

**Upper Mississippi River Basin Association
Water Quality Executive Committee Meeting
November 15, 2011
Moline, Illinois**

Meeting Summary

Participants

Marcia Willhite	Illinois Environmental Protection Agency
Rebecca Flood	Minnesota Pollution Control Agency
John Madras	Missouri Department of Natural Resources
Russ Rasmussen	Wisconsin Department of Natural Resources
Tim Henry	United States Environmental Protection Agency, Region 5
Dave Hokanson	Upper Mississippi River Basin Association

Call to Order

The meeting of the UMRBA Water Quality Executive Committee (WQEC) was called to order at 7:40 a.m. by Chair Marcia Willhite.

Reflecting on Meeting with Water Quality Task Force

The WQEC began their discussion by revisiting several topics from their meeting the preceding day with the UMRBA Water Quality Task Force (WQTF).

Aquatic Life Designated Uses (ALDU) Report

Russ Rasmussen asked whether the WQEC wished to provide a recommendation to the UMRBA Board when the ALDU report is sent for the Board's approval in February 2012. He said his preference is to accompany the report with a statement from the WQEC indicating how it envisions the report will be used. John Madras said he sees the ALDU report as providing a framework for future UMR water quality work. Willhite suggested that the WQEC could say its members agree to implement the recommendations found in the report. She asked whether any of the WQEC membership would be uncomfortable with such a statement. None of the WQEC members expressed any objection.

Willhite suggested that the WQEC draft a letter to accompany transmission of the report to the UMRBA Board. Dave Hokanson said he would draft such a letter and share it with the WQEC for approval. Rasmussen added that, going forward, he would like to see implementation of the ALDU report findings as a recurring agenda item for the WQTF and WQEC, in order to provide a mechanism for assessing progress.

Biological Assessment Guidance Document

Rasmussen requested that experts from the USACE Long Term Resource Monitoring (LTRM) program be part of any followup work to re-examine the biological condition gradient work done as part of the biological assessment guidance document project.

Rasmussen cautioned that the use of biology for CWA assessment may not yet be universally accepted. As such, he said it will be important as implementation proceeds to make sure a biologically-based UMR assessment can be "plugged into" a state's program and accepted as valid assessment. Henry concurred with Rasmussen's comments, saying that while this work has shown the applicability of biological tools on the UMR, questions about biological assessment still remain. Rasmussen added that the use of

biology raises the issue of independent applicability, though he said this issue should be dealt with separately, outside of the development of a biological assessment *per se*. Rebecca Flood agreed that independent applicability should be addressed separately.

UMR CWA Monitoring Strategy Project

Rasmussen suggested that monitoring of tributary inputs to the main stem could be an important part of the UMR CWA monitoring strategy. Flood agreed, saying that monitoring of “pour points” to assess nutrient loading is particularly important. Henry asked whether participation from US EPA Regional staff is desired for the monitoring strategy project. All agreed that US EPA Regional staff should be part of the project beginning with the first work session.

Arsenic/Human Health Discussions

Rasmussen said he would communicate with Jill Jonas, director of Wisconsin DNR’s Bureau of Drinking Water and Ground Water (and recent president of the Association of State Drinking Water Administrators) regarding the drinking water-related topics addressed by the issue paper. Hokanson asked whether the WQEC felt the issue paper needed action or approval by the UMRBA Board. Willhite replied that her sense is the issue paper is not the type of document that needs Board action or approval.

Nutrients and Other Nonpoint Source Challenges, Opportunities for Continued Efforts and Engagement

Edge-of-Field Monitoring Approaches

Rasmussen said examining edge-of-field monitoring approaches, such as those used in Wisconsin’s Discovery Farms program, to encourage consistency between states could be an important area of activity to pursue. Willhite expressed her agreement with this being a potentially important area of effort. Rasmussen distributed a flier describing the “Great Lakes Region Edge-of-field Surface-Water Runoff Monitoring Initiative,” which is being conducted cooperatively by the University of Minnesota and the University of Wisconsin-Platteville. All expressed interest in receiving a copy of this information (which was subsequently distributed via email to WQEC members).

Conversation with Environmental NGOs

Willhite suggested that a conversation regarding nutrients with environmental non-governmental organizations (NGOs) in the near future may be beneficial. She proposed that the WQEC revisit this idea during its next conference call.

Statewide Nutrient Reduction Strategies

Rasmussen said one of the challenges facing Wisconsin is that nutrient reduction strategies may need to be different in different basins (i.e., Great Lakes versus Mississippi River). He said Wisconsin is currently trying to determine how to proceed in this context. Rasmussen said it is not clear where US EPA stands in regard to statewide strategy development, what kind of financial assistance is available from US EPA, and who within US EPA is the recipient of strategies.

