

TMDL Implementation Committee Meeting

Location: KWRP, Kalamazoo

May 10, 2007

Welcome and introductions: Kathy Buckham, Chair

Approval of Agenda- Approved by group.

Approval of Minutes for TMDL Implementation Committee Meeting-

Motion by: Don Brown Seconded by: Larry DeLong Approved by: group

Reports and Discussion Items

Doug Carter introduced Joe Rathbun. Doug spoke about his and Chris Kosmowski's involvement with the Phosphorus Advisory Committee. Doug mentioned that the group was convened last summer by the MDEQ Director Steve Chester. Doug mentioned that the final report is out and that it had been accepted by the Director and that they were looking at what they what to implement and what are the priorities.

Statewide Phosphorus Advisory Committee Recommendations Power-point Presentation given by Joe Rathbun-MDEQ:

Joe stated that the committee had three major charges:

Committees Charge:

- Identify Major Sources of Phosphorus in State of Michigan.
- Review Voluntary and Regulatory Management Practices.
- Develop Findings and Recommendations.

The committee came up with 32 findings and recommendations. The committee membership included variety of businesses, universities, associations around the State, consultants, public groups and state agencies.

The group met six times through the course of the year. They received presentations from around the State from people that were very well versed in phosphorus issues. A lot of input was gathered from a report and various studies from Minnesota. Michigan has not as of this point done a statewide assessment of the scope and scale of phosphorus problems around the State. They do know where the TMDL watersheds are located and which lakes have reported consistent algae blooms. At this point the MDEQ has not been able to quantify sources of phosphorus around the State.

Minnesota has spent a significant amount of money over the last five to six years to complete a thorough study on their sources of phosphorus. MDEQ knew of Minnesota's study and thought that Minnesota was comparable to Michigan. Minnesota had the same soil type, glacial till, clay areas, forestry, agriculture and urban areas as the State of Michigan. Michigan is a bit more industrial.

Joe stated that the committee learned from Minnesota studies that two-thirds of the phosphorus came from non-point sources (nps) and that fifty percent of nps came from soil erosion, atmospheric deposition (soil in wind from ag areas) and streambank erosion.

Measuring and monitoring in urban areas showed that sixty-eight percent came from transportation usages, parking lots, highways, driveways and side streets from dirt on the pavement. One percent came from geese, pet waste and lawn fertilizer. Another study in Minnesota showed that fifteen percent came from lawn fertilizer.

Joe mentioned that in the Detroit area they add phosphorus to the drinking water and that studies showed that it was not a significant phosphorus source.

Minnesota's recommendation for their suburban areas was directed towards stormwater, get stormwater coming off the pavement out of the drain and into infiltration areas such as rain gardens, bio-nutritious swales, plus good housekeeping such as not using phosphorus fertilizers when phosphorus is not needed.

Even though Michigan has not done a major source loading study they do know some of their major sources. They know that there is no one smoking gun, no one giant source just a variety of sources.

The group identified the following list of sources in Michigan.

- Point Source Dischargers (WWTP &CSO)
- Septic Tank-tile fields
- Urban Storm Water Runoff
- Stream bank erosion
- Un-permitted urban runoff
- Non-agriculture rural runoff
- Atmospheric deposition
- Interstate transport
- Release from sediments
- Agriculture
 - Soil erosion
 - Cropland and Pasture Runoff
 - Tile Drained fields
 - Feed Lots
- Non-point Sources

Joe mentioned that CSO were decreasing overtime and that SSO were also declining.

Phosphorus Committee Recommendations

a. Regulations:

- Focus on NPS before tightening Point Sources
- Further reduce CSO's & SSO's
- Identify and preserve high quality water bodies and lakes
- Institute a statewide septic tank siting regulation and tighten inspection regulations. (Per Doug Carter Michigan is the only state without state wide regulations on septic systems)
- Regulate Package WWTP plants
- Tighten soil erosion program
- Assess Phase I & II Stormwater program
- Review Ag application of Biosolid-septage regulations.
- Revise CAFD regulations
- MDEQ & MDA need to encourage Ag Farms to institute Best Management Practices.

b. Incentives and Voluntary Programs:

- Expand Conservation Reserve Enhancement Program (C.R.E.P.) Ag Program that encourages best management practices, soil erosion, and buffer strips. Suggested that the MDEQ/State spend 30- million plus 90 million in federal dollars over the next five years to cover areas around the Kalamazoo, Grand and St. Joseph River Watersheds. The State does not have the 30 million currently. Projection of funding right now is not good. Buffer Strips work well to impact soil erosion. (Steve Allen mentioned that the strips are significant in that they are

50 to 150 feet wide along the rivers where golf or lake edge buffers strips are much smaller.)

