**ENVIRONMENTAL MANAGEMENT COMMISSION**

**WATER QUALITY COMMITTEE MEETING AGENDA**

**March 7, 2018**

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| **BRIEF**

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| The Water Quality Committee (WQC) of the Environmental Management Commission (EMC) at its March 7, 2018 meeting:* approved the draft summary of the January 10, 2017 WQC meeting.
* approved to proceed to the EMC with the 2018 303(d) Listing and Delisting Methodology.
* was given an overview of the Division of Water Resources’ major variance process for the riparian buffer protection programs.
* was given an update on the nutrient strategy rules.
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**WQC Members in Attendance:**

Dr. Albert R. Rubin, WQC Chair

Ms. Marion Deerhake, WQC Vice Chair

Dr. Suzanne Lazorick

Mr. Mitch Gillespie

Mr. Steven Keen

Dr. Stan Meiburg

Mr. J.D. Solomon, EMC Chair

**WQC Members not in Attendance:**Ms. Julie Wilsey, EMC Vice Chair

**Others Present:**Mr. Bill Puette, EMC

Mr. Phillip Reynolds, EMC Counsel

Ms. Linda Culpepper, Department of Environmental Quality, Division of Water Resources Interim Director

**I. Preliminary Matters**

WQC Chair Dr. Albert Rubin read the conflict of interest statement under General Statute 138A-15. No member of the WQC expressed a conflict of interest with any item on the March 7, 2018 WQC agenda.

Dr. Meiburg made a motion to approve the summary for the January 10, 2018 meeting. Mr. Keen seconded the motion. Each WQC member was in favor of the motion and the motion passed.

**II. Agenda Items**

**1. Request Approval of 2018 303(d) Listing and Delisting Methodology**

**Description**
Pamela Behm and Cam McNutt, Division of Water Resources (Division) Modeling and Assessment Branch, gave a brief overview on the statutory authority for the 303(d) process, the history of the 303(d) assessment methodology, EPA’s decision on the 2016 303(d) list, and proposed clarifications to the 2018 303(d) Listing and Delisting Methodology to address small datasets and to resolve concerns with removing waters from the 303(d) list where there is low confidence that waters are meeting criteria.  EPA Region IV has reviewed the proposed changes and has indicated that the changes address concerns.  There is no resolution between the states and EPA on the listing methodology for metals for determining impairment. The timeline for the 2018 303(d) list includes receiving public comment on the methodology changes concurrent with public comment on the draft 2018 303(d) list.  The WQC’s approval was requested to proceed to the EMC with the proposed clarifications to the 2018 303(d) Listing and Delisting Methodology.

**Discussion**Mr. Gillespie asked staff would more data from an outside entity help assess waters with inconclusive data.  Mr. McNutt said yes and those waters are category 3 waters.  Mr. Keen asked what the process is for fish consumption for listing. Mr. McNutt said there must be a site specific advisory and fish tissue data available in the assessment unit with the exception of Mercury fish tissue advice which is statewide.  Dr. Meiburg asked staff does the assessment set an equal burden for waters coming off and going on the 303(d) list. Ms. Behm responded that defining equal is difficult in this case, as different formulas are used to determine if something should go on the list versus going off. The state has tried to balance the burden of proof in both directions.

**Motion**Dr. Meiburg made a motion to approve the 2018 303(d) Listing and Delisting Methodology to proceed to the EMC tomorrow. Mr. Keen seconded the motion. The motion passed unanimously.

**2. Update on Nutrient Strategy Rules**

WQC Chair Dr. Albert Rubin said that he will present a summary of the stakeholder comments on the rules to the WQC.

**3.** **Riparian Buffer Protection Programs – Major Variances**

**Description**Karen Higgins, DWR’s 401 Wetland and Buffer Permitting Program, provided a brief overview of the major variance process for the riparian buffer protection programs.

**Discussion**Mr. Keen asked staff if it has received more major variance requests for hardships for commercial properties in municipalities. Ms. Higgins said the Division doesn’t get enough to see a trend. WQC Vice Chair asked why is it not possible to notify the purchaser what he/she could encounter prior to closing. Ms. Higgins said that the general assembly in 2015 passed a session law that requires buffers to be recorded on plats. She went on to say that projects approved by the division are required to have a deed notification that can document protective buffers.

**Motion**Not Applicable

**4. 2017 Annual Report on Water Supply Watershed Ordinance Approvals, Universal Stormwater Management Program Ordinance Approvals, and Phase II Program**

**Description**Julie Ventaloro, Division of Energy, Minerals, and Land Resources Water Supply Watershed Protection Program was present at the WQC meeting to answer the WQC’s questions.

**Discussion**None

**Motion**Not Applicable

**III. Closing Comments – WQC Chair, Dr. Albert Rubin**

No closing remarks

The draft of the March 7, 2018 WQC meeting summary was prepared by Ms. Pam Behm and Mr. Cam McNutt (DWR Modeling and Assessment Branch), Dr. Albert Rubin (WQC Chair), Ms. Karen Higgins (DWR 401 Wetlands and Buffer Permitting Branch), and Ms. Adriene Weaver (DWR Classifications and Standards/Rules Review Branch)