

Re: PLEASE RESPOND TODAY . Comments on the 11/30 and 12/1 Meeting Summary



Chad Harsh to: Louis Reynolds

12/18/2009 02:44 PM

I love the response, but I would suggest toning it down a bit.

Louis Reynolds Please look these comments over. I am comme... 12/18/2009 09:26:48 AM

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Date: 12/18/2009 09:26 AM  
Subject: PLEASE RESPOND TODAY. Comments on the 11/30 and 12/1 Meeting Summary

Please look these comments over. I am commenting here on the "algae summit" that was held in Charleston on 11/30 - 12/1. I am not sure that I should remain a part of this process - these notes were written by someone with an agenda. This agenda was set by Randy Huffman (as was the meeting) and the charge was to reach consensus on this contentious issue. We did not come close. These are due today. Everything seems to be due on my day off.

All in all this meeting had more of a flavor of a Discovery prior to a court hearing. In that, it was successful.

I will CC PA and WVDNR and perhaps the WVDEP staff (just so these comments are known to all)

Adam,

Thanks for giving me the opportunity to comment.

EPA was not a part of the process of setting this meeting. We did not comment on participants nor did we see a draft of the agenda. In fact, I only learned of the meeting the week before and didn't even know the location until I was en route. This approach allowed for very little preparation for this meeting. I know that others - PADEP and WVDNR were in the same boat.

Secretary Huffman and other participants agreed that the discussions at hand were not convened to assign blame for the Dunkard Creek fish kill, to set policy or to develop an overarching watershed management plan for Dunkard Creek. The neutral facilitation team would limit discussion to topics that would enhance the group's understanding of the science related to *P. Parvum* and preventing future fish kills from occurring. I have seen entire symposia dedicated to the science related to *P. parvum*. In fact, a symposia will soon be published by Loraine Fries, one of the participants in this roundtable. We would be better served to read that symposia and convene again to discuss it.

The inclusion of Dr. Mindy Armstead as an algae expert poisoned the process and turned the discussion to more of a demonstration than a discussion. The rules, devised by you and Secretary Huffman (I assume) favored Consol because only experts could present and question other presenters for the first morning of the meeting. Dr. Armstead is a mouthpiece for Consol, therefore only Consol got to question the other experts and lead discussion. And Dr. Armstead's presentation was clearly biased and could have been titled "The control of *P. parvum* by any means except the control of TDS". I called this to your attention - you assured me that it was not your doing and there was little that could be done this late in the process. The panel structure and rules eliminated any chance for constructive dialogue, in my opinion,

and I only stayed on to learn what I could.

Consol also stated up front that it would not discuss TDS. How can we have a scientific discussion on *P. parvum* without a discussion of TDS/salinity? It took until half way through the second day to actually discuss this rather large elephant in the room - and then we couldn't even get Dr. Rodgers to agree that *P. parvum* needed saltwater to bloom. This contention is contrary to what Dr. Rodgers has published in the peer reviewed literature. When questioned about that, Dr. Rodgers claimed that his own statements were conjecture. Some of the experts were a little confused regarding this TDS issue as well. I got the feeling that Dr. Hambright did not really understand that CONSOL could, or legally should, remove TDS. At one point (on day two when we finally could talk about TDS) Dr. Hambright said that "surely if we could control salinity, this would be an effective way to control *P. parvum* (I am paraphrasing, but this was the gist) and Dr. Rodgers would not concede the point. I was sitting beside Loraine Fries and I could tell she was amazed at that response. When Consol finally did discuss TDS, at our insistence, they stated that they would comply with WVDEP's order. Without the order, would they comply? I think you know the answer to that one.

Your notes do not portray the contentious nature of each point that was discussed. We only reached consensus on two points: pH (where everyone had read the recent research), nutrients, and the definition of "bloom". The data shared by Dr. Hambright was very useful. There was no agreement that you could control either of these mechanisms. I left the meeting early to get to another meeting and I am told that once I was gone, the discussion devolved and unwound to the point of shouting about the "competition" hypothesis.

This ad hoc process failed from the outset simply because Consol was able to control much of the process. It would be like the surgeon general inviting Marlboro to the table to lead a discussion on smoking as a cause of cancer. The monitoring plan discussion was not helpful. We can and will figure this out - not in a meeting, but in front of data. WVDEP will come up with a good plan (their staff usually does) we will review it and CONSOL will do it. The discussion of it for hours was a waste of time. In your defense, your charge was very nearly impossible - the deck was stacked against success. I learned nothing new in two days except how hard Consol will fight to keep TDS from being regulated. And I actually knew that too.

Lou

[attachment "Meeting Summary v1\_epa.docx" deleted by Chad Harsh/R3/USEPA/US]

Lou Reynolds  
USEPA Region III  
Freshwater Biology Team

----- Forwarded by Louis Reynolds/R3/USEPA/US on 12/18/2009 07:32 AM -----

From: "Adam R. Saslow" [REDACTED]  
To: [REDACTED]

Date: 12/17/2009 04:06 PM  
Subject: Gentle Reminder: Comments on the 11/30 and 12/1 Meeting Summary

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