- Increase time commitments from five to ten years.
- Aim for a hundred percent participation in Michigan Agriculture Environmental Assurance program (MAEAP). (Per Kathy Buckhum the MAEAP is 319 money.)
- Expand participation in Michigan Turf Grass Environmental Stewardship Program (MRESP) is really golf course affiliated.
- Fully utilize United States Farm Bill, CREP, MAEAP, CNMPS, and GAMPS programs.

c. Product Changes

- Minimize inputs from improper lawn fertilizer use. (Currently unenforceable thus working on changing customer's fertilizer spending habits.)
- Restrict dishwasher soap to 0.5% phosphorus content.
- Examine read deicers. (Some deicer substitutes have high phosphorus content due to their anti-rusting compounds.)
- Reuse and recycle Phosphorus containment products.

Joe mentioned that a Wisconsin study showed a fifteen percent reduction in stream phosphorus when product phosphorus reductions were instituted.

d. Education and Technical Assistance

- Agriculture- MDEQ/designee should work with MDA, MSU extension, Natural Resource conservation Service (NRCS), US Department of Ag and others to evaluate and enhance outreach and education efforts to ensure phosphorus releases are minimized through environmentally sound agricultural practices.

e. Community Education- MDEQ should work with Watershed groups and South East Michigan Council of Governments (SEMCOG) to expand the use and distribution of phosphorous reduction educational material that is uniform. Educational material will include non-phosphorous fertilizer use, picking up are your animals, and landscaping practices to name a few.

- Residential
- Businesses
- K thru 12
- Support Lake Associations
- Statewide Education

f. Funding:

- Streamline some of the requirements for NPS under State Revolving Fund (SRF).
- Change 319 to fund NPS projects in Phase I & II communities. (Per Joe if you are required to do something in a permit or watershed plan then you can not get 319 money, they are working on changing this.)
- Create special assessment districts-MDEQ should develop guidance for communities to establish revenue sources for stormwater correction projects that would not violate restrictions established by the Michigan Supreme Court in the Bolt decision (can not institute rain taxes).
- Clarify through legislation when fees can be used to support stormwater management.

g. Monitoring

- Expand water quality monitoring by integrating and volunteer monitoring programs.
- Conduct State wide mass balance study.

h. Land-use Development

- Improve land-use best management practices.

h. Watershed Associations

- Enhance assistance to watershed associations. They feel they should provide technical assistance and money if available.

Mark Elliot inquired what was meant by the Kalamazoo Watershed Association, Joe and others present felt that it was a multiparty collaborative effort such as this TMDL group. Doug felt it stemmed from the TMDL group and that it was being implied to other areas. Jeff Spoelstra mentioned that the Watershed Council was growing and expanding its operations Watershed wide and that they would be playing a large role in educating Community leaders on their community's impact on the Watershed. That the Watershed Council will be acting as the lead for the umbrella group for the entire watershed which should help in all the various efforts being made along the river to continue with the positive impacts to the Kalamazoo River.

Next Steps: Review all recommendations, start formulating responses.

Joe stated they split them into four groups:

- In process (Things that they are doing and are well on their way.)
- Support and will implement (Things that they support and intend to take on and will do.)
- Support but lack money (Things that are good ideas but they lack money to complete such as a Statewide Mass Balance Study)
- Don't support (Things that they feel are bad ideas and will not support.)

Joe stated that only three of the ideas are not going to be supported and that the next big step is the numeric phosphorus Nutrient Criteria which is due by April 2008 as required by the EPA. The State will be addressing the recommendations through their various programs.

Douglas McLaughlin asked how the Nutrient Criteria development targets were identified. Doug stated that they were deferring to the experts at the universities for the targets for the Nutrient Criteria.

