

Note: This meeting summary represents notes from the meeting, not a formal transcript or minutes. It is provided for information of Council members and other interested parties.

Meeting date: August 4, 2004

Location: Oregon State Library, Salem, Oregon

Prepared by: Dianne Eaton, DEQ
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Attendees: ***Council members present:*** Greg Aldrich; Steve Downs; Douglas Hunt; Chris Jarmer; Jim Kincaid ; Ernie Platt; Jerry Marguth; Mark Steele; Kathryn VanNatta; Mark Yeager

Council members not present: Nina Bell; Dave Cruickshank; Bill Dameworth; Doug Krahmer; Matthew Rea; Mark Simmons; Glen Spain; Debbie Spresser; Rod Thompson; Travis Williams

Others: Pat Serie, EnviroIssues; Dianne Eaton, Jim McCauley, Ryan Michie, Eric Nigg, Manette Simpson, Jared Rubin, DEQ; Arthur Armour, US Army Corps of Engineers; Robert Annear, PSU; Stewart Rounds, Annett Sullivan, USGS; Tom Mendes, Peter Ruffier, City of Eugene; Pam Barrow, NWFPA; Tom Wawro, BLM; Susie Smith, City of Springfield; Dan Hanthorn, City of Corvallis; Brad Upton, NCASI; Curtis Barton, Clackamas County, WES

Welcome and Introductions; Comments to the Council

Pat Serie welcomed the group and asked for comments from the public. Frank Ossiander said he had some concerns regarding the geo-mean applied for mercury.

Aldrich, DEQ outlined the agenda with a reminder that the TMDL document is not out for official public comment. Today's meeting is intended for DEQ to be able to address the Council based on their internal review of the applicable chapters. The appropriate time for presenting comments or concerns on the document is during the public comment period.

Today DEQ will talk about big issues and where they came down. DEQ would like questions of clarification and to determine if there are any new big issues. The meeting will be used not to debate decisions made by group or DEQ, but as a high level walk through of the four chapters given to the Council for review (Overview, Bacteria, Mainstem Temperature and WQMP). It is understood that silence or attendance by a Council member does not construe agreement or endorsement of the issue or decision.

Aldrich gave an introduction of DEQ staff Eric Nigg and Ryan Michie. Aldrich emphasized to the Council that DEQ is looking for focused comments on how to make the document better and that August 11th is the deadline for marked up edits on the Council draft chapters. No new technical analysis will be done prior to public draft release.

Overview Chapter

Simpson, DEQ outlined that the most important goal of the TMDL is to have EPA approval, along with meeting Oregon Administrative Rules (OARs). DEQ is required to follow the OAR TMDL rule. The WQMP is now part of TMDL elements.

The Overview chapter has two main purposes: to explain how the Clean Water Act (CWA) works in Oregon and to describe Basin geography.

This chapter also identifies the temperature standard change & it's effect on the process. DEQ is hoping to clarify the criteria vs. target language. DEQ requests input from the Council for any additions to make TMDL process clearer.

Issue and Concerns

When outlining the water quality improvement process, please clarify if EQC adopts rule vs after TMDL is approved, is it a DEQ rule by order of Director or does it go to EQC ?.

Per TMDL rule, it is rule by order of Director, can go to EQC as info or discussion item. DEQ does not intend to take this TMDL to EQC, not an action item on EQC agenda.

Public needs to understand avenues of comment, appeal process needs to be outlined

This overview does not seem to address smaller community audience. Somewhere DEQ needs to summarize & simplify the TMDL process.

DEQ has struggled with this; how to take something very dense and technical and write for multiple different audiences. DEQ hopes to reach the smaller communities and groups in the executive summary and meet with them to discuss their specific issues and questions.

For adaptive management, SB1010 needs to be defined, cited, and explained more concretely. What is an Ag plan vs the implementation plan required by the WQMP?

Glossary will explain some terms, and the adaptive management process is further explained in the WQMP.

