Big Blue Compact - WQ Subcommittee Virtual Meeting
Apr 20, 2023, 12:30 PM Central Time (US and Canada)

Present: W. Don Nelson-Big Blue River Compact Chairman, Tom Stiles-KDHE, Dane Boring-KDHE, Michael Beezhold-KDHE, Craig Romary-Nebraska Dept of Ag, Jennifer Swanson-NARD, Sarah Starostka-NDEE, Tara Anderson-NDEE, Brian Barnes-NDEE, Brandon Beethe-NDEE, Elbert Traylor-NDEE, Dan Ross-NDEE, Alicia Boss-NDEE, Tyler Goeschel-Little Blue NRD, Scott Nelson-Little Blue NRD, Tyler Weishahn-Lower Big Blue NRD, Scott Sobotka-Lower Big Blue NRD, Marie Krausnick-Upper Big Blue NRD

1. Introductions and Staff Updates
   KDHE
   Tom Stiles – Overall not much change. Dane has a new water quality standards coordinator, and they have another TMDL writer. Most changes have been in the 319 section.
   Mike Beezhold - 319 has had a complete changeover. They have a new 319 manager, and he has four project mgrs. Out of these the most experienced has only been there a year. It's been a whole new changeover of people. The manager is helping the new project officers get the lay of the land.
   NDEE
   Sarah Starostka - Sarah was at last year's subcommittee meeting and has been in this admin division position for two years now. The water planning section is led by Dan Ross. He took over for Ryan Chapman who many have worked with in the past. Dan gave updates on current staff positions. We have one vacant position and are interviewing for another soon. They hope to be able to hire 2nd open position at the same time. One of those will move from 50/50 (joint 319 position and surface water staff) to a full-time project mgr. and they will hopefully be fully staffed in a couple of weeks.
   Little Blue NRD – They have not had a whole lot of staff changes and have been consistent.
   Upper Big Blue NRD – Have had some change in staffing and board of directors. Assistant Director position moved, and Terry Julesgard is new and will be attending next month. Director is a replacement. Larry Moore the blue basin rep has left the board of directors and is replaced by Kevin Peterson. Larry is still planning on coming in May for the meeting.
   Lower Big Blue NRD
   Scott Sobotka– They've had no changes in past year. A couple of years ago they had a manager retire that had been there for 40 years. They have had a few new board members, but that is it.

2. A quick recounting of main impairments in the basin and any changes that came forth from the Draft 2022 listings and reactions to the IR guidance for 2024.
   a. Nebraska's 2022 Integrated Report is on public notice and the EPA will then review it. Major changes from the draft are not expect, but may be possible.
   b. It is proposed that the Little Blue River (LB1-10000) will be delisted for atrazine
   c. It is proposed that the Big Blue River (BB1-10000) will be delisted for lead.
   d. It is proposed that the West Fork Big Blue River (BB3-10000) will be listed for an atrazine impairment.
   e. See report (look at maps)
   f. Craig gave an overview on some updates at the Federal Level. NE is going to try to submit some comments. This leads into a bigger label to potential label

changes for general WQ and species. Within the state we still have state management plan for pesticides and WQ. The intent is to meet with NDEE, health, NRD, DNR to visit about the status of pesticides in water quality. KS: atrazine not much of an issue. Not a lot of interaction between the State Department of Ag.

The topic of atrazine registration review and registrant water quality monitoring was brought up. It has been several years since anyone has met with Syngenta, the main registrant of atrazine, on the surface water sampling required by EPA as part of the last registration process (2003). Water quality data collected for this project is available through 2017. In 2016, an atrazine risk assessment determined that a much lower level of concern for protecting aquatic plant communities was warranted for surface water, and in June 2022, EPA opened comment on a proposed interim registration review decision which proposed major product label changes based on these risk assessments.

All of the registration review material for atrazine, including links to the docket, past decisions and background information, and all of the monitoring data collected can be found at Atrazine | US EPA.

3. A discussion on any anticipated water quality standard changes, especially what has been the impact of Nebraska establishing lake nutrient criteria some years ago.

Tom asked about triennial review: Tara stated that Nebraska is in the process of updating our standards. We are waiting for the end of the legislative session to end to propose changes. Discussed the processes of updating.

Kansas is playing with nutrient criteria on lakes but working with EPA. Kansas states it takes 18 months, explained the steps needed to do updates. Governor weighs in through the department of administration. They get that from internal legal review. Some added time with AG review.

Nitrate Phosphorus Chlorophyll-a. Kansas is willing to look at it for their reservoirs that don't have any point sources and have grass drainage. P and N makes sense to place limits on them. Every other reservoir has them on the 303d list.

Kansas asked) What has been NE experience with nutrient criteria on lakes? Has it changed anything in terms of 319 types of projects, Point Source Limits or 303 delisting process? Tara gave an overview of the past efforts. Nebraska first adopted numeric nutrient criteria in the 2005 triennial review. EPA deferred action and a Technical Advisory Committee was formed to refine Nebraska specific criteria. The current lake numeric nutrient criteria were adopted in 2011. A final report is available on how the criteria were developed. Through that effort it was determined that we there are 3 different classifications of lakes in NE (eastern, western, sandhills). Tara noted Title 117 does not allow for point source discharges to lakes or impoundments (some exceptions for stormwater and dewatering dischargers). They can discharge into flowing streams, but not directly into lake or impoundment. Tara explained the Total Nitrogen and Total Phosphorus impairment map in the handout. We didn't have time to look at how our assessments have changed since criteria were adopted, so we are unable to make that comparison. Big Indian Lake has a phosphorus TMDL. Elbert explained that the 319 program funded the Big Indian / Cub Creek project which focused on Nutrients and that the Recharge Lake project in 2005 was completed to address atrazine and nutrients. If impaired for

WQS then a priority for 319 project. All PL566 lakes. 40-120 acres. They all have public access or recreation features.

