

9:00 to 12:00 AM Tuesday 8 June, 2004

Statewide TMDL Advisory Group

Lewis Room, DEQ Last Chance Gulch Building, Helena

Meeting Summary

ATTENDEES:

Group Members:

John Youngberg, Chairman, Montana Farm Bureau

Bruce Sims, USFS

Christine Brick, Clark Fork Coalition

Brian Sugden, Plum Creek Timber

Gary Frank, DNRC

Larry Van Rinsum (in for

Mark Vessar), Flathead CD

Others:

Ron Steg, EPA

George Mathieus, DEQ

Mark Bostrom, DEQ

Rosie Sada, DEQ

Claudia Massman, DEQ

Ellen Engstedt, MT Wood Prod. Assoc.

Julie Hawn, Flathead CD

Julie Altemus, MT Logging Assoc.

Robert Ray, DEQ

Naomi Fleury, DEQ

Introductions:

The meeting was called to order at 9:15 a.m. by Chairman John Youngberg. A round of introductions was performed. Minutes were approved as written. The advisory group agreed that less detail in the meeting summary would be appropriate.

**Proposed Changes to Sufficient Credible Data/Beneficial Use Determinations Discussion
(Rosie Sada/Mark Bostrom, DEQ)**

Mark Bostrom is DEQ's Water Quality Planning Bureau QA/QC Officer. The State's Water Quality Assessment Methodology has been an attachment to the 303(d) list since 2000 when the method was developed. Mark stated that all methods need to be in the format of a Standard Operating Procedure in accordance with EPA's quality system. Mark's proposed changes are to incorporate the method into the Quality System as a SOP including a table of contents and numeration of the steps along the way. Mark included the assessment record documentation because of the response from public comments stating that the public was not understanding how the assessment record came from the assessment method to the Excel spreadsheet. Mark clarified the language in the method. Mark said he would publish a draft document on the DEQ web site.

Brian Sugden asked how the public review would be done on this document? Mark responded the public review process goes through a certain amount of outside agency review. It was also a part of the 2000 303(d) list and went through the public comment period at that time. Brian Sugden thought that the document should be sent out when the public request for data happens. Mark Bostrom said if DEQ published the document on the Internet and put the link to the page in the request for data, it would save paper. The changes from this monitoring season will be integrated in the 2006 report. The report will be reviewed biannually.

Rosie Sada explained the proposed changes to Tables 14 (Industry Supply Beneficial Use Support Decision) and 12 (Contact Recreation Beneficial Use Support Decision). DEQ has eliminated Dewatering from Table 14 because it is a water quantity issue and not a water quality issue. It deals with water rights rather than water quality issues. In Table 12 DEQ wants to ensure that the Dewatering issue is not only a water quantity issue, and proposed language was provided to STAG. Brian Sugden asked if the first statement on Table 12 in Dewatering under the Not/Least Impaired Section could be taken out ("Water quantity is similar to reference conditions"). Rosie said that the wording was done according to our current standards language but she thought it would not be a problem. STAG supported the proposed changes.

Update on TMDL Schedule Extension Activities (Ron Steg, EPA)

EPA has been negotiating with the plaintiffs from the Friends of the Wild Swan and American Wildlands cases since December 2003. In December an agreement was reached in principle with the plaintiffs. Settlement documents have been prepared and shared with the Plaintiffs and the Interveners and the parties are currently in the process of negotiating the final legal details regarding settlement documents. Agreement has been reached regarding the technical and programmatic issues. EPA is optimistic in getting a schedule extension. EPA expects to jointly approach the court within 60 days to finalize these negotiations. The final decision is up to the courts.

EPA and DEQ have implemented a number of the elements in the two-phased approach. The two-phased approach was talked about in the last meeting. Once the phases are finished EPA and DEQ should be ready to get more TMDLs out. EPA and DEQ are proceeding cautiously with the two-phased approach but EPA and DEQ anticipates that the first phase of the two-phase approach will be fully underway by the end of this year.

If EPA is forced to go with the 2007 schedule there is going to be a need to bring in more EPA staff and consultants to get the TMDLs done. Some funding may come from 319 but there are other funding sources to use for the 2007 deadline.

The reassessment schedule is the main priority for DEQ's monitoring section this field year. Temporary employees have been hired so that the assessments can be done. Rosie said that if the weather holds they are planning to get all of the waters in the Columbia done. The goal is to get 215 waters done this year. Next year will be the rest of the waters, which are about 115 waters. That way all of the SCD/BUDs will be done for the 2006 303(d) list. Art Compton said that when the reassessments are all done it will make the 1996 303(d) list irrelevant. This field season the focus will be reassessment monitoring.

