trends in New Hampshire Lakes and Ponds. Data shows that SO₂ emissions in NH (and the US) have significantly declined over the years. Kirsten analyzed data from rainwater collected on the rooftop at DES since 1972, and ambient data collected from remote ponds since 1981 and acid pond outlets since 1983. Results suggest that efforts to reduce pollutant emissions have helped reduce the severity of acid rain. In specific, the results indicated the following:

Rooftop Rain- Significant ($p \leq 0.05$) increases in pH and significant decreases in sulfate and nitrogen concentrations;

Remote Pond- Majority are stable with respect to pH and ANC. All (100%) show a decrease in sulfate and specific conductance and the majority show a decrease in nitrogen.

Acid Outlets- Majority are stable with respect to pH and ANC. Over 80% show a decrease in sulfate and nitrogen.

It was suggested that DES check its archives to see if it had additional data that could be used in the analysis. Others suggested that DES contact the public water suppliers (such as Manchester Water Works) as they may have years of similar data on their public water supplies (such as Lake Massabesic).

Ted Diers indicated that DES recently completed a similar analysis on mercury in fish tissue and would like to present those findings at a future WQSAC meeting.

10) Other Business

The next WQSAC meeting is July 9, 2015 at 1:30 pm.

Suggested potential future WQSAC meeting topics include:

- Presentation of River Order used in the Shoreland Protection Act;
- Trends of Mercury in Fish Tissue;
- Pollutant Tracking and Accounting Pilot Program (PTAPP) being developed for the coast.

There is a Groundwater Conference on May 6 at the Grappone Center in Concord, NH. An agenda is posted on-line.

11) Adjourn

The meeting was adjourned at 3:30 pm.