Tom Dunn wanted to know what the difference is for the Criteria for the impaired water verses the Nutrient Criteria. Joe stated that the impaired parameters were descriptive such as you have excessive algae blooms and Nutrient Criteria are numeric values.

Larry DeLong wanted to know if there will be more restrictive limits on our TMDL in the future. Joe stated that he would have to defer that to Sylvia Heaton as he did not know. Mark Elliot stated that it was his understanding that the TMDL process requires that you demonstrate that you are coming into compliance and if you are not then you need to rework your plan.

(Doug asked Joe to copy his power point presentation to the laptop computer so Doug could send it out to everyone.)

Watershed-wide Planning Grant:

Jeff Spoelstra covered the watershed wide planning grant. This grant overlaps the goals of the TMDL to reduce the non-point source phosphorus. Jeff stated that he sees this as an opportunity to tie together several different types of projects and identify those places where information or gaps in the watershed in terms of the different plans do not exist. Really focus on those areas where there are no plans and produce a watershed plan in this two year grant cycle. Jeff stated he would devote a half hour to an hour at the end of each of the TMDL implementation group meetings to discuss the steering committee functions, provide the group with project products, get some feedback, and encourage feedback through the subcommittee structure. Jeff would like to keep the Technical subcommittee and Sub-basin planning group which will be referred to as the Sub-watershed managers. Jeff stated that he has started some communication with the sub-watershed managers and that he hoped to bring them together from time to time to learn from their 319 projects and other similar non-point source projects and to bring the information back to the implementation group. The TMDL implementation group would be the steering committee. Jeff stated that match time may be utilized where it does not conflict with other grant programs.

Watershed Technical Summit:

Doug Carter stated that the Summit covered watershed issues such as sediment movement, nutrients, pathogens, Dam removal, and restoration of stream corridors, drain design and maintenance. Twenty-five individual participated in the day long summit. We discussed the effects of impoundments particularly on the main stem and Battle Creek River area. Dean Baas discussed how Morrow Pond was sourcing phosphorus and what impact the sourcing had on the TMDL efforts. Dean's study did not cover how long the sourcing will occur as the current study did not include a complete workup of the sediment in Morrow Pond.

Doug stated that one of the major recommendations was to utilize the current Technical Committee to look at the recommendations that came out of the summit. Focus was limited to sediment movement, phosphorus and pathogens.

A CD was created for the attendees and Keiser & Associates it will be placing a copy on the website River.net.

Super Soil Saturday:

Steve Allen provided a summary sheet of the total number of samples completed. Participation from Sherman Lake Association bumped up the test total by 50 or 60 tests so we were around mid 500 tests for 2007. Summary listed sites were testing occurred. Doug Carter transported soil test to the MSU laboratory. Five years ago Doug had purchased several strip tests and had the MSU laboratory test them all to see which was the most accurate. The Accugrow strips were the closest to their laboratory procedure for phosphorus and potassium but the nitrogen analysis were inaccurate with the strip test. One of the stores where the tests are being sent to a regular laboratory is questioning the accuracy of the strip test. Doug stated that 99% of the test showed that there was excess phosphorus in the soils tested. Farm and Garden use Accugrow strips to test soils along with other commercial establishments. Doug stated that you could purchase 40 strip tests for \$12. Doug stated that the super soil Saturday provides an education opportunity for proper application/type of fertilizer needed for their lawns. It stresses the need to test the soils to get a better idea of what their lawn is lacking in nutrients. Steve Allen stated that with Doug and Chris help they would be putting together a cost analysis for what it cost to do this project this year. This historically has been getting substantial support through Doug's position as the coordinator for the TMDL grant and since that will be expiring in September of this year. The cost and the process of coordinating the soil test will need to be put together to continue this in the future. Chris has provided substantial support by providing printing services and will continue but Doug's support will be going away with the end of the grant.

Steve Allen mentioned that we needed to look into better advertising for the event. Steve stated that he would be sending Mark Kraak a late thank you as Mark asked his employer Perrigo to purchase ads in the Otsego and Allegan papers. In 2006 there were 8 tests in the Allegan area and this year there were 75 tests.

