

NUTRIENT CORE TEAM MEETING

MONDAY, MARCH 25, 2013, 2:30 PM – 4:30 PM

ATTENDANCE:

<u>Representative</u>	<u>Stakeholder Group</u>	<u>Affiliation</u>
Walt Baker	Chairman	DEQ/Division of Water Quality
Christine Osborn	Public Information Office	DEQ
Florence Reynolds	Drinking Water Utilities	Salt Lake City
Tina Laidlaw	EPA	USEPA Montana Office
Rob Dubuc	Environmental Interests	Western Resource Advocates
Thayne Mickelson	Agriculture	UDAF, Assistant Director
Jay Olsen	Agriculture	UDAF, Advisor
Don Leonard	GSL Artemia	Great Salt Lake Brine Shrimp Cooperative, Inc
Erica Gaddis	Science Expert	SWCA Environmental Consultants
Cameron Diehl	Municipalities	Utah League of Cities and Towns
Leland Myers	POTWs	Central Davis
Christine Pomeroy	Stormwater	University of Utah
Jim Web	Agriculture	Circle 4 Farms
Darwin Sorensen	Surface/Groundwater	Utah State University
Niels Hansen	Agriculture	NRCS, State Conservation Agronomist
Jeff Rasmussen	Recreation	Division of State Parks, Asst. Region Manager

DWQ Support Staff

John Whitehead	DWQ	Assistant Director, Permits/Compliance/TMDL
Jeff Ostermiller	DWQ	Water Quality Management Section, program manager
Nick Von	DWQ	Water Quality Management Section
Leah Ann Lamb	DWQ	Assistant Director, Monitoring/ WQ Management/ GW/Eng.
John Mackey	DWQ	Engineering Section
Scott Daly	DWQ	Watershed Protection Section

MODERATOR: WALT BAKER

PURPOSE

Seek early engagement from high-level representatives of stakeholder groups as the Division of Water Quality (DWQ) develops a plan for establishing water quality standards and associated nutrient reduction programs and policies for nutrients.

MEETING GOALS

Get feedback from each member on how their stakeholders view nutrient criteria and actions they have undertaken and develop a path forward.

AUDIO RECORDING: [HTTP://WWW.NUTRIENTS.UTAH.GOV/DOCUMENTS/CORE2013-0325/MERGED3-25-2013RECORDING.MP3](http://www.nutrients.utah.gov/documents/core2013-0325/merged3-25-2013recording.mp3)

2:00 PM – WELCOME AND PURPOSE OF MEETING

WALT BAKER

Introductions

2:05 PM – REVIEW OF OCTOBER 11, 2012 MEETING SUMMARY &
LATEST DEVELOPMENTS IN NUTRIENT CRITERIA (RECORDING TIME 0:00)

WALT BAKER

- Summary comments will be accepted any time
- Recent Developments.
 - EPA and Florida reached agreement to adopt the criteria developed by Florida instead of the criteria developed by EPA.
 - UT SB 216 Water Quality Task Force. This bill would have developed a task force to study NPS pollution related to nutrients in UT. Only two or three task forces are funded in the legislature each year and SB 216 did not pass as others were funded. It is now on interim study with the Natural Resources, Agriculture and Environment Interim Committee and will be discussed in more detail when the committee meets in the Fall. Planning for the legislative presentations will begin in May with a meeting with the Committee’s co-chairs.

2:10 PM – WATER QUALITY STUDY UPDATES (RECORDING TIME 6:10)

JEFF OSTERMILLER

- Mike Shupryt left DWQ for WI. Ecological study results are in draft form and will be reviewed and shared with the tech team in the next month.
- Economic Benefits Study. Economic study is complete and DWQ is developing the executive summary and soon will be releasing it to the public.
- Cost Study. A few of the cost elements including stormwater and NPS will need to be developed. The Site specific tool to quantify excess nutrients loads and economic benefits on a watershed scale will be completed when the ecological study is finalized.

COMMENTS/DISCUSSION:

- None

ACTION ITEMS:

- None

2:15 PM SUBCOMMITTEE REPORTS (RECORDING TIME 9:20)

The NPS, Stormwater, and POTW subcommittees are developing a power point presentation to present to respective stakeholders about Utah’s approach for developing nutrient standards.

NPS: CARL ADAMS

- The NPS presentation was presented to the Cache Local Work Group and the Conservation Commission in March as a test.
- The UT Dept. of Ag established regional coordinating councils with technical experts in a number of areas in the state with the goal of prioritizing areas of concern and collaborating resources. The councils will also focus on coordinating technical resources.
- Carl Adams presentation of “Utah’s Approach for Developing Nutrient Standards”.

COMMENTS/DISCUSSION:

- The presentation should describe how the standards are related to specific uses and that there are different criteria for different uses. To help educate how the standards relate to the use.
- How do you approach a situation where the use changes over time? For example, a reservoir that was originally developed for irrigation is eventually used for recreational boating and fishing. The use can be changed when a justified use has developed and become prevalent.
- Is “Bad Taste and Odor” the best example of a negative consequence? Some areas of the state have better tasting water than others and some are not so good. Closure of drinking water wells is a better example.