Henry replied that there are multiple factors in play regarding US EPA’s role in statewide nutrient reduction strategy development. He said the idea of statewide reduction strategies came from the focus on reducing nutrient loading to the Mississippi River via the work of the Hypoxia Task Force. In addition, Henry continued, US EPA Acting Assistant Administrator for Water Nancy Stoner’s “nutrient framework” memo of March 2011 also addressed statewide planning and actions to reduce nutrients, echoing the statewide strategy effort emerging from the Hypoxia Task Force. He added that this “nutrient framework” is intended to be flexible. Henry said the only US EPA funding vehicle for strategy development was the recent request for proposals from the Gulf of Mexico Program Office.

Henry next addressed the question of receipt/approval of statewide strategies, saying that states have pushed back on US EPA approval and that the strategies are probably best viewed as primarily states' documents. Rasmussen replied that Region 5 staff have indicated that Section 319 funds will be withheld pending completion of a statewide strategy. Henry said Region 5 has been pleased with Wisconsin's phosphorus rule and that, in fact, this is a large part of what a statewide strategy may look like.

Strategies for UMR Water Quality Work, Revisiting Organization Options Report Recommendations

Reaching Out to Lower Basin States

Willhite asked WQEC members how they envisioned reaching out to lower basin states, particularly when no organization analogous to UMRBA exists for the lower river. Rasmussen suggested that a side meeting could be held at a Hypoxia Task Force or Hypoxia Task Force Coordinating Committee meeting. Willhite agreed that adding on to an existing venue, such as the Hypoxia Task Force, is a good approach. She added that Association of Clean Water Act Administrators (ACWA) meetings could also be used for this purpose. Rasmussen said the WQEC should develop a strategy for engagement with the lower basin states.

Upcoming National Research Council Committee Meeting

Hokanson said he has been asked to give a presentation on November 29, 2011 to the National Research Council (NRC) committee on "Clean Water Act Implementation across the Mississippi River Basin." He asked WQEC members if they had any messages in particular they would like communicated to the NRC committee. Willhite said one important theme is that collaboration is challenging but important. She added that having a water quality center or centers for the Mississippi River, as the NRC committee has previously recommended, may be necessary. Willhite said other themes to share are the need for coordination between CWA and Farm Bill programs, and the importance of shared CWA "building blocks" such as water quality standards and monitoring for the River.

Revisiting Organizational Options Report Recommendations

Willhite asked the WQEC members if they wished to revisit the possibility of an interstate compact. She explained that an interstate compact had been among the options considered as part of the 2006 *Organizational Options* report. Willhite said the report recommended using existing structures to support water quality work in the near term, with the question of a compact to be revisited as needed in 2012-2013. She added that the report had found that a typical water resource-focused compact takes on average nine years to put in place.

Willhite said she felt progress had been made through UMRBA's water quality projects, and the recent availability of CWA Section 604(b) funding had been very helpful, but that the states continue to struggle in finding an ongoing source of support for UMR water quality work. She added that 604(b) funds had resulted from a one-time increase in State Revolving Loan Fund levels, but that this had been temporary and could not provide for ongoing support. Willhite also noted that when the monitoring strategy project is completed funding will be needed to support its implementation.

Willhite suggested that possible paths to follow in stabilizing funding include creating an interstate compact and establishing a geographic program within US EPA's budget. Henry cautioned the funding for US EPA geographic programs has been drying up. Willhite added that Congressional support may also be challenging to cultivate, as the Congressional Mississippi River Caucus has been largely inactive, though Representative Ron Kind (WI) may be a member to work with on Mississippi River issues. She emphasized that, even if it is challenging, it is important to maintain an interest in the River amongst the states' Congressional delegations.

Madras said Missouri DNR will need to re-propose water related fees in the near future, and that this process may provide an opportunity to revisit the idea of an interstate compact for the Mississippi River. He added that, from Missouri's perspective, there would likely be interest in including the lower river states in a compact. Madras said Missouri is a member of a number of compacts, which have demonstrated varying levels of success.

Willhite said there is support in the Illinois' Governor's Office to examine the question of a Mississippi River interstate compact. Rasmussen said it would be important in making the case for a compact that it would provide a jobs benefit (e.g., jobs created to carry out monitoring under the compact).

Willhite suggested that at least two topics in this regard should be brought forward for discussion with the UMRBA Board: 1) the possibility of revisiting an interstate compact, and 2) options for short term funding mechanisms.

WQEC Chair

The WQEC discussed the potential challenge in selecting a new chair at this point in time as all its members except Willhite are relatively new to the group. Willhite offered to serve as chair for one additional year in light of this situation. All agreed to a one year extension of Willhite's service as chair.

The WQEC meeting adjourned at 9 a.m.