Carp Derby:

Larry DeLong mentioned that the Carp Derby will be held at Echo Point on Lake Allegan on June 9th from 9am to 5pm. That there should be air boats at the event along with the MDNR shocker boat, and plenty of fish to catch. Larry asked all the point sources to come out and help as currently all the same people have been helping over the last several years. Bill Hunsberger stated that Pfizer would help with funding for the Kanoe the Kazoo and will be purchasing Heritage River Trial signs but will be unable to assist with funding for the Carp Derby in 2007. Larry asked the group to help with donations and to please come and have fun.

Kanoe the Kazoo:

The 2007 brochures are available. There will be a float on Gull Lake on June 12th in the evening (not in the morning as listed in the brochure) and a float from Allegan/Trowbridge Dam to Joyce Park. Kathy asked Doug to get with Tom Funke to change the time on at least the website. Doug encouraged the group to get with Tom to see if they can assist in any of the floats and/or just participate in the actual float.

River Conservation Day:

October 6th will be the cleanup days along/on the Kalamazoo River in Battle Creek and Kalamazoo.

New Umbrella Organization:

Doug Carter stated that we had been working on the development of a watershed wide organization that would basically speak on behalf of the various organizations on the river but would not take their place of the organizations. The committee has been working on it for several months and we finally have a draft partnership agreement, will discuss at the June watershed wide group meeting. Doug mentioned that the draft agreement describes a little bit about the background of the watershed itself and at the bottom of the first sheet is the essence of the agreement by describing what the KRWC as the umbrella group should do and what it should not do. Each partner will write-up their own partnership agreement

describing who they are and what they do, how they do it, and then how they view themselves interacting with the umbrella group and how they see the umbrella group interacting with them. We will meet in June to discuss the agreement and finalize it at that meeting. Doug will send out the date and the draft agreement for everyone to review.

Doug stated that he has identified at least three dozen organizations, several communities and associations that will be invited to the meeting and all will be asked at some point to sign on.

Heritage Water Trail:

The Kalamazoo Nature Center is coordinating the Heritage Trail guide book and signage. Maps will be developed. The signs will be mounted on existing human intrusions such as bridges and structures. Tina stated that they would be having their sign sale kick off date on June 23rd. Tina stated they have 60 signs in her area but will not be selling the 10 in the Plainwell area until after the PCB cleanup is completed. The Chamber of Commerce will be advertising the sale of the signs on their websites.

Point Sources Report

Tom Dunn stated that they met on April 19th. Tom stated that we will be meeting three times a year so everyone can make their required two. Tom stated he asked everyone at the April meeting to discuss what was happening at their plants and what they were doing to reduce phosphorus.

Non-point Source Report:

Dave stated that he had nothing new to report on the committees.

Future Programs and Features for committee meetings:

Don Brown would suggest that one of the committees review Joe's recommendations for phosphorus reduction to see what we can do to help. This would be done with one of the non-point source committees.

Other Business:

- ✓ Mark Elliot mentioned that he was working with the Four Townships in Kalamazoo and that they were suing the State over their MS4 status. The State High Court upheld the Townships understanding of the MS4 status requirements and the Townships have asked to release from the MS4 status. The State decided not to fight it and released the Townships. The Townships do not own their own pipes and do not operate stormwater systems that transport stormwater. The Road Commission owns the stormwater system and will remain under the MS4 status. Mark stated that most groups will assist in educating public in their townships voluntarily.
- ✓ Chris stated that they have agreements with their townships in their area but they may also apply to be released from their agreement with Battle Creek.

Announcements:

- ✓ Steve Allen made the following announcements.
 - Tuesday May 15th Green building and Life Styles Portage Library.
 - May 17th Bronson Sustainable Business Forum meeting.
- ✓ May 18th Battle Creek Country Club- Green Roof review and lunch
- ✓ June 5th Mary Brown receiving an environmental award at the Arcus Building from Michigan Environmental Council.
- ✓ June 26th informal meeting at Kraft Brewery green tea etc...

Officers for 2007

Nominated/Elected

Chair for TMDL Implementation Committee- Tom Dunn; Non-Point Source- Chris Kosmowski; Point Source- Sue Founé
Secretary- Dena Wisdom-Modert

Date, time and location for next meeting-

August 9th 9am at KWRP in Kalamazoo

Adjourn

