Spokane River DO TMDL Implementation Advisory Committee Meeting
Minutes: December 16, 2010

Committee Members or Alternates: Galen Buterbaugh, Mike Chappell, Speed Fitzhugh, Sid Fredrickson, Brenda Grassel, Terry Harris, Charlie Kessler, Doug Krapas, Bud Leber, Steve Llewellyn, Don Martin, Lee Mellish, Todd Mielke, David Moss, Dan Redline, Terry Werner, Ken Windram,

Observers:
Jim Bellatty, Ben Brattebo, Tom Brattebo, Mark Esvelt, Sarah Hubbard-Gray, Pat Hallinan, Tom Herron, Sandra Jarrad, Devin Judge-Lord (phone), Neil Kersten, Richard Koch, Rob Lindsay, Meghan Lunney, Laurie Mann (phone)Stan Miller, Mike Neher, Rick Noll, Grant Pfeiffer, Bruce Rawls, Kevin Rasler, Jim Ross, Claire Schary (phone), Gary Stevens, Rebecca Stevens, Bob Wall, Becki Witherow, Paul Klatt (phone),

Ecology TMDL Staff: Dave Moore, Kelly Susewind, Helen Bresler, Melissa Gildersleeve

University of Washington Researchers: Dr. Michael Brett and Bo Li

Spokane River Forum Staff: Andy Dunau, Tonilee Hanson.

Welcome and Introductions: Andy Dunau welcomed participants to the meeting, each of whom introduced themselves.

All meeting materials, including those referenced in these minutes, can be found on-line at http://www.spokaneriver.net/?p=3648.

Updates:

Location Ratio Modeling: Melissa Gildersleeve reported that to date no feedback was received on Tony Whiley's memo, "Draft Discussion Paper on Location Ratios." The Portland State University (PSU) contract is being amended to do additional modeling necessary to support location ratios. Part of this process includes Ecology developing a scope of work.

Questions regarding "flutter," or variation in model results, were addressed. Sid from the City of Coeur d' Alene said his model results indicate that this can affect the 2nd and 3rd decimal points in the data, and they believe this is caused by the computer system configuration running the model. Ecology and EPA provided assurances that the model used to develop the waste load allocations will be used, inclusive of any updates that further stabilize the model.

The amended contract should be in place by middle to late January. Tony Whiley is expected to prepare the modeling scenario scope of work and open a comment period for review in the late January, early February time frame. Modeling results may occur in the March/April period.

If you want more involvement in the process, contact Dave Moore. As the committee looks at BMPs, understanding location ratios and related modeling will be critical.

Check-in on permit timeframes: Dave Moore provided a brief update regarding the Permit Implementation Schedule. Starting with the bottom row: The Trading Framework is estimated to be complete (although it will remain in draft form throughout the process) by mid 2011. Integration of the Bioavailability (BAP) Study is expected in 2011 or early 2012. Discharger plans for meeting waste load allocations beyond what technology can achieve are scheduled for 2012-2013. Technology selection follows in 2013 with design and construction in accordance with NPDES permits. The end date is 2020 for technology to meet the permit limits. A footnote at the bottom was added to provide some flexibility for design and startup.

Ecology clarified that the compliance schedule is for 10 years, although the legislature passed a bill that would extend it to 20 years. The 10 year cycle is still in place, and will require rulemaking to change. Any extended compliance schedule will require that dischargers have done everything feasible to comply by year 10.

Dave also clarified that there is uncertainty about when results from the BAP study will be integrated into the permit process. This depends on a number of variables, including additional research that may be needed to validate findings in the study.

Jim Bellatty noted that all permit comments are being responded to. If one or more comments result in a significant change to the draft permit, Ecology will reopen a public comment period to address the change. By the end of January, Ecology expects to know if a significant permit change will be made.

The Coeur d'Alene Tribe on Indians requested that the progress report be updated to show their participation on the committee. They are in process for designating a committee member.

Ecology/IDEQ update: Conversations are ongoing regarding needs for transboundary trading. They are determining how cross border trading can be equitable to all dischargers while meeting each soverign's regulatory needs. Dan Redline noted this starts with looking at how our trading programs are similar & different.

SRF Website: Andy Dunau noted that the web site has been updated to make finding and cross referencing documents easier. If anyone is having trouble finding or accessing a document, contact Andy or Tonilee.

Spokane River Discharger Reduction Estimates

Dave Moore reviewed the chart summarizing the range of phosphorus (beyond what technology is likely to achieve) that each discharger may need to remove from the river. A range is used because some assumptions differ. Projected total phosphorus reduction is in a range of 8.5 – 11.3 lbs. Trading is one, but not the only tool, that can be used to effect this reduction.

Kelly Susewind clarified that the numbers used assumes growth projections for 2027. Committee interaction also clarified that use of BAP or other "new" information might change what's needed. However, Ecology has established with the committee that permitting and development of a trading framework will continue based on current modeling knowledge.

