

Wastewater Advisory Council Meeting Minutes
January 19, 2016

In Attendance: Paulette Akers (DEP/DCA), Angela Billings (DPH), Ed Fortner (BMU), Mike Gardner (BGMU), Derek Guthrie (ACEC-Ky), Gary Larimore (KRWA), Valerie Lucas (Ky-TN WEA), Charlie Martin (LFUCG), Donna McNeil (KRWA), Brad Montgomery (DRW), Adam Scott (KIA), Mark Sneve (Strand), Larry Taylor (DEP/DCA)

Division of Water: Peter Goodmann, Director; Tom Gabbard, Assistant Director; Sara Beard, Jory Becker, Carole Catalfo, Sarah Gaddis, Tammi Hudson, Nick Lester

The meeting came to order at 10:10 a.m.

Welcome and Introductions

Peter Goodmann made welcoming remarks. Members introduced themselves and agreed to modify the agenda as needed to facilitate the meeting.

November 2015 Meeting Minutes

The meeting minutes were approved by consensus.

Announcements

Paulette Akers stated that the Division of Compliance Assistance is conducting two environmental compliance trainings on March 2, 2016 in Frankfort and March 17, 2016 in Princeton. Details will be provided to the group by email.

Review Agenda

Peter Goodmann stated that he expects the Nutrient Reduction Strategy to go to public notice within the next few weeks.

Jessica Wilhoite will present information about Operators at the March 2016 meeting.

Subcommittee Updates

Peter Goodmann suggested that Wet Weather and Water Quality Standards (WQS) workgroups might be appropriate for the WWAC. A workgroup can assist in drafting WQS that are appropriate for wet weather events. He explained that wet weather WQS are an ongoing Triennial Review issue that has been delayed due to the need for more study and developing an approach that is suitable for Kentucky.

Additionally, Peter Goodmann suggested that the WWAC consider forming a Nutrients workgroup or subcommittee, and a Compliance workgroup or subcommittee. He also suggested combining the Harmful Algal Bloom (HAB) and Education Committees with the Drinking Water Advisory Council (DWAC). Valerie Lucas will work on this.

Education & Apprenticeship – Jessica Wilhoite of DCA will present information regarding Operators at the next WWAC meeting.

MS4 - Peter Goodmann gauged interest in participating in CSO/MS4 issues. He stated that he is working on the draft MS4. He stated that Abby Rains' MS4 workgroup should form the basis for the WWAC's MS4 workgroup. Charlie Martin volunteered to participate in this effort.

Small Systems – Adam Scott (KIA) reported that he met with TVA, the Corps, PSC, and the Division to address abandonment and funding issues. The KIA Board set aside \$500,000 to begin providing assistance for several plants on the verge of abandonment with priority ranked on need. Franklin and Daviess County package plants will be addressed first.

The two major issues are 1/ communities do not have the finances to become receivers, and 2/ pre-existing compliance issues.

Peter Goodmann stated that the group may want to look at state House Bill 261 (water utilities) that aims to require financial assurances for private treatment plants.

HABs – Peter Goodmann stated that this subcommittee or workgroup should combine with that of the DWAC. He explained that the HAB problems on the Ohio River seemed to arise from low turbidity rather than elevated nutrients. Information needed includes 1/ HAB procedures for drinking water systems and 2/ wastewater treatment procedures. Plaintiffs in ongoing litigation claim that HABs create trophic conditions and that permit limits are necessary.

Water Quality Monitoring

Peter Goodmann explained that the Division is being asked to establish limits and make decisions with limited data. He requested that the WWAC consider collecting additional data on receiving waters which is needed to develop nutrient standards based on a more probabilistic standard which is more valuable to project appropriate WQS. Members indicated a willingness to assist provided that the data will be used in the decision-making process, and discussed the economics of gauge support.

Peter Goodmann suggested that members send any questions to him, and that the Division will present more information about what is being collected, what is needed and why, and open the discussion to conceptualization and transmission of data. He will contact USGS to arrange a speaker and will also present information regarding the EPA Next Generation Compliance program at the next meeting.

Nutrients and Reasonable Potential Analysis

Peter Goodmann addressed litigation issues regarding long-term planning to avoid citizen suits and/or third parties (such as the EPA) developing a standard plan that may not be appropriate for Kentucky. The draft Reasonable Potential Analysis (RPA) worksheet for permit writers was distributed with the understanding that it is in draft form only, and not for distribution outside the WWAC. Nick Lester explained the process of Reasonable Potential Analysis (RPA), discussed the Nutrient Reduction Evaluation Plan (NERP) and technology limits vs. water quality limits.

The meeting adjourned by consensus at 11:40 a.m.