

**WATERSHED QUALITY PLANNING TASK FORCE MEETING SUMMARY
MAY 24, 2007**

Committee Members Attendance	Representing
Jim Boyt	Iowa Association of Business and Industry
Wayne Gieselman	Iowa Dept. of Natural Resources
Tom Hadden	Growing Green Communities
Linda Kinman	Iowa Environmental Council
Rep. Donovan Olson	House Representative
Ted Payseur	Veenstra and Kimm, Inc.
Jeremy Rosonke	Iowa Conservation Alliance
Deb Ryun	Conservation Districts of Iowa
Jeff Schnell	Iowa Pork Producers Association
Roger Wolf	Iowa Soybean Association

Guest Attendance	Representing
Brian Bakke	HDR
David Clark	HDR - Presenter
Jane Clark	Citizen
Geri Crawford	MWA
Bill Ehm	IDNR
Zeke Furlong	House Democratic Staff
Mary Gillaspey	MWA
Doug Gronau	Iowa Farm Bureau (State Board)
George Hunt	HDR
Kelli Huser	MWA
Deb Kozel	LSA
Jace Mikels	Senate Democratic Caucus Staff
Mike Naig	Ag Business Association
Jerry Neppel	IDALS/DSC
Allison Smith	Iowa Pork Producers Association

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The meeting was called to order at 10:00 a.m. at Metro Waste Authority (300 E. Locust Street, Ste. 100, Des Moines, Iowa).

Introductions were made. Dave Clark, HDR Engineering's National Director for Wastewater, presented an overview of nationwide water quality impacts. Other topics covered were Iowa water quality challenges, watershed groups, implementation planning, watershed funding and tracking progress. Case studies discussed were, Paradise Creek in Idaho; Truckee River in Nevada; Clark Fork River in Montana; Spokane River (Long Lake Reservoir) in Washington; Lower Boise River in Idaho; Papillion Creek in Nebraska; and Puget Sound in Washington.

Dave Clark's contact information:

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Total Maximum Daily Load (TMDL)

Dave explained that the regulatory watershed plan which comes from the 303 (d) section of the clean water act for impaired watersheds require states to develop pollution control plans (TMDL's). This would require taking all the pollutant loadings that the watershed can handle, split it up amongst the cognitive factors of the land use point source discharges, and then find a way to allocate within the available pollutant loading.

Question: Are we considering anything that has an H₂O to be part of the load?

Response: The technicalities are that the states require you to create a TMDL for those impairments that are identified when water quality assessments are conducted. Sometimes writing a TMDL about phosphorus ends up with the impairment being dissolved oxygen. For example, the causative factor is nutrient enrichment, and that's what you end up controlling in the TMDL, but the water quality problem is dissolved oxygen.

Question: What are your thoughts on inadequacy of timeframes for reviewing regulatory stakeholder's comments? Have there been states that have articulated what would be a more meaningful stakeholder engagement?

Response: The ritualistic or problematic part by statute must always be followed, but that doesn't mean you can't have more engagement and more communication in the course of the process. Situations are occurring where people are under pressure and have a schedule to meet, often a court ordered schedule, and end up pushing things through in a way where they don't want to do anything more than the ritual. That type of process does not do any good, and results in a lousy outcome with later consequences even though you were able to satisfy the Federal District Court judges mandated schedule. More stakeholder involvement and communication is better, and the ritualistic comment periods aren't adequate for any normal stakeholder, land user, interest group or discharger to figure out what is going on.

Question: In your estimation what would be the needed water monitoring element to do an adequate job assessment of stream conditions.

Response: Some states have tried to perfect water body assessment tools. They have tried to get better and more systematic with the assessments. If you look programmatically across the state these assessment techniques used by State agencies serve a purpose of listing or delisting. They seldom give all the information that is needed for improvement and managing a watershed. Most TMDL's and

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watershed plans are going to have a monitoring component in it that's going to do more, and that will lead to an interesting set of considerations about what you do in terms of monitoring. In Iowa as in most states, monitoring is done in water bodies of rivers or lakes and no monitoring of land use activities that are causing the pollution. Moving forward, you will need to shift and expand the monitoring effort to keep track of what is happening in the water body and track the effectiveness of the actions being taken.

Question: Can a watershed group write a TMDL?

Response: Yes, it was done with the Clark Fork River study from Butte to Missoula, Montana. It takes pressure off the state to try to do everything and be everything. The state participated and was satisfied with the process. The ten year reassessment will determine whether to continue as a collaboration or take a top down approach. It has been a good experience overall.

Question: Who were the stakeholders for the Clark Fork River study?

Response: DEQ, Tri-state Water Quality Council, cities of Missoula, Missoula County, Water Quality and Health District of Missoula Metropolitan Area, Butte, Deer Lodge, Stone Containers and Industries, Clark Fork Coalition which was the major environmental group. The group met every month or two for more than two years.

