

Water Quality Standards Advisory Committee (WQSAC)

MEETING SUMMARY

Thursday, April 14, 2016 1:30 pm – 3:30 pm
NH Department of Environmental Services (NHDES)
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
Sarita	Croce	Town of Merrimack
Sam	Demeritt	NH Wildlife Federation
David	Green	City of Rochester
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
Dean	Peschel	Peschel Consulting
Kenneth	Rhodes	Associated General Contractors of NH
Robert	Robinson	City of Manchester
Jason	Stock	NH Timberland Owners Association
John	Storer	City of Rochester
Jeanne	Vorhees	US EPA Region 1 (Water Quality Standards Coordinator)
Robert	Wood	Lake Sunapee Protective Association
Sherry	Young	Rath, Young and Pignatelli

NHDES Attendees

Gregg Comstock
Ken Edwardson
Ted Walsh
Matt Wood

Meeting Documents

1. Agenda
2. Meeting Summaries for 7/9/15 and 1/14/16 WQSAC meetings
3. EPA Fact Sheet – Aquatic Life Ambient Water Quality Criteria Update for Cadmium – 2016
4. Rule Adoption Schedule as of 4/14/16
5. Comments on draft rules from Bill Schroeder (NH Lakes Association) and Neil Cheseldine (Wright Pierce)
6. Summary of Changes Made to Progress Draft of Env-Wq 1700 discussed with WQSAC on 4/14/16
7. 4/14/16 Draft of Env-Wq 1700 Showing Additional Proposed Revisions After the 1/14/16 WQSAC Meeting
8. Presentation- Dissolved Oxygen Criteria. A Preview & Request for Volunteers

9. Presentation – Factors Influencing the Relationship Between Acid Soluble and Total Recoverable Aluminum in NH Surface Waters

1) Introductions

The meeting began with a round of introductions.

2) Approval of 7/09/15 and 1/14/16 meeting summaries

The meeting summaries were approved without change.

Bill Arcieri asked where EPA stood with regards to allowing other states to use the chloride criteria adopted by Iowa, which is dependent on hardness and sulfate concentration. Jeanne Vorhees of EPA will look into this.

3) Legislative Updates

Since Ted Diers was not able to attend this meeting, an update was not provided.

4) EPA Updates

Jeanne Voorhees of EPA reported the following:

Aluminum Criteria Update Status – EPA expects the draft update to be issued for public comment in late summer or early fall of 2016.

Cadmium Criteria Update Status - The final updated cadmium criteria for the protection of aquatic life was issued in the Federal Register in March 2016. Jeanne brought copies of the EPA fact sheet (meeting document 3)

Selenium Criteria Update Status - EPA expects to issue final criteria in the Federal Register in the summer of 2016.

Chloride Criteria Status - Bill Arcieri asked where EPA stood with regards to allowing other states to use the chloride criteria adopted by Iowa, which is dependent on hardness and sulfate concentration. Jeanne Vorhees of EPA will look into this. It was agreed we would add this to the list of future WQSAC topics (see item 7 below).

MS4 Permitting – Dan Blais asked about the status of the new EPA NPDES MS4 general stormwater permit for NH and if it will impact the rules (Env-Wq 1700). Jeanne said it was coming (but didn't have a date) and that she didn't think it will have an impact on the rules.

5) Status of Revisions to Env-Wq 1700

Gregg Comstock provided an update on the status of proposed revisions and rulemaking for Env-Wq 1700.

Gregg reviewed the rule adoption schedule as of 4/14/16 (meeting document 4).

Gregg reviewed comments received from Bill Schroeder and Neil Cheseldine (meeting document 5).

- Gregg reviewed the email he sent on 4/14/16 to Bill with proposed revisions to Env-Wq 1708.11 (a) to address his concern that the term “significant” is not defined. Env-Wq 1708.11(a) is now proposed to read as follows: “The department shall provide the

opportunity for public comment on preliminary decisions to allow *any significant* lowering of water quality *determined in accordance with Env-Wq 1708.09(a) and (d).*”

- Sherry Young stated that the City of Rochester agreed with Neil Cheseldine’s comment that consideration should be given to revising Env-Wq 1705.02 to allow flows other than the 7Q10 for calculating nutrient limits in permits (such as the seasonal average flow). Gregg said that this would require further discussion and would add this to the list of topics to discuss at future WQSAC meetings (see item 8 below).

Gregg reviewed the proposed revisions to Env-Wq 1700 since the 1/14/16 WQSAC meeting (meeting documents 6 and 7).

