

Spokane River DO TMDL Advisory Group Meeting
Minutes
August 21st, 2013

In Attendance: Bart Mihailovich, Spokane Riverkeeper; Galen Buterbaugh, Lake Spokane Association; Dan Redline, Idaho Department of Environmental Quality; Ken Windram, Hayden Area Regional Sewer Board; Adriane Borgias, Ecology; Elaine Snowaert, Ecology; Dave Moss, Spokane County; Doug Krapas, IEP; Wes McCart, Stevens County; Lynn Schmidt, City of Spokane; Bijay Adams, Liberty Lake Sewer and Water District; Mike Petersen, the Lands Council; Meghan Lunney, Avista; Tom Agnew, Liberty Lake Sewer and Water District; Ben Brattebo, Spokane County; Mike Cannon, City of Spokane; Jim Kimball, JUB Engineers; Mike Neher, City of Post Falls; Jeremy Jenkins, Liberty Lake Sewer and Water District; Lisa Dally Wilson, Spokane River Stewardship Partners, Dave Knight, Ecology, Mike Kuttle, Ecology.

On Phone: Dave Croxton, EPA

Spokane River Forum Staff: Andy Dunau

Welcome and Introductions

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

Materials handed out can be found on spokaneriver.net/dotmdl web site.

Idaho NPDES Permit Update

Brian Nickel could not join the meeting to provide an update. Dan Redline provided a brief summary: The public hearing and workshop is scheduled for August 24th. Public comment period will close on September 3rd. Dan deferred to Brian Nickel to provide an update on technical issues.

Tool Box Update

Dave Moss summarized outcomes of the tool box work group meeting held in the morning.

Opinion of Attorney General Office review of Static, Dynamic and OrthoP definitions is that they will not trigger need to modify/reopen DO TMDL. Ecology staff will now work to make sure draft definitions are consistent with flow chart. Alternate Season Limits is under review to determine if it would trigger reopening of DO TMDL.

Delta Management, Location Ratios and Bubble Permit are still of interest to dischargers to advance and will be done as time permits. Ken with HARSB asked for method to evaluate direct injection of DO into Lake Spokane. Contributing to such an approach would require calculating an upstream phosphorus credit.

Request by committee members to better understand when/what standard AG office uses to determine what constitutes modification of TMDL vs. new model run.

The next work group meeting is expected in the October/November time frame. All definitions and materials presented at work group meeting can be found at spokaneriver.net/dotmdl web site.

Walk Through DO TMDL Time Lines

Dave Knight presented and discussed with committee DO TMDL time line that also accounts for permit schedules and Avista Lake Spokane DO Water Quality Attainment plan. Discussion clarified that:

- 2016 Washington NPDES Permits would use the same permit conditions with interim limits as 2011;
- While monitoring and tracking of activities occurs throughout, more intensive evaluation and development of 10 year assessment will not begin until 2021.
- 2021 permits will include use of Delta Elimination Tools (tool box) as needed.
- Results of 10 year assessment will be used to determine whether standards are met. If standards are not met, other options to respond (including UAA, development of site specific criteria and non-point source compliance and extension of non-point source compliance schedule) will be considered between 2024 and 2026.
- 2026 permits will consider the findings from 10-year assessment.

Ecology believes that commencing more intensive evaluation in 2021 will provide a full 10 years before fully assessing effects of actions taken.

The Attorney General's Office reviewed this time line and approves. There is some concern that specific language and time line in DO TMDL is different. Ecology does not believe inconsistencies require modifying the DO TMDL; rather, memos and meeting notes documenting the time line being used and associated actions will be sufficient. There was discussion about what constitutes a modification or "re-opening" of the TMDL. Several suggestions were given, and it was agreed that Ecology would consult its AG and provide a formal definition at the next meeting.

Specific requests for edits included:

- Add 2010 to 2016 – Lake Spokane Nutrient Monitoring
- Move "Avista Water Quality Attainment Plan submitted to FERC" from 2011 to 2012.
- Rephrase 2021 to 2022 as "2 year intensive monitoring of river and lake, and data analysis for 10-year assessment".
- Move end of Avista Compliance from 2021 to 2021—2022.