Question: Was there a load allocation for nonpoint sources?

Response: Yes, it was the more controversial part of the process. The reason that the whole collaboration got started was when the first review was conducted. DEQ categorized everything they couldn't associate with the four big point source discharges as natural background. The major accomplishment of the group for getting a balanced view of the TMDL was to get numbers on the nonpoint sources. Getting numbers on some of the nonpoint source loads, in particular the urban septic system load, was pivotal in breaking loose the whole settlement. This is what made everything glue together by putting a load reduction requirement on nonpoint source loads. People signed the document and spent millions of dollars to do it. The agriculture and forestry load still needs to be explored so the group is continuing to do some modeling for DEQ.

Question: Are there any funding sources for monitoring and staffing.

Response: The State has continued to fund their monitoring program in the Clark Fork River, but the added monitoring with the attention on the watershed to keep track of the real accomplishments has fallen to volunteer groups and the individual discharges. Several watershed groups have evolved from this. The Tri-State Water Quality Council continues and has a fulltime staff person in Missoula that coordinates volunteers to conduct water sampling. The Bitter Butte is a major tributary that has a group called the Bitter Butte Water Forum mostly made up of volunteer fly fishermen that gather water sampling. It's been good sampling; they conduct their samplings off the same bridges in a systematic way with proper laboratory work.

Question: Has there been money directed through USDA or NRCS?

Response: Yes, it's a little more obtuse.

Question: Is there any consideration taken for high water flows versus low water flows?

Response: This is one of the more interesting things to consider when setting targets for a basin and determining the accomplishments. The regulatory agencies have a tendency to default to a 7Q10 flow. On the Clark Fork River a major accomplishment was to convince the regulatory agencies through the discussions on the TMDL that 7Q10 was not appropriate. There is some flexibility and it is important to recognize that if you can do something positive nine years out of ten, then figure out a plan for the extreme condition, you might have a more economical way for all stakeholders to agree.

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Question: How does flexibility and target expectations relate to water quality standards? Is there a different type of flexibility for watershed implementation? How does water quality standards and watershed implementation relate?

Response: The challenge is figuring that out especially when you have numeric water quality criteria where there is not much room for the interpretation. Criteria on nutrient enrichment will give you more room to set practical targets. The numeric criteria puts you in an area where you have a number to meet, and it's tough to find flexibility to satisfy the objectives of all stakeholders including the regulatory agencies. It's a high bar to get a use attainability analysis accepted when taking on a new standards making process in the midst of your watershed plan.

Question: What percentage of wastewater treatment or septic system discharges contribute to the total contaminate load and how does it relate to the situation on the Spokane River?

Response: In the case on the Spokane River, half nonpoint source and half point source in the summer time. If you only look at the summertime months you missed the run-off period in the spring which delivers all the nonpoint sources. The nonpoint source dwarfs the point source loadings. Because there is a narrow view on the delivery of the pollutants we don't see the enormous nonpoint source load that comes in from the tributaries. The flaw in the original loading analysis is that the nonpoint sources are disguised under natural background. If they're categorized as natural background you can't manage them. This would be a watershed where there is a significant point source discharges.

Question: Have you tried a trading program successfully or thought of a trading program?

Response: Yes, Lower Boise has an EPA pilot trading program. There is a trading program in play now on the Spokane River, and comes at an inconvenient time for the agencies. They are trying to get credit under a pollutant off-set law in Washington State that already exists. It's a very high standard, a standard that goes beyond what would be required for a trading framework. The problem is the trading framework is not in place. To establish a trading framework requires much infrastructure to be developed; quantifying all loadings, having someone agree that those are the loadings, and have equivalency between loadings in the watershed. An understanding of currency exchange is needed to understand how the trade would take place. Years of work will be required to set up the trading framework. EPA does have some case studies of successful trading frameworks in the country. Anyone interested in having a trading framework should begin setting it up early and systematically to use across the state and make it available for people to actually use.

Question: Is there any assurance on the part of the regulatory community that a city who is trying to buy some relief in watershed and doesn't come forward because of best management practices, to have some sort of understanding on their permit that it's not their fault if they spent their money elsewhere? How does that work?

Response: It's complicated. In Washington State there is an existing pollution off-set law and the standard is very high. They have to demonstrate with a hundred percent assurance scientifically and administratively what they will accomplish. However, you could still meet a test of reasonable assurance in a pollutant trading framework with a lower bar that includes some good science. The reductions from nonpoint source best management practices are not as deterministic as what we can do at a treatment facility. When you look at the technical literature there's a huge variability.

Long Island Sound would be a good reference for a successful trading program that is running efficiently. Long Island Sound's trading program has all the equivalencies for loadings for nitrogen worked out throughout the entire state of Connecticut.