- With regards to human health criteria, Jeanne and Gregg will provide the WQSAC with links to the various EPA websites that describe how the criteria were developed.
- Several questions were raised regarding Env-Wq 1703.22(l) which is proposed to read as follows: (l) The letter “1” shall indicate that **there is** a more stringent drinking water maximum contaminant level (MCL) **specified in Env-Dw 700.** ~~or has been issued by EPA and the department shall use the MCL if it is more limiting of the 2 criteria. The MCL for chromium is for total chromium (Cr+6 plus Cr+3).~~ **If the surface water is a public water supply or is within 20 miles upstream of the public water supply, the department shall use the following MCL values for the water and fish ingestion human health criteria:”**
 - Mike Metcalf asked if the 20 miles would include upstream tributaries in addition to the main stream? Gregg replied that upstream tributaries would also be included.
 - Bill Arcieri asked if “public water supply” meant a primary or secondary drinking water source (or both)? Gregg replied that we will need to look into this and add language if necessary.
 - Don Kretchner asked if the 20 miles starts at the public water supply intake. Gregg replied yes and that this will be clarified in the rule.
 - Questions were asked about who would notify NPDES permittees if a new public water supply was proposed within 20 miles downstream of the wastewater treatment plant. Gregg replied that he is not aware of any requirement at the present time. If such a notification rule was considered necessary, it would most likely need to be added to the drinking water rules regarding new public water supplies.
 - Ken Rhodes asked if the term “public water supply” was intended to include only public water supplies with surface water withdrawals or does it also include large groundwater withdrawals? Gregg will look into this but believes the intent is public water supplies with surface water withdrawals.
- Allan Palmer requested NHDES to check the cadmium criteria. Footnote “i” looks like a “1”. Gregg replied that we will do this.

6) Dissolved Oxygen (DO) Criteria

For reasons stated in a letter dated June 3, 2015 from the Great Bay Municipal Coalition (GBMC) to Eugene Forbes, Director of the NHDES Water Division, the GBMC believes the dissolved oxygen (DO) criteria for salt and fresh waters need to be updated.

In response, Gregg gave a powerpoint presentation entitled “Dissolved Oxygen Criteria: A Preview & Request for Volunteers”(meeting document 8). The presentation included a review of the history of the State’s existing DO regulations, EPA’s 1986 recommended DO criteria, DO water quality criteria in other NE States, a summary of issues that should be considered and a request for volunteers to join a DO Subcommittee to work on this issue. Gregg stated that this issue could take time to resolve and that NHDES plans to convene the DO Subcommittee after existing rulemaking is underway.

- Sherry Young requested that work on the DO criteria begin sooner since the existing rulemaking could take longer than expected. She also stated that current percent saturation DO criteria, are causing some MS4 communities to do more to comply with their MS4 permits. Sherry also said that they want legislation introduced next session to remove the 75 percent saturation requirement from statute and that NHDES is on record in support of this change¹. Gregg said NHDES will likely convene the Subcommittee this summer. Sherry offered to have their “expert” on the Subcommittee.
- Mike Metcalf asked how DO in Class A waters are assessed (and in particular the hypolimnion of lakes) since Env-Wq 1703.07(a)² states that the DO criteria for Class A waters apply at any place or time. Ken Edwardson said that assessments of DO criteria in Class A waters ignore the very bottom waters.
- The following people signed up for the DO Subcommittee. Others are welcome to join.

First Name	Last Name	Organization
Bill	Arcieri	Vanasse, Hangen, Brustlin, Inc (VHB)
Gregg	Comstock	NHDES
Sarita	Croce	Town of Merrimack
Ted	Diers	NHDES
Ken	Edwardson	NHDES
Don	Kretchner	DK Water Resource Consultants
John	Magee	NHFGD
Mike	Metcalf	NH Water Works Association
Eileen	Miller	NH Association of Conservation Districts
Dean	Peschel	Peschel Consulting
John	Storer	City of Rochester
Jeanne	Vorhees	US EPA Region 1 (Water Quality Standards Coordinator)
Sherry	Young	Rath, Young and Pignatelli

¹ NHDES supports removing the 75% saturation requirement from statute (RSA 485-A:8) because it is also in regulation (Env-Wq 1703.07). Consequently removing it from statute will not automatically change existing DO criteria. Once removed from statute, the DO criteria can then be revised (if deemed necessary) through the rulemaking process and after discussion with the WQSAC and/or subcommittees (i.e., the DO Subcommittee).

² Env-Wq 1703.07 (a) “Class A waters shall have a dissolved oxygen content of at least 75% saturation, based on a daily average, and an instantaneous minimum of at least 6 mg/l at any place or time except as naturally occurs.”

7) Aluminum Presentation

Ted Walsh gave a presentation on “Factors Influencing the Relationship Between Acid Soluble and Total Recoverable Aluminum in NH Surface Waters” (meeting document 9).

8) Other Business

The next WQSAC meeting is on July 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 (In Progress);
- Review of EPA’s most recent Human Health Criteria and assumptions;
- Presentation on the NHDES Monitoring Strategy; and
- Chloride Criteria – Revise Table 1703.1 to allow use of Iowa’s chloride criteria
- 7Q10 flow – Revise Env-Wq 1705.02 to allow flow other than the 7Q10 (such as the seasonal average flow)for calculating nutrient permit limits.

8) Adjourn

The meeting was adjourned at 3:30 pm.