

## Water Quality Standards Advisory Committee (WQSAC)

### MEETING SUMMARY

Thursday, January 14, 2016 1:30 pm – 3:30 pm

Department of Environmental Services

Rooms 112/113/114

29 Hazen Drive, Concord, NH

#### Attendees

First Name	Last Name	Organization
Bill	Arcieri	Vanasse, Hangen, Brustlin, Inc (VHB)
Dan	Blais	Home Builders and Remodelers' Association of NH
Neil	Cheseldine	Wright - Pierce
Sam	Demeritt	NH Wildlife Federation
Donna	Hanscom	City of Keene
Mark	Hutchins	Normandeau Associates
Don	Kretchner	DK Water Resource Consultants
John	Magee	NH Fish and Game Department
Brian	Maloy	Monadnock Paper Mills
Mike	Metcalf	NH Water Works Association
Eileen	Miller	NH Association of Conservation Districts
Jack	Paar	US EPA Region 1
Dean	Peschel	Peschel Consulting
Kenneth	Rhodes	Associated General Contractors of NH
William	Schroeder	NH Lakes Association
John	Storer	City of Rochester
Jeanne	Vorhees	US EPA Region 1 (Water Quality Standards Coordinator)
Sherry	Young	Rath, Young and Pignatelli

#### NHDES Attendees

Jeff Andrews      Brandon Kernen  
 Gregg Comstock    David Neils  
 Ted Diers          Matt Wood  
 Ken Edwardson

#### 1) Introductions

The meeting began with a round of introductions.

#### 2) Approval of 7/09/15 meeting summary

The meeting summary will be distributed by email for comments.

#### 3) Legislative Updates

Ted Diers reported on the legislation shown in the table below. At the request of Bill Schroeder, NHDES will email a summary of the bills to the WQSAC. Dan Blais reported on SB 440 sponsored by Senator Jeb Bradley regarding repeal of the repeal to collect fees for the NHDES Shoreland Protection Program. John Storer asked about the status of revisions to the dissolved oxygen (DO) criteria in statute, which was discussed last session. Ted Diers responded that it was decided last year that the dissolved oxygen criteria needs more discussion and that

discussions can begin with WQSAC after this round of revisions to Env-Wq 1700 are well underway through the rulemaking process.

Bill #	Sponsor	Name	Description and <i>Comments</i>
HB1429	W Pearson	Relative to the use of microbeads in personal care products and over-the-counter drugs	Bans the manufacture and sale of personal care products with microbeads.  <i>Comments: Congress has passed a ban on microbeads.</i>
HB1461	J Mullen	Relative to the definition of and criteria for protection instream flow	Removes the pilot status for the instream flow program and allows the program to set protected flows on other designated rivers.  <i>Comments: Hearing on January 26<sup>th</sup>.</i>
HB1514	A Schroadter	Relative to the application of nitrogen and phosphorus content fertilizers	Fixes an oversight in the original bill passed in 2012.  <i>Comments: The original intent of the bill was on residential users however the Department of Agriculture has tried to apply it to some commercial users. Proposed language will eliminate confusion.</i>
HB1589	S Gotling	Prohibiting the transportation of exotic aquatic weeds.	Prohibits the transport of exotic aquatic weeds on vessels as they move from waterbody to waterbody and requires boats to be drained before moving to another waterbody.
HB1595	J Spang	Relative to the rivers management and protection program.	Updates and streamlines the nominations process for the Rivers program.
SB368	D Watters	Making a capital appropriation for department of environmental services monitoring equipment.	Reallocates unused capital funds to purchase monitoring equipment for the Great Bay estuary.
SB374	D Watters	Requiring the office of energy and planning to update coastal flooding trends.	Requires a periodic update of the flooding trends that were developed by the Coastal Risk and Hazards Commission in 2015.
SB375	D Watters	Establishing the coastal marine natural resources and environment commission.	Creates a standing commission to look at ocean acidification, increasing sea temperatures, and “blue carbon.”

Bill #	Sponsor	Name	Description and <i>Comments</i>
SB452	D Watters	Requiring certain state agencies to conduct an audit of laws governing coastal regions to enable authorities to take appropriate actions.	DRED, NHDES, F&G, HSEM, and OEP required to conduct an audit of existing regulations governing state properties, projects, and actions in the coastal and Great Bay regions to determine any changes necessary to adequately address state and local actions necessary to prepare for flood risks, such as projected storm surge, sea-level rise, and precipitation events.