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Question: How are septic systems becoming a pollutant source?

Response: In relation to subdivisions, the discharge is going to the shallow groundwater which is connected hydrologically to the surface water and in some cases in a dramatic and direct way. Concurrent implementation planning is a way to be successful in accomplishing something in a watershed. The implementation steps are what define what stakeholders have to do. Writing the TMDL and preparing load allocation is a lot of regulatory process that's not necessarily engaging for stakeholders. When conducting implementation planning you're trying to figure out what the action steps are and to get feedback into the TMDL development for tuning things into something that's reasonable and possible to do. If you don't look at what's required you could run into some problems.

Question: Aren't you setting the limits then based on what you can do rather than what the water quality should be?

Response: That would be the criticism. The TMDL process is not an exact science and there is a lot of interpretation. If you take the approach to structure the TMDL to meet the water quality goals and set targets, then do it in a way for all stakeholders to be engaged where both nonpoint source and point source are working together to figure out what is practical. It does take more time to structure, but if this approach is taken you will have a better chance of formulating a plan that will have some lasting value and results in real water quality improvements. In taking the linear approach to meet a Federal District Court deadline winds up being problematic for years to come even if the State agency can satisfy a court order. The stakeholders are then locked into something that can't be accomplished and there is no easy way out. When putting a strategy together its best for stakeholders to work together in advance, and question before you write the TMDL whether you are applying the right standards and whether it's appropriate and feasible to accomplish. Use attainability analysis as a way to try to set new standards is a tough one. It sounds good when EPA talks about that in the UAA use attainability webinar's, but it's not there to be useful.

Funding

Question: Is the Water Resource Inventory Areas (WRIA) approach effective?

Response: The major criticism is that there is not money for implementation. However, people in the Washington operations that have been dealing with some WRIA basins have come back with positive comments. One major factor is counties are getting strategic by taking WRIA money and matching it up with other funds to magnify the amount. This is one positive characteristic that other states can take hold off as well.

Question: Do they hire staff with the money?

Response: In some cases they do. In Spokane County there is two full-time staff positions, but only a portion of their salaries are paid for by WRIA.

Question: How does this relate to other state agencies?

Response: WRIA's are set up to meet all other watershed requirements and other agency coordination.

Question: Are funds funded through NRCS and can they comment on how those funds are spent?

Response: Florida has water management districts in place similar to the watershed districts in Minnesota. South Florida Water Management District is charged with the Everglades clean-up. The water management district transcends the local government and may partner with local governments, local cities and counties, and with local utilities providing cost-share and grants. They are able to take Federal funds from the Everglades clean-up and move that money to projects that are administered by individual entities. The situational examples in Washington, Minnesota, Texas, and Florida where states have concluded to form a new structure of governments based on watershed boundaries that

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have a taxing authority ability to match up with Federal grants, run capital programs and operations on a watershed basis. The agreements on what the funds are going to be used for in the grant agreements of NRCS and the Corp of Engineers are made by the South Florida Water Management District in the case of the Everglades cleanup, and then they administer that money taking Federal funds and moving it through to the individual projects.

Question: Does Idaho have a fairly small or large percentage of non-resident landowners? How does Idaho deal with this type of situation?

Response: Yes, some. Idaho's non-resident population is made up of snowbirds. There's huge property tax incentives built in the tax structure for full-time residents. The down side for snowbirds is they pay a penalty in property taxes if they're a non-resident of Idaho but own land. Idaho's population is 1.2 million. Approximately 400,000 people live in the Boise River Valley and 185,000 people in the City.

Question: What is the economy base, agriculture to forestry?

Response: About half and half. Traditionally it's been a natural resource based economy. There is a lot of mining historically, with enormous amounts of phosphate mining, and gold and silver mining. As far as agriculture and forestry, there are large Federal holdings in the river of no return wilderness area in Central Idaho which is not populated at all. Idaho has a lot of Federal land.

Question: Iowa struggles with making the linkage between in-field practices of how it ends up in the water resource. Pollutants can be transported from the edge of the field until it gets to the water resource of concern. What is Idaho's approach to monitoring BMP's?

Response: Idaho is taking a modeling approach in the watersheds to try to figure out what is going on, and would like to have some monitoring at the BMP or at the tributary where something has been done so they know how to change the loadings in a fate and transport model to simulate the rest of the system.

Question: Is it specific to each BMP or not?

Response: No, it's not specific for every BMP.

Watershed Task Force Subcommittee Updates

A progress report from each subcommittee was presented.