- Is this geared to freshwater only or also saltwater? Not all of the examples are applicable to the GSL. The slide will be changed to read “Too much algae in streams and lakes can result in impaired fisheries.”
- Many UT nutrient TMDLs don’t involve the effects listed. These effects should relate to the problems we actually see like DO, impaired fisheries, etc.
- Is the picture we are painting worse than it is?
- Replace Didymo pictures with excessive filamentous algae. Replace with a picture of Cladophora.
- What do the relative categories of “medium” and “high” mean for stream and lake nutrient maps. A key should be added to the left of the map to differentiate categories.
- Will a map resonate with the audience? It demonstrates that we do have high nutrient levels in UT.
- Does the drinking water well map account for areas with natural elevated nitrates? No.
- Add a cost bullet to the “Goals for Setting Nutrient Standards” slide.
- Add a use discussion to the biological studies slide. The desired biology depends on the use in question. “Indication of the degraded use”.
- Condense the background and science slides and add more detail to the implementation approach.
- Should we conduct a study to determine the NPS cost of implementing nutrient criteria? Is there a concern of POTWs having a say in NPS projects since POTWs would be providing the funding?
- Provide examples of the cost impacts that range from cost savings associated with better fertilizer application to the cost of BMP implementation and maintenance.
- The Water Quality Board is dealing with un-skewed communities to install centralized systems or establish a managed-system approach. How do we address onsite system contribution in the proposed NPS funding mechanism? Onsite systems will not be included at this time.
- Create a slide at the beginning of the presentation that discusses the background of the Nutrient Core Team’s work and the process of developing nutrient criteria.
- Should we replace the “Setting and Attaining Goals” slide with Leland’s slide?
- Re-state “load allocation” on “Consistent and Fair” slide. The term load allocation is not understood by the average stakeholder
- Add a slide of how projects will be prioritized. At this point we are developing a prioritization scheme.

Action Items:

- DWQ will incorporate comments and distribute for review.

POTW UPDATE: LELAND MYERS (RECORDING TIME 1:46)

- This presentation was skipped due to time limitations.
- The presentation contains the same background content as the NPS presentation but includes details specific to how POTWs will implement nutrient criteria.

COMMENTS/Discussion:

- None

Action Items:

- None

STORM WATER UPDATE: JEFF STUDENKA (RECORDING TIME 1:47)

- This presentation was skipped due to time limitations.
- The approach at this time will initially implement an education and outreach component and implement BMPs required in existing permits.
- Include new and re-developed areas under new EPA MS4 requirements.
- TMDLs will drive some of the process.

COMMENTS/DISCUSSION:

- What is the proposed approach for storm water and is it similar to a Chesapeake Bay approach? Primarily an education and outreach approach and focusing on current MS4 permits.
- Modify post-construction runoff requirements.
- Add a discussion of how storm water implementation changes with the implementation of nutrient criteria.
- Discuss the worst case scenario and that MS4s will likely be required to increase their financial investment to help control excessive nutrients. What will they need to do in addition to what they are already doing?
- Will a map showing the nexus between MS4s and nutrient problems help?

ACTION ITEMS:

- DWQ and the Storm Water Committee will continue to develop their presentation

4:15 PM STRATEGY SCHEDULE AND IMPLEMENTATION DISCUSSION (RECORDING TIME 2:09)

JEFF OSTERMILLER

- Jeff Ostermiller presentation of implementation strategy outline. Implementation categories:
 - Headwaters Approach
 - Finalize N and P indicators and review technical approach
 - Criteria recommendations for frequency, magnitude, duration, etc
 - Address the need to change related standards like variance policies.
 - POTW Approach
 - Creating a strawman to address the questions surrounding POTW issues.
 - John Mackey cost of nitrogen removal. Less attention has been given to nitrogen limits than as phosphorus. The original study did not pair the most stringent nitrogen with least stringent phosphorus and estimate a cost. The range of N and P reduction ranges from \$142M for less stringent scenario to \$1B. It costs \$256M to achieve 1 mg/l TP and 10 mg/l TIN limits. The difference in cost relates to the need to install filters to meet these levels.
 - Additional modeling is underway to more accurately identify the endpoints with the addition of filters.
 - NPS Approach
 - What's missing and where does the timing not fit?
 - Comments on prioritization strategy?
 - Develop and implementation guidance.
 - Fully develop the storm water approach.
 - Assessment Approach

COMMENTS/DISCUSSION:

- Head waters approach appears to have some impact on grazing. If nutrient concentrations are below the criteria then there will not be an impact to grazing interests.

ACTION ITEMS:

- DWQ will distribute the implementation approach to the group for review and comment.

4:45 PM WRAP-UP AND NEXT STEPS (RECORDING TIME 2:38)

WALT BAKER

- Important next steps
 - Outline approach and map out path forward to meet with Lt. Governor and legislative committee leaders in May.
 - Identify legislative details to prepare for legislation in the 2014 session.



- Rulemaking after 2014 legislative session to establish headwater standards.
- Continue to develop the details of the implementation strategy.
- Re-work presentations and send out to the Nutrient Core Team for feedback.
- Anticipate this workgroup will wrap-up before legislative committee meetings in October.

NEXT MEETING: APRIL 29TH AT 1PM IN DWQ RED ROCKS CONFERENCE ROOM