10 Year Assessment

Jim Ross presented on factors that will be considered in 10 year assessment. Hand-out provides detail on factors as they relate to monitoring, modeling and empirical data.

Ben Brattebo and others raised ongoing concerns that the DO TMDL process is set up for compliance to be demonstrated by a computer model based on conditions in 2001. He said, we've learned more since 2001 and background conditions have changed. There are concerns about how the model will be used in assessment, calibration, etc. Ecology reiterated they expect to continue use of the current model, although as new information becomes known available from monitoring, model inputs can be adjusted as needed. Dave Knight said, "the model is a tool." Dave reiterated Ecology's intention to take a more holistic approach to the 10 year assessment, taking "a bigger more objective look at the system." While the model is a critical factor, it's not the only factor for resulting findings/recommendations. Andy

Dunau clarified to the group that “there is a shift happening today to consider more than the model in the 10-year assessment.”

There is also on-going concern regarding contributions from tributaries and whether they will be reduced as much as model predicts. If reductions do not match what’s expected, who will bear the burden?

City of Spokane is conducting stormwater and combined sewer overflow monitoring as part of an integrated clean water plan. The City is also continuing to monitor Lake Spokane at several stations. Jim Ross requested a meeting with city to better understand what is being monitored, data collection method and ability to use this data to support DO TMDL assessment.

There was discussion about coordinating data collection and results in a more systematic fashion, and that all information could be summarized at the annual monitoring report conducted by Ecology. It was suggested that the Advisory Committee form a Monitoring Work Group to coordinate monitoring efforts and reporting.

Ecology also discussed development of annual monitoring report and bi-annual non-point source summary report. Both will add transparency to the process and will be discussed at annual meeting (along with outcomes of Avista water quality attainment plan report) to consider short term adaptive management strategies as well as consider needs for 10 year assessment.

Status of Quantifying Non-point Source Reduction

Mike Kuttel presented on Ecology efforts to quantify non-point source reduction in tributaries, particularly Hangman Creek. This builds on presentations and work being done by Spokane Conservation District and presentation by Chad Atkins from Ecology. Another source of information is the Spokane County bi-state non-point source study.

Dave Knight showed spreadsheet Ecology has developed to track various non-point source reduction projects in tributaries. How this will be rolled up into data base or on-line tool for informational and assessment purposes are being determined.

Through GIS and aerial photography as well as field visits in the watershed, a general picture of what's occurring on the ground has been developed. From this assessment, priorities for action are being developed. Ecology is working with the Conservation District to evaluate these priorities and determine best ways to leverage resources.

As with previous presentations, challenges in working with property owners were discussed. These include mostly relying on volunteer actions; difficulty in achieving return on investment; using financial assistance to incent new practices or creating buffers; challenges in making changes that meet both regulatory requirements and ability/desire of land owner to engage in all necessary actions. Wes McCart, previously chair of Stevens County Farm Bureau, spoke to these challenges from a property owner perspective.

While assessment shows plenty of opportunities for improvement in non-point source reduction, Ecology reports being encouraged by many positive developments since 2000. Dave Knight intends to reconvene the non-point source reduction work group to consider next steps and ways to accelerate work.

January Annual Meeting: Based on timing of report information from various entities, an all-day annual meeting will occur in April rather than January. The annual meeting will have two primary components: reports by dischargers on technology implementation and related monitoring for permits, and results of water quality monitoring being done by Ecology, Avista and others.

Next Meeting: Andy was asked to conduct a doodle poll for a meeting on December 10, 11 or 12th. Possible agenda items include tool box update; results of possible non-point source meeting; update on Ecology Lake Spokane Shoreline Project and Little Spokane DO TMDL; and presentations on pollutant trading, a formal definition of what constitutes a modification to the TMDL. Andy was asked to contact Ecology, EPA and others regarding availability to present on current pollutant trading activities.