Any new, validated knowledge will be integrated into the permits or the TMDL as future amendments. The essential reason is that Ecology can not give credit for something that is not in the model; and accounting for something new in the model requires significant time well beyond the time line for issuing final permits.

Kelly reminded the committee that new knowledge will not affect waste load allocations. Rather, this knowledge will affect how dischargers may meet these limits over time. Dischargers agreed that no scenario will change their need to deploy best available technology that they are piloting.

Kelly then discussed with the committee requests to consider changes in seasonal limits, specifically extension of limits into February. By extending into February, seasonal limits may be set at a slightly higher level, but applied for a longer period. The higher limits would be more achievable for the dischargers, but would come at a cost of meeting the limit for an additional month.

Additional modeling will be conducted to determine if there is technical merit to this approach. Dave agreed to add a line item to the Permit Implementation Schedule showing this activity track.

If it is determined to have technical merit, EPA and Washington will propose a mechanism to accommodate the new limits. This might be through trading or through amending the TMDL, and will be included in permits. The process would include public comment.

Bruce Rawls clarified that looking at adjusting February limit is only for phosphorus. Ammonia should not be included because of its sensitivity to temperature change. Ecology agreed.

Trading Framework Document Comments

Helen Bresler reported that numerous and diverse comments on the trading framework were received. Comments are accessible through the Ecology and Spokane River Forum DO TMDL web sites.

Some of the most common comments included:

- Whether the entire nonpoint load allocation must be met before nonpoint credits may be generated.
- How the trading program should address cross pollutant trading at the same plant.
- Methods to assure trade accountability & transparency.

Some of the policy questions raised will be discussed at an internal Ecology meeting on December 23rd. The committee will receive further guidance on these questions after this meeting.

Reaching a conclusion on many policy questions, however, will be an iterative process. Helen clarified that the draft Trading Framework will remain a high level guidance piece that will be updated based on lessons learned from the Spokane River pilot. Over time, for each trading program adopted by Ecology, detailed protocols will be established for implementation.

Kelly reiterated that issuing permits is happening on a parallel track with development of a trading framework. A critical purpose of the Permit Implementation Schedule is to monitor a number of parallel tracks and assure they tie together appropriately.

A request was made for Helen to organize comments to the trading program by "category." [This task is complete and available via the Spokane River Forum DO TMDL web site.]

Bio-Availability Study: PowerPoint presentation

Dave Moore introduced Professor Michael Brett and Bo Li (doctoral student) from the University of Washington. The Bio-Availability study was co-developed and funded by Ecology and dischargers to consider the question (or difference) between total phosphorus released into the river and how much can be utilized by algae.

Professor Brett provided a short presentation introducing the subject, and Bo Li provided a presentation summarizing the final report (available on SRF web site).

Dave and Professor Brett agreed this research is largely the first of its kind in the nation and important to others facing conditions similar to those in the Spokane River.

Questions and comments fell into five general areas:

1) Although “final,” UW is requesting comments on the report. They will be working with dischargers to clarify how a) samples were taken, labeled and sent, and b) more information on operation of pilot processes that yielded samples.

2) Optimally, UW would like 10 samples from stable, well defined processes. Sampling from dischargers for this report were varied, including outliers due to equipment and other malfunctions. Because pilot testing is concluding at City of Spokane and Coeur d’Alene, determining when and how to get additional samples is an open question. Further funding to analyze and report on these samples is another question. One or more meetings between Ecology, UW and dischargers will be required to consider these needs.

3) BAP can not be integrated into permits until stable processes, criteria for sampling, new samples, and results of sampling are available. Part of Ecology working with UW, dischargers and others on developing a “Phase B” is to develop the rigorous results needed. This includes determining impact of BAP on modeling. Once a path forward is established, Ecology will integrate into Permit Implementation Schedule time line.

4) If results are integrated into a permit that are too optimistic given the possibility of equipment malfunctions, etc., then compliance/permit violation issues would kick in. As such, reaching a point of confidence regarding stable processes and outputs is critical for BAP integration.

5) There are related issues to trading that will need to be considered. For instance, equalizing the value of a trade where reducing phosphorus in stream runoff has 20% BAP vs. waste water treatment effluent with 80% BAP.

Ecology Next Steps

Contact Dave Moore if you would like to participate in developing seasonal modeling (addition of February).

At the next meeting, Ecology expects to:

1) Provide update on seasonal modeling.
2) Review scope of work for modeling and integration of locational ratios. PSU contract should be in place by next meeting;
3) Provide Spokane River scenario, e.g.—storm water, for how credit for a trade would be calculated;

4) Share proposed path forward for assessing use of BAP.
5) Time permitting, request presentation from non-point source study group.

Next Meeting and Adjournment

The next meeting is expected to be February due to holidays and Ecology requirements to work through scopes of work, etc.

Thank you to Liberty Lake Sewer and Water District for providing the meeting location.

The meeting was adjourned at 12:00 p.m.