

MEETING MINUTES

Agriculture Water Quality Authority

Thursday, June 7, 2018

300 Sower Blvd. Training Room A

In attendance: Mr. Larry Thomas, Vice Chair and Kentucky Farm Bureau; Ms. Paulette Akers, Director of Division of Conservation; Mr. Tom Gabbard, Assistant Director Division of Water; Mr. Allan Bryant, Kentucky Association of Conservation Districts; Mr. Joseph Sisk, Member-at-Large; Dr. Amanda Gumbert, University of Kentucky College of Agriculture; Mr. Brent Burchett, Kentucky Department of Agriculture; Ms. Karen Woodrich, Natural Resources Conservation Service; Mr. Ron Brunty, Member-at-Large; Mr. Steve Kull, Assistant Director, Division of Forestry; Mr. Keith Rogers, Department of Agriculture; Angela Billings, Division of Public Health; and Mr. Todd Clark, Member-at-Large.

Also in attendance: Ms. Johnna McHugh, Assistant Director, Division of Conservation; Mr. Jim Roe, Division of Water; Mr. Timothy Mayer, Energy and Environment Cabinet/Office of General Counsel; Mr. John Pitcock, Kentucky Department of Agriculture; Ms. Danielle Milbern, Kentucky Department of Agriculture; Ms. Andrea Fredenburg, Division of Water; Ms. Andrea Keathley, Division of Water; Mr. Adam Andrews, Kentucky Corn Growers Association; Ms. Beth Harrod, Division of Water, Mr. David Chinn, Monty's Plant Food Co.; Mr. Biff Baker, Governor Office of Agriculture Policy; Dr. Steve Higgins, University of Kentucky, Ms. Crystal Renfro, KACD Executive Director; Mr. Charles Snavelly, Sec. EEC; Mr. Paul Bellamy, Kentucky Department for Public Health; Mr. Earnest Collins, Private Citizen; Mr. Jon Cambron, Organic Valley, Cooperative Regions of Organic Producer Pools; Mr. Travis Chick, United States Department of Agriculture, Farm Service Agency; Mr. John Small, Commissioner Department of Natural Recourses; and Mr. Jeff Gravitt, Division of Conservation.

Quorum was met.

Meeting Called to Order – at 9:30 AM by Mr. Larry Thomas.

Roll call of Authority members – Quorum was met.

Introduction of guests – Introductions were made.

New members - Mr. Larry Thomas welcomes Mr. Todd Clark to the Authority.

Mr. Larry Thomas turned the floor over to Ms. Johnna McHugh for the swearing in process of Mr. Todd Clark. Ms. Johnna McHugh spoke the oath of office and Mr. Todd Clark accepted.

Approval of previous meeting minutes – Approval for February 8, 2018 minutes was brought before the board. Mr. Joe Sisk made a motion to approve the minutes and Mr. Allan Bryant seconded motion. **Motion carried.**

Presentation by Andrea Fredenburg – Ms. Andrea Fredenburg discussed the following 2018 Triennial information:

- 2018 Triennial Review
 - Clean Water Act (CWA) Section 303(c)(1) Requirements:
 - Every 3-years
 - Review State Water Quality Standards
 - Public Participation:
 - ❖ Public Comment Period
 - ❖ Public Meetings
- WQS Amendments
 - KRS 13A
 - File with LRC
 - Publish in Legislative Record
 - 30 – Day Comment Period
 - Public Hearing
- Tentative Timeline
 - Public Notice - April
 - Four informal public listening sessions – June
 - File with LRC – July
 - Proposed amendments published in Legislative Record – Beginning of August
 - One KRS 13A public comment hearing – End of August
 - File Statement of Consideration – by October 15th
 - Administrative Regulation Review Subcommittee Meeting – November
 - Interim Joint Committee Natural Resources and Environment Hearing – January 2019
- Human Health
 - 94 Chemicals
 - Update to EPA’s 2015 recommended criteria using:
 - body weight = 80 kg,
 - drinking water ingestion = 2.4 L/day,
 - fish consumption rate = 22.8 g/d (Inland South value)

- Aquatic Life
 - Ammonia
 - Update to EPA's 2013 recommended criteria
 - ❖ Acute Cold Water
 - ❖ Acute Warm Water
 - ❖ Chronic
 - Cadmium
 - Update to EPA's 2016 recommended criteria but retain as total recovered (not dissolved)
 - ❖ Acute ($\mu\text{g/L}$) = $e^{(0.9789 (\ln \text{Hardness}) - 3.866)}$
 - ❖ Chronic ($\mu\text{g/L}$) = $e^{(0.7977 (\ln \text{Hardness}) - 3.909)}$
 - Carbaryl
 - Adopt EPA's 2012 recommended criteria
 - Selenium
 - Adopt EPA's 2016 recommended criteria of 11.3 mg/kg dry weight for fish fillet
 - Remove Kentucky's egg/ovary value of 19.3 mg/kg dry weight
 - EPA did not approve this egg/ovary value
 - Copper Biotic Ligand Model
 - Retain current criteria but allow site-specific criteria using EPA's 2007 Copper Biotic Ligand Model
- Recreational Criteria
 - Primary Contact Recreation
 - Adopt EPA's 2012 recommended criteria for *E. coli* (rounded to nearest 10)
 - Wet Weather Standards for residual Combined Sewer Overflows (CSOs) after full implementation of approved Long Term Control Plan (LTCP)
 - Allow use of Financial Capability Assessment from LTCP to demonstrate substantial and widespread economic and social impact
 - Temporarily suspend recreational criteria during residual CSO events
 - Wet Weather Standards for residual Combined Sewer Overflows (CSOs) after full implementation of approved Long Term Control Plan (LTCP)
 - Options: consistent with 1994 CSO Policy
 - Modify the PCR and SCR language to allow the suspension of the standard(s) during residual CSO events in accordance with an approved LTCP
 - Create a CSO designated use and criteria
 - Identify CSO receiving waters in a table in 10:026
 - Combination of all of the above
 - Possible UAA process to complete the suspension of the standard or designated use for CSO receiving waters