#### 4) EPA Updates

Jeanne Voorhees of EPA reported the following. :

*New EPA WQSAC representative* - Jeanne Voorhees is the new EPA representative on the WQSAC. Jeanne was recently hired to fill Ellen Weitzler's position as the EPA Region 1 Water Quality Standards Coordinator. For individuals wishing to contact her, her email address is [voorhees.jeanne@epa.gov](mailto:voorhees.jeanne@epa.gov).

*Selenium Criteria Update Status* - Criteria updates are published in the Federal Register. The public comment period for the proposed update ended in October 2015. EPA received many comments particularly with regard to implementation. EPA expects to issue final criteria in the Federal Register in the summer of 2016.

*Cadmium Criteria Update Status* - The public comment period ends February 1, 2016. The update will address factors to convert total recoverable to dissolved cadmium. EPA expects a final update to be issued in March 2016.

*Aluminum Criteria Update Status* - EPA expects the draft update to be issued for public comment in August, 2016. The document is expected to address use of the Biotic Ligand Model (BLM) and how to translate from total recoverable to acid-soluble aluminum. Jeanne recommended that anyone proposing to use the BLM to develop criteria get EPA and NHDES involved early in the process. EPA hopes to expand use of the BLM for all metals. Ted Diers reported that NHDES has begun collecting total and acid-soluble aluminum samples at the 40 trend monitoring stations located throughout the state to get an idea of variability of the acid-soluble to total aluminum ratio. NHDES offered to present the results at a future WQSAC meeting. David Neils gave a brief overview of the NHDES Monitoring Strategy that was recently approved by EPA. NHDES will post it on the NHDES website and will provide a link to the WQSAC.

#### 5) Status of 303(d) List of Impaired Waters

Ted Diers and Ken Edwardson (NHDES Surface Water Quality Assessment Coordinator) reported on the status of the 303(d) list of impaired waters (i.e., the 303(d) List). The 2012 303(d) List was approved by EPA last September. The public comment period for the 2014 303(d) List ended in December 2015. NHDES is now preparing a response to comments and expects to submit a final list to EPA in the next few months. Sherry Young asked for copies of EPA's comments. Ken posted the submitted comments to the Assessment portion of the NHDES FTP site

([ftp://pubftp.nh.gov/DES/WMB/WaterQuality/SWQA/2014/Draft\\_303d\\_Comments](ftp://pubftp.nh.gov/DES/WMB/WaterQuality/SWQA/2014/Draft_303d_Comments)). NHDES is getting ready to begin preparation of the 2016 303(d) List which will be issued for public comment later in 2016.

**6) Status of Revisions to Env-Wq 1700**

Gregg Comstock handed out and reviewed two documents: a “Progress Draft” of proposed changes to Env-Wq 1700 and a 12 page summary of each proposed revision. The summary document explains why each change was made. Refer to the summary document for details. The NHDES Watershed Management Bureau is still reviewing the draft and may make additional changes. Should members of the WQSAC have comments they should email them to Gregg Comstock at [gregg.comstock@des.nh.gov](mailto:gregg.comstock@des.nh.gov) by 1/29/16. The current rules expire in May. NHDES needs to hold the public hearing on the Initial Proposal (IP) before then. Within the next two weeks NHDES intends to send the draft revisions to the NHDES Legal Unit so they can prepare the IP. NHDES expects to file a Notice for Rulemaking in March and hold a public hearing on the IP in April. NHDES will keep the WQSAC apprised (via email) of the schedule and any significant changes to the draft. All will have a chance to also submit comments on the IP. Documents from today’s meeting will be sent via email to the WQSAC (this was completed on 1/20/16). With regards to hardness dependent metals, Donna Hanscom thought she may have articles regarding how the toxicity of metals in the receiving water changes as the hardness of the water decreases downstream of the wastewater treatment facility discharge.

**7) Other Business**

The next WQSAC meeting is April 14, 2016 at 1:30 pm.

The following is a **running list of potential future WQSAC meeting topics** (presented in no particular order) that were suggested at this and previous meetings.

- 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;
- Dissolved Oxygen Criteria;
- Review of EPA’s most recent Human Health Criteria and assumptions;
- Presentation on Acid Soluble / Total Recoverable Aluminum Ratios at Trend Monitoring Stations; and,
- Presentation on the NHDES Monitoring Strategy.

**8) Adjourn**

The meeting was adjourned at 3:30 pm.

**Meeting Documents:**

- Agenda
- Progress Draft of Revisions to Env-Wq 1700 for the 1/14/16 WQSAC meeting
- Summary of Changes made in the Progress Draft of Env-Wq 1700 Revisions discussed with the WQSAC on 1/14/16.