

**Spokane River DO TMDL Advisory Group Meeting
Minutes
December 12th, 2013**

In Attendance: Adriane Borgias, Ecology; Doug Krapas, IEP; Lynn Schmidt, City of Spokane; Bijay Adams, Liberty Lake Sewer and Water District; Steve Llewellyn, the Lands Council; Meghan Lunney, Avista; Tom Agnew, Liberty Lake Sewer and Water District; Ben Brattebo, Spokane County; Jeff Donovan, City of Spokane; Dave Knight, Ecology; Jim Ross, Ecology; Helen Bressler, Ecology; Diana Washington, Ecology; Bud Lieber, Kaiser; Walt Edlen, Spokane Conservation District; Rick Noll, Spokane Conservation District; Ellie Key, Ecology; Tom Herron, Idaho Department of Environmental Quality.

On Phone: Wes McCart, Stevens County; Mike Neher, City of Post Falls; Claire Schary, EPA; Kris Holm, Attorney; Rick Eichstaedt, Center for Justice; Ellie Key, Ecology.

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.

Tool Box Development and Permits

Dave Knight provided background on development of tool box to date. This included acknowledgement that different tools are of interest to different permit holders, and the Toolbox Evaluation Flowchart that has guided development for the past year.

Dave acknowledged that the Toolbox Evaluation Flowchart was proving too cumbersome. One reason is that making a tool generically available to multiple permit holders necessarily means trying to take account of multiple variables, many of which cannot be fully known because each specific permit situation is different. At the same time, permit holders have

prioritized tool development differently, and have different time lines regarding which tool(s) they may be interested in exploring.

Ecology thus proposed a “Revised Toolbox Evaluation Flowchart,” see web site. Diana Washington walked the committee through how this revised flowchart would work. Discussions highlighted the following key concepts:

1. A permit holder identifying a possible tool is or will be using best available technology per AKART.
2. Permit holder approaches Ecology with tool(s) they believe address the identified delta between permit standards and what is achievable through AKART.
3. Permit holder develops and submits proposal for tool.
4. Ecology must approve proposal, e.g.—model run, to consider use of tool.
5. Ecology, in consultation with EPA and tribes, either a) agrees to use of tool as part of future permit condition, or b) if not agreed to, what additional research or revised proposal may be applicable.
6. Permit conditions will define monitoring protocols to validate that a tool is working as intended.

The revised process largely follows the same process used by Spokane County to include Static Equivalency Exchange in their current permit. Participants agreed that early knowledge by all stakeholders of proposal to develop a tool and ability to track development through the flowchart process is helpful. As was the case with Spokane County, this level of transparency provides “buy-in” when the time comes for public comment during the permit process.

Diana encouraged permit holders to identify, prioritize and work on the tools they consider most likely to be successful. Trying to focus on multiple tools simultaneously is likely to be cumbersome and time consuming, thus increasing the time line for approving one or more tools.

Diana also clarified that tool development is not applicable to current permits. They are for future permits and thus appealable as part of issuing a future permit.

Mike Neher asked if IDEQ and EPA would enter into the same type of process for Idaho permit holders. Tom Herron with IDEQ responded tools will be considered within a framework offered by IDEQ.

The committee reached consensus to use the Revised Toolbox Evaluation Flowchart with minor revisions. Andy will make the revisions and post on web site. Ecology will also include this information in a letter that will be sent to SRSP in response to their October 29th letter to Ecology. Both the SRSP letter and Ecology response will be posted on the web site.

Water Quality (Pollutant) Trading

Claire Schary and Helen Bressler gave an update on the status of water quality trading. Claire reported a lot of the work in the region over the past year has been tied to a USDA grant to the Willamette Partnership. EPA, state agencies from Idaho, Washington and Oregon, Fresh Water Trust and others have been identifying specific water quality trading priorities (needs) by state and recommended practices. The priorities/needs for each state are different because the regulations and priorities for each state are different.

