

Spokane River DO TMDL Toolbox Development Workgroup
Washington Department of Ecology
July 17th, 2012

Minutes

In Attendance: Adriane Borgias, Ecology; Galen Buterbaugh, Lake Spokane Association; Ben Brattebo, Spokane County Utilities; Lee Mellish, Liberty Lake Sewer and Water District; Elizabeth Schoedel, City of Spokane; Meghan Lunney, Avista; Doug Krapas, Inland Empire Paper; Lynn Schmidt, City of Spokane; Dave Moss, Spokane County; Dave Moore, Ecology; Bart Milhailovich, River Keeper; Mike Petersen, Lands Council

On Phone: Sarah Hubbard Gray, HGC; Don Martin, US EPA; Kris Holm, Attorney; Dale Arnold, City of Spokane; Dr. Brett, University of Washington

Spokane River Forum Staff: Andy Dunau

All meeting materials, including those referenced in these minutes can be found online at www.spokaneriver.net/dotmdl.

Welcome and Introductions

Andy Dunau welcomed participants to the meeting, each of whom introduced themselves.

Static Equivalency

Review Definition

As requested, Bruce Rawls and Bud Leber drafted narrative for Pollutant Equivalency-Static Permit Limits (static equivalency). In Washington, Spokane County has this tool included in its NPDES permits.

There was general consensus regarding the definition and concept. Dave Moss commented that it has worked well for Spokane County because monthly parameters for load allocations provide a degree of certainty, enabling managers to plan and “gear-up” for permit requirements. Definition and technical description is also included in there wastewater facilities plan.

The technical memo for utilizing this tool and CE-QUAL-W2 input modeling files are online at spokaneriver.net/dotmdl under the “DO TMDL” menu item.

Meghan had a question regarding use of 2001 as the best reference case. Dave Moore noted that Ecology will continue to use 2001 as the reference case during this permit

cycle to assure consistency. Part of the monitoring/tracking workgroup objectives is to consider information that will be used in the ten year assessment, which is the most likely time for model adjustments (including use of the 2001 reference case). Ben noted on-going concerns that different nutrients react differently in the environment and whether the model could correctly calculate trading differentials.

Dave again requested that those interested in using this tool try to work together. This will be a) more efficient because fewer model runs will be required, and b) avoid a “layering effect,” e.g.—permit holder “a” completes the process and updated input files placed on-line, then permit holder “b” must comply based on the latest scenario/input files, then “c”, and so on.

Any additional comments regarding the draft materials distributed should be back to Adriane by August 5th. She will then begin the process of formally including static equivalency as the first “official tool” in the toolbox.

Review Flow Chart and Steps for Toolbox Inclusion

To assist with development of other tools, Adriane drafted the “Toolbox Evaluation Flowchart.” Summary of discussion points included:

- The importance of Ecology’s other affected offices, e.g.—permit unit, reviewing and agreeing to definitions early in the process. To the extent approval or consultation with other agencies, e.g.—EPA, is needed their agreement should be sought as well. Examples were given regarding the “dangers” of moving forward as an advisory group, expending time and resources, and then finding out it’s not acceptable outside the TMDL implementation unit. The flow chart shows three critical junctures where “agreement” from affected regulatory offices should be sought.
- Some tools require technical analysis, others have specific modeling needs, and others may require field sampling. Regardless of nature, establishing an agreed upon hypothesis is critical. What model runs or data collection is needed to test a hypothesis will be memorialized in an agreed upon technical memo (as in the case of static equivalency) or QAPP.
- The permit agency and other sovereigns with regulatory authority must review and validate outcomes before a tool can be used to modify a permit condition. Such review will also identify which (current or future) permit cycle a tool can be used.
- In the event agency validation does not occur, modifications of the proposed tool may be considered and resubmitted.

BAP Update

Ecology conducted a review of the Phase I bioavailability (BAP) study as part of considering a request to fund a Phase II study. Dave Moore reiterated that Ecology’s

overriding interest was confirming that research could result in justifying modified 3rd cycle permits (2021).

Ecology concluded that while the Phase I study provided valuable information in moving forward the understanding of BAP in wastewater effluent, there were gaps or open questions with BAP from a policy and technical standpoint that still needed closure. Ecology also concluded that even if some of the issues from Phase I were resolved in Phase II, the weight of research garnered from Phase II would be unlikely to justify the related permit modification. Doug asked if such a modification would also require agreement from EPA. Don Martin will check, but the initial feeling is that it would. Ecology concurs with this opinion.

The review and memo articulating Ecology's decision is being withheld until Dr. Brett has been given the opportunity to review and comment.

Dr. Brett presented a number of concerns. These included the mixing of policy needs with scientific research; not asking for his comments regarding the review until a full draft was complete; and including "inconsequential concerns" (chain of custody, sample preparation, etc) that could have been quickly and easily addressed through direct communication with him.

Committee members voiced related concerns and frustrations. It was agreed that the review and memo would be distributed as quickly as possible and the committee members would send comments to Adriane by August 5th. Adriane will assemble these comments and send back to the committee. Further conversation will occur at a future meeting, but what (if any) additional actions may be taken has not been determined.

Toolbox Development

The toolbox development chart was again reviewed and the flow chart used to help consider timing of when work on different tools would be initiated. The order of working on items is significantly affected by:

- Availability of staff and resources
- Whether one tool is dependent on another tool being completed
- Level of complexity and research required

Ecology's desire is to prioritize tools based on those most likely to be completed in a timely manner and meet permit holder needs. Outcomes of group discussion included:

- Agreement that static equivalency and alternate season limits can and should be completed first.
- The committee also agreed to move initiation of OrthoP up to 2012 because the definition can be completed in a timely way and IEP is developing a QAPP with Ecology that is best carried out in concert with their pilot testing of both algae and

chemically based tertiary treatment systems in 2013. The QAPP will identify sampling regime and analysis needed for representation of OrthoP in waste load allocation.

- Dynamic equivalency is scheduled to begin in 2013 and is required before development of a bubble permit.

Dave also clarified conditions for use of PSU location ratio framework.

- Not needed for static or dynamic equivalency.
- Not needed for a bubble permit if necessary static or dynamic equivalency tools are used.
- Needed to establish point source ratios for stormwater or septic credit (county or suncrest), assuming they are viable from a permit/legal standpoint.

Who and how funding for development of location ratios will occur has not been determined.

The committee also commented that when/how to include Idaho permit holders in toolbox development remains an open question. Don Martin indicated that release of Idaho draft permits were a couple months out. Currently, Idaho permit holders receive all advisory group information and are invited to all meetings.

The updated tool box manual development chart will be posted with the minutes.

Next Steps

Any additional comments regarding static equivalency tool should be sent to Adriane by August 5th.

Corrections to the Ecology BAP review should be sent to Adriane by August 5th. [Dr. Brett's response and the Ecology memo regarding funding were posted on-line on July 19th. Committee members are welcome to comment on these postings as well.]

Send PSU location ratio framework comments to Adriane by August 5th.

Adriane will post updated toolbox manual development chart and toolbox flow chart.

Doug will draft alternate season limit definition and work with Adriane to bring forth to committee OrthoP definition and related QAPP.

The next workgroup meeting, which will focus on tracking/monitoring, will be August 21st, 2:00 p.m., at Washington Department of Ecology. The next full advisory group meeting will be September 18th, 2:00 p.m., location to be announced.

Meeting Adjourned