Kansas: with all the push with numeric criteria has R7 asked what is next? Tara believes they are pushing for numeric criteria for streams. One of our teammates is working on a process to identify a Nebraska specific level. Looking at nutrients in relation to fish and bugs. So far, the data has been inclusive and noisy. The effort is continuing and to be determined. Kansas stated that EPA wants it on Lakes. KS has attacked it by developing nutrient TMDL's to address this. It has been a change for both NE and KS with the data.

4. Reports from our respective 319 programs on activities in the watershed.

KS (Michael Beezhold): EPA directed them to look at priority TMDL and how to best spend 319 dollars. Active WRAPS projects are where KS focuses the majority of the 319 dollars. Gray shaded watersheds work with Natural Resources for projects.
Focused on the Blue explained the work done in that area. Real focus has been soil structure and removal of nutrients. Tuttle creek, working with conservation district. CD has targeted areas as stream areas they are using KRPI. They are paying better for acre/lb. of removal. 100,000 acre signup all above Tuttle.

NE: Elbert discussed projects in the basin (see handout).
KS: Do you get the GPS acreages? Highboy: NE we contracted with UNL and have contracted operators.

KS: TMDL is a combination of pt and nps.

NE: Elbert gave an overview of the Water Quality Subcommittee for the NRCS State Technical Committee. The WQ Subcommittee originally focused on source water but this year it's been expanded to include surface water. The subcommittee is open for anyone to join and includes NRCS, NRD's, NDEE, Department of Ag, commodity boards and others to come up a specific plan. The committee was formed to get technical feedback and recommendations about water quality projects in Nebraska. Recently the committee recommended NWQI projects for either planning or implementation phases.

KS: Asked about DWMP. We follow a 319 9 element plan. Gave a general overview. Once developed anyone can come in and use that plan. Typically, they are limited to irrigation nutrient management practices and a lot of outreach.

DWPP - KS initiative comes for PWS when they are trending towards 10 mg/l. KS offers them a watershed protection approach before getting them below system. Usually around 6 and trending upwards.

5. Impacts of elevated nitrate and liberated uranium in ground water seen in some Nebraska areas/ Kansas experience with uranium along the Arkansas River.

2022 Nebraska Groundwater Quality Report (page 16-17)
https://nebraskalegislature.gov/FloorDocs/107/PDF/Agencies/Environment_and_Energy__Nebraska_Department_of_/702_20221201-103843.pdf

Several recent studies considered the relationship of nitrate leaching into the subsurface and uranium concentrations found in groundwater. Research indicates that natural uranium in the

subsurface may be oxidized and mobilized as the nitrate (in many forms) moves through the root zone and eventually to groundwater. Uranium is found naturally in sediment deposited mainly by streams and rivers.

Some public water supply systems treat not only nitrate, but also arsenic and uranium. The MCL for arsenic is 0.010 mg/L and uranium is 0.030 mg/L. Figure 16 shows the location of active community public water systems with arsenic, nitrate, and uranium requirements.

KS: is seeing a lot of this in SW KS concentrations of 60 ppb. A few areas of uranium in NW part of the state. Only has one city on AO Waterville. Nebraska can give an update of those in this region.

6. Update on Kansas plans for hydrodredging at Tuttle Creek Lake
    a. Moving closer to being a reality as a pilot effect. USGS, Corp of Engineers to see if it's feasible to reclaim conservation storage. KS will share information with NE.

7. Plans to use SRF for NPS projects

Technical Assistance (2%) – Up to an amount equal to 2% of the annual capitalization grant may be used to aid nonprofit organizations or state, regional, interstate, or municipal entities to provide technical assistance to rural, small, and tribal POTWs. The Department intends to use this assistance in SFYs 2023, 2024, and 2025 to conduct baseline sampling to determine the presence, if any, of Per- and Polyfluoroalkyl Substances (PFAS/PFOA) at mechanical WWTFs under 10k people.

NDEE funded Source Water Protection Grants through the DWSRF 2% set-a-side in Exeter (2022) and Aurora (2021)

2023 Invitation for Proposals open until June 01, 2023. Political subdivisions under 10k people with financial hardship, less than or equal to the State MHI ($75k)

NE: not much luck on using SRF for NPS.

8. Impacts from Fed BIL and IRA funding

NDEE has applied for or anticipates applying for approximately $245 million in IRA/IIJA grants over the next year or so. This includes, but not limited to, grants for water infrastructure, energy efficiency and resiliency, and Superfund. We are carefully evaluating federal grants to see if the purpose/intent fits with our mission and that there is a need for the funds in Nebraska, but we have to balance that with staff resources to efficiently manage and oversee the grant requirements.

9. Discussion on what a joint KS/NE NPS project would do/look like

NDEE is open to developing ideas to a joint NE/KS NPS effort using lessons learned from past efforts. The stuff that got the ground was good but wasn't very focused in regard to how the funding flows. Should be tightly focused and things we can't do on existing programs. NE has 4 active NWQI's soon to be 5. KS has 3, looking at a state line effort on the upper arc. CRPP existing mechanism for interstate. There will be a lot of money coming into the conservation programs this year if they are normally. What is hard to get funding to do? Maybe we focus on that. Streambank work, usually hard to fund through other programs. Then we could tie in other

BMPS with the normal programs. Corridor focus. KS would be supportive of a bi-state effort that benefits Nebraskans? Reconcile and come up a project that satisfies both states interests.

Who owns water? Tara explained for NE.

Tom gave an update on the Pipeline spill in KS. The company believes they are in the home stretch. KS has not had any hits on hydrocarbon currently.