Over the course of four meetings, they've considered issues like how to certify reductions, adaptive management, monitoring/modeling, permit language, and establishing base line conditions. Currently, there is a ninety page draft report being reviewed. See <http://willamettepartnership.org/joint-regional-agreement-on-water-quality-trading-2/joint-regional-agreement-on-water-quality-trading> for further information.

In 2014, each state was asked to pilot or test a trading option. Idaho may focus on developing a hypothetical trade. Oregon may use the work to guide a permit renewal that uses trading. Washington is interested in determining if there is a storm water trading possibility.

Helen clarified that Washington has no water quality trading in place. The work done with Willamette may be used to further develop/deepen Washington's Water Quality Trading Framework. The principles articulated in the framework, however, have not changed.

At this point, if someone is interested in doing a trade for nutrients, phosphorus, temperature or sediment, they are encouraged to approach Ecology and a decision to pursue will be made on a case by case basis.

Ecology is also interested in possibilities around storm water and toxics trading. This approach is consistent with the Revised Toolbox Evaluation Flowchart being used for the Spokane DO TMDL.

Discussion also included acknowledgment that there are still no examples nationally of successful point, non-point trading. Claire, in fact, reported thinking in the Northwest is probably farther ahead than the rest of the country.

Regarding point to point trading, there is a need to establish with Ecology the credit/offset that can be sold to a willing buyer. Pursuing a bubble permit is different because it uses flexibility between point source discharges to meet permit requirements without buying/selling between entities.

There was also discussion regarding status of achieving non-point source reductions. Helen provided some conceptual watershed options for more stringent conditioning of non-point sources that would be equivalent to issuing NPDES permits for point source discharges, effectively making all parties equally responsible for meeting water quality standards in a watershed.

Walt and Wes provided feedback that Ecology's position that property owners meet one hundred percent conditioning in order to receive state cost share grants to implement BMPs may be counter-productive. Their experience is landowners are more likely to do nothing than be forced into something they consider against their long term interests. As noted by Wes from a Farm Bureau and County Commissioner perspective, "Finding the most cost-effective, balance path forward is the issue, not whether we want clean water."

There is general agreement that non-point source pollution is a growing concern that, depending on results of the ten year assessment, may affect future DO TMDL and permit decisions.

Monitoring Network

Jim Ross gave an update on the monitoring. PowerPoint (see web site) shows monitoring locations administered by various entities. These sites will provide lots of data for the model that will be used in the future. Specific to

the ten year assessment, additional consideration may need to be given to placement of weather stations to address variables like wind.

Jim will provide high level summary of monitoring information as part of annual meeting in April. Dave noted that monitoring/tracking workgroup needs to be reconvened to further detail what's being collected and how for assessment needs. Overtime, implementation of AKART, new and continued data collection, and further articulation of assessment needs will provide clearer and clearer picture of progress toward meeting the DO TMDL. The ten year assessment will build off of this foundation. The work, for instance, that Mike Kuttel is doing to track and monitor non-point source reduction projects in Latah will be folded into the ten year assessment.

Little Spokane TMDL

Dave reported that Little Spokane TMDL for DO and pH is back on track. Ty Stuart from Ecology is starting the technical work to do necessary data analysis and modeling. This includes starting with data gap assessment. When sufficient progress is made, the advisory committee will be given an update and time line provided.

April Annual Meeting

Proposed meeting would begin at 10:00 a.m. and go until late afternoon. The Forum would coordinate lunch, and each person would pay for their lunch at meeting.

The priorities would be for 1) each permit holder to give update on data results from implementation, pilot activities, and/or status of what's being submitted as part of engineering report; 2) tool(s) each permit holder expects to initiate development of as per Revised Toolbox Evaluation Flowchart; 3) summary of monitoring/assessment information, including Avista work with Tetra Tech; 4) summary of non-point source work in tributaries; 5) status of Idaho permits; and 6) discussion and further definition of priorities moving forward.

SRSP asked to be given the opportunity to do first draft of agenda. That was agreed to as long as it's provided to Dave Knight by early February. Dave will then work with Andy to develop final agenda.

Andy will send out Doodle Poll to pick meeting date.