- Special-Use Waters
 - Add 52 outstanding state resource waters
 - KY Arrow Darter Basins and Big Sandy Crayfish Segments
 - 3 – Segments for T and E Mussels
 - Add 29 exceptional waters
 - Based upon fining and excellent fish or macroinvertebrate community
- 2018 Triennial Review Information
 - <http://water.ky.gov/waterquality/Pages/WaterQualityStandards.aspx>

Old Business –

- Streams and Other Water BMP's (Amendments from DOW) – Mr. Tom Gabbard discussed the follow with the board:
 - Approval from amended BMP's to take place at the August 23rd AWQA meeting.
 - The self-service app is being put on hold for the near future
 - Legislation has been passed to put a 50 ton limit on using sand and gravel

New Business –

- Subcommittee Reports
 - KASMC – Mr. Pete Cinotto – No updates.
 - Farmstead – Dr. Steve Higgins – No updates.
 - Pesticides, Fertilizer and other Agriculture Chemicals – Mr. John Pitcock – No updates.
 - Livestock and Poultry – Mr. Keith Rogers – No updates.
 - Crops – Mr. Adam Andrews – No updates.
 - Silviculture – Mr. Jeffrey Stringer – No updates.
 - Education and Outreach – Paulette Akers informed the board they are looking at acquiring new members and have no current Chair to head the committee.
 - Mr. Larry Thomas asked Mr. Brent Burchett to Chair. Mr. Brent Burchett accepted.

Follow up on the Strategic Plan meeting – Ms. Karen Woodrich gave the follow AWQA Strategic Plan update with the board:

- Goal 1: Increase compliance with the AWQ Act
 - 1.1 Continue to grow education and outreach efforts
 - ❖ Identify long term funding for staff (short term provided by DOC)
 - 1.2 Develop marketing tools including economic benefit
 - ❖ Prioritized list of BMPs for economic data gathering ie: orchards/vineyards, pastured poultry and high tunnels..
 - 1.3 Continue development of new BMPs and include subject area experts for dissemination and adoption
 - ❖ Obtain funding for tools

- ❖ Educate / train AWQA members.
- Goal 2: Improve Water Quality
 - 2.1 Build new and support existing ground and surface water monitoring efforts
 - ❖ KASMC to develop list of water quality parameters for trend monitoring with AWQA input
 - ❖ KASMC to determine trend baselines with AWQA input
 - ❖ Coordinate with KASMC/WRB to work toward shared interests
 - 2.2 Develop and support AWQA priority protection areas
 - ❖ Share priority areas agencies
 - 2.3 Develop regional AWQ plans
 - ❖ Conduct detailed monitoring including source id
- Goal 3: Provide adequate funding for implementation of the AWQ Act
 - 3.1 Further educate leaders about the Act and the Authority
 - ❖ Conduct outreach to local gov'ts and legislation leaders
 - ❖ Update people for Authority members & others to use
 - ❖ Convene stakeholder work groups to discuss approaches to funding sources
 - 3.2 Raise awareness of the importance of FSA to the AWQA
 - ❖ Develop briefing sheet on AWQA (actions and intent)

Mr. Joseph Sisk made a motion to approve the AWQA Strategic Plan updates and Mr. Keith Rogers seconded motion. **Motion carried.**

Business Rule review – Ms. Paulette Akers informed the board of the following:

- Nothing new to review at this time
- Continue to review guidelines to see if any changes need to be made
- Need three weeks lead for any changes coming before the board

Quarterly updates of AWQA related violations – Ms. Paulette Akers informed the board of the following receipts of letter of warning from the Division of Water –

- Barry Carson Property – Calloway County
- Jonathan Anderson Property – Pulaski County
- Jim and Betty Sawyers Property – Clinton County
- Larry McAnnich Property – Lincoln County
- Carl Prather Farm – Fulton County
- Brothers Farm Cattle and Grain – Nelson County
- Leroy Keeling Dairy Farm – Nelson County
- T and T Farms – Nelson County
- Terry Harris Farms – Ballard County
- Lewis Farm – Wayne County

Updates from members –

- Ms. Karen Woodrich discussed the following with the board:
 - Current issues with hiring new employees
 - Trying to backfill positions
 - New employees – 50/50 split with Forestry
 - Ms. Karen Woodrich informed the board that she will be accepting a position with NRCS in the state of Kansas. This will be occurring in August of this year.
- Mr. Allan Bryant invited the board to attend a Pond Management seminar at his residence.
- Mr. Travis Chick discussed limited Farm Bill practices approved for FSA enrollment.
- Ms. Paulette Akers informed the board that she will be taking over the Agriculture Water Quality Plan updates from Dr. Amanda Gumbert.

Comments from Public – None.

Adjourn – 11:21 am