Mercury Chapter

Rubin, DEQ outlined the goals of mercury TMDL and acknowledged uncertainty and phased approach which addresses need for future monitoring and analysis. It is designed to focus on fish consumption /human health protection and not ecological concerns. DEQ is trying to implement broad reduction strategies, not that each source needs to reduce below interim guidance values.

Issues and Concerns

When discussing contributing sources, need to be clear on what is known or not? It was a DEQ policy decision to go forward with uncertainty.

Using the same basic data, DEQ changed approach for source characterization and refined it after input from stakeholders, the Council etc. for the phased approach.

It appears that DEQ just divided pie differently, and we would like DEQ to highlight that process of input and change. We caution you not to say that evolution and process resulted in an "improvement".

Are the percent reduction requirements the same for reservoirs?

No, they are based on current data and interim targets.

DEQ would like to review the decision not to use reserve capacity (RC). Some feel it doesn't allow room for growth. (handout) DEQ feels a .9 RC is ok since we don't anticipate new sources, what does Council think ?

How does .9 get divided? Has DEQ ever used RC ?

No, it could happen that there would be no TMDL allocation to tap in to.

With all the uncertainty, it just adds to the confusion.

EPA does not require RC.

Can you rationalize the .9 ? This may indicate whether it's reasonable or doable.

It resulted from an averaging to cover point sources.

Is RC just for point sources?

No, all sources.

What happens to air sources?

DEQ is working with voluntary reduction plans.

Temperature Chapter

Aldrich, DEQ began discussion with general thoughts on the temperature issue saying that the Council was instrumental in interpreting the new temperature standard, HUA etc, which has the potential to shape future TMDLs in the state. The Willamette Basin is big & complicated and DEQ has been trying to be consistent while being open to change. The dams & reservoir issues started out as boundary conditions and now are a much more significant issue that Oregon and EPA is still trying to figure it out.

There was an integrated modeling effort which set this TMDL apart. Council has had an important role in getting this going and keeping it going through your support.

Issues and Concerns

What was learned from all the simulations, and conclusions for policy decisions? We would like to see explanations for how DEQ got to the end results?

DEQ agrees that it might be helpful to have list of most important findings of the various model runs to show big picture conclusions. This may be available through PSU at some future point.

How you determined sensitivity of river temperatures and what led to point of maximum impact? What is most important is what factors or policy decisions ended up guiding the technical decision.

It is determined by the applicable temperature criteria and subsequent load capacity of the river. It is protection of biological criteria vs. natural thermal potential.

With regards to the critical condition screen relating to point sources, how are different sources judged based on where the next segment is, upstream how far?

Each segment is only 250m in length and the intent is immediate upstream, the next segment. DEQ can clarify that.

How is DEQ applying the HUA, by segment?

The temperature standard requires looking at one continuous river and the point of maximum impact takes many segments together. The Willamette River is already water quality limited to begin with. We have .3 HUA divided by sources & RC. At design flow RM 115 exceeds the HUA. Existing discharge conditions show less than HUA but not design flow. That is how DEQ came up with 35% & 15% growth scenarios.

It appears that the allocations are based on projected future exceedances although the sources are not in violation now.

The intent is not to break on what a point source does today, just what they may do in the future. It addresses future growth to modify what the future permit endpoint can be.

Will this mean monthly allocations?

Yes, and April – October would be addressed in permit limits.

WQMP Chapter

Simpson, DEQ outlined the contents and intent of the WQMP.

Issues and Concerns

We would like to see more detailed explanation of the Source categories. Please outline what is really expected, what exactly is required for the implementation plan as a DMA.

Who is required to do monitoring in addition to DEQ?

DEQ appreciates your input and will work to address these issues.

Budget Package (Handout)

McCauley, DEQ summarized the proposed budget package for 2005-2007.

The four priorities will be Phase 2 mercury, wastewaters permits, stormwater ,and Willamette implementation. It is critical to have staff to make this work and implement the TMDL. DEQ feels this coincides with the Governor's priorities for Oregon.