Subcommittee No. 1 Status Report

The task force has met four times, most recently on May 4. The next meeting is planned for June 15 at Farm Bureau. The subcommittee will continue to meet monthly throughout the summer, or as needed. The goal is to finalize recommendations prior to the last scheduled meeting of the task force, November 15. After each meeting recommendations are made. Towards the end, all recommendations will be reviewed and a decision will be reached to combine, add, or change them, and to prioritize them.

Issues to Discuss at June 15 Meeting

1. More discussion on the SRF and related bonding limitations with respect to sponsored projects. This may also receive additional focus at subsequent meetings to identify potential fixes.
2. Further investigation into possible state tax benefits for conservation.
3. Nominal group process to identify priorities for subcommittee.
 - a. Review subcommittee charge

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Other discussion topics:

- The State Water Plan
- SRF and related bonding limitations with respect to sponsored projects
- Watershed planning, assessment and coordination

Subcommittee No. 1 Chair: Rick Robinson
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Subcommittee No. 2 Status Report

The subcommittee met on April 12. Several presentations were provided.

Lois Wright Morton with the Iowa State University discussed what motivates individuals to action and what recent research offers with respect to perceptions about water quality.

Jim Gillespie with IDALS/DSC and Larry Beeler with NRCS discussed programs and incentives available to landowners and producers through their agencies.

Adam Kiel with IDNR presented on the various technical tools available to watershed groups and the soil and water conservation districts for development and implementation of watershed projects.

Following the presentations the group discussed a base level of performance and how incentives might be used to enhance basic environmental requirements.

A proposal submitted by the Iowa Policy Project was reviewed. The project describes a study that is to be conducted in Iowa and surrounding states describing and evaluating environmental incentives. The subcommittee approved of the study which will be completed by September 2007, and felt it would be beneficial for making recommendations.

Subcommittee No. 2 Chair: Bill Ehm
IDNF
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Subcommittee No. 3 Status Report

The outcome of the first meeting was to have the subcommittee discuss the stimulus relating to their charge and identify reasons why greater flexibility through community-based, non-regulatory and performance-driven watershed management is needed. Goals and objectives were identified.

Issues Recognized

- Water Quality Standards being updated
- New permit requirements for regulated community
- Additional expectation of progress addressing nonpoint source pollutants
- Costs of financing environmental management
- Technical and informational needs for making watershed management work

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- Define what performance means and what the requirements would be
- Local leadership and state coordination/synchronization
- Need to recognize and listen to watershed efforts now underway

Consensus was reached to have discussion with other watershed efforts and what their experiences have been. At the February 22 meeting, the subcommittee conducted a workshop engaging members and those individuals interested in watershed water quality management. Twenty-six people participated in the workshop. The key purpose of the workshop was to survey and gather ideas from select watershed water quality management efforts currently underway in Iowa for the benefit of the task force work and outcome.

The next meeting is scheduled for June 20. Presenters have been lined up to speak about wellhead and source water issues, innovative technical assistance and finance, and permitted facilities and relationships with non-regulatory approaches.

Subcommittee No. 3 Chair: Roger Wolf
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Other Comments/Information:

Suggestions for small group discussions:

- Tax incentives
- Address TMDL's (Minnesota's model)
- Look at different watershed models across the country (volunteers needed to choose a state watershed model and come back with what that structure looks like)
- Subcommittee groups begin to flush out and collect concepts/ideas
- Full Task Force Committee will prioritize recommendations for final report
- Begin thinking about the deadline for final report to legislature (end of November 2007)

For next meeting (July 24) subcommittee groups were asked to identify concepts they have decided to bring forward.

- The groups will give a twenty minute presentation supporting why they think the identified concept is important.
- After each presentation there will be a timed discussion.

A suggestion was made to provide subcommittee recommendations to the full task force committee early enough for discussions, which would give subcommittee groups time to go back and refine their recommendation.

Another area of focus would be using sponsored projects as a model, and discuss what would need to change in the Iowa Code.

Representative Donovan Olson explained that the intent of the next legislative session is for air and water quality. The House has a standing subcommittee in Environmental Protection to deal with air and water quality. Consensus is that during the next legislative session the subcommittee will deal specifically with the recommendations from this task force. Representative Olson's intent for the first six to seven weeks of the legislative session is to take the draft recommendation from this task force

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committee and turn it into a bill. From the reception Representative Olson received so far it appears to be a bi-partisan bill and will have broad support.

The Iowa Department of Natural Resources meeting to discuss the water plan/ water quantity issues is scheduled for June 6. They will report back to the legislature in 2008.

Bill Ehm will be replacing Julie Smith as chairperson for subcommittee #2.

Adjournment

The meeting adjourned at 1:40 p.m.

Next Meeting

Date:

Thursday, July 26, 2007

Time:

10:00 a.m. – 3:00 p.m.

Location:

Metro Waste Authority
300 E. Locust Street
Des Moines, Iowa
515-224-0021