The 2006 303(d) list is due by December 2006. This will give time to get all of the data and information to EPA. John Youngberg expressed concern for the amount of time needed to complete the reassessment work.

Update on TMDL Planning Activities (George Mathieus, DEQ, Ron Steg, EPA)

- A final standards template has been developed. This addresses the numeric and narrative standards and can be cut and pasted in the TMDL documents.
- A water quality impairment status section template, which is chapter 3 in the Water Quality Restoration Plans, has been developed. This will help clarify if the water is impaired and requires a TMDL.
- DEQ is in the process of compiling a reference database. Since a lot of the narrative standards rely on reference conditions, there is a need to compile all of the reference data for the state that is available and have it accessible in a database. There is an intern from the Standards Section who is putting that data together.
- Funds have been received from EPA to increase, upgrade or enhance DEQ's data management system. This is for the data that DEQ is getting from other agencies around the state and also the data that DEQ has collected [Note: additional information on this project is attached to the meeting summary, as requested by Gary Frank].
- DEQ has contract hours and a scope of work in place to enhance DEQ's biological indexes. The biological index is to help with making beneficial use determinations.
- DEQ and EPA have teams of two people that will go out to monitor this field season to get the reassessment work done. EPA will provide 3 teams to help DEQ. Rosie's group will have teams of one permanent staff and one temporary staff. 2 teams working in the Columbia, 2 teams working in the Lower Missouri, 1 team in the Upper Missouri and 1 team in the Yellowstone. EPA is going to help in the Upper Missouri Region and in the Columbia in 2 watersheds.
- EPA provided additional funding to DEQ for the analytical cost of the reassessments for this field season.
- There is a draft standards "translator mechanism", developed internally as a flow chart to aid in establishing targets for narrative standards.

- A Western Montana Sediment Conference was held in Missoula in April to pull together professionals from across the state to discuss sediment and how to use sediment targets for reaching the standards. An EPA contractor is putting together a sediment target guidance document with targets that work for Western Montana. Chris Brick suggested that the STAG have the opportunity to review the document.
- DEQ and EPA met with EPA headquarters, Forest Service Headquarters, Forest Service Region 1, DNRC and Senator Baucus's representative in May to look at efficient ways to get the TMDLs done. For example how can DEQ use a Forest Service EIS in a TMDL. Also discussed was looking at how to use Category 4b to help get work done.
- Three options developed: is this a Category 4b, is this a TMDL, or does DEQ have enough data to determine the stream is not impaired. This will be put into a decision tree. There will be a guidance checklist that will be put together to facilitate converting a MEPA document into a TMDL to meet the requirements of 4b. There will be some pilot projects started to see where Category 4b can be used. Bruce Sims said the three projects the group was looking at are the Gallatin's Taylor Fork (restoration projects already started), The Flathead Logan Creek (EIS already in place) and the one project where the data looks like the stream is not impaired.
- DEQ, EPA and the Forest Service are meeting on Thursday to discuss the pilot projects and their potential. All of the aspects of Category 4b need to be looked at to see if the project is feasible and will work as a TMDL as well as the finances.

These are the foundational elements that have been implemented by DEQ.

John Youngberg asked what the potential of the Forest Service for providing Category 4b "relief" is? Bruce Sims said that money is the issue. There is a fair amount of forest service lands where there is potential. Ron Steg said the potential lies in working with the agencies that manage land to provide information to support listing decisions. It would contribute to the overall TMDL but not complete it. Brian Sugden requested that the STAG be kept informed of meetings and actions related to EPA/DEQ/USFS interagency 4b, EIS/TMDL and delisting issues. The

STAG indicated their support for the direction that EPA and DEQ have taken in creating additional efficiencies for Water Quality Restoration Plan efforts.

Update on Water Quality Planning Bureau Staffing and Organization (George Mathieus, DEQ)

George Mathieus listed several vacant positions within the Bureau: Lead Planner (interviewing candidates next week), Lead Monitor in the Yellowstone Basin (backfilled internally, should be filled in July), 303(d) Coordinator (reviewing applications), Modeler (Job Profile in Personnel to get it ready for advertisement), The Information and Data Management position (new, writing job profile), Database Analyst Position (rewriting the job profile) and 1 new FTE to create another Lead Planner Position (will be used in the Flathead Basin).

DEQ is planning to create a 5th section within the Water Quality Planning Bureau. The plan is to split the Watershed Management Section into a TMDL section and a Non-Point Source Implementation Section. Part of the rationale is to create an Implementation Section. The Implementation Section will communicate with the Watershed Planners and follow-up when the TMDL is approved. Currently, Watershed Planners are taking care of contracts that have nothing to do with TMDL development and trying to work on TMDLs, and this work would be done by the new section. DEQ is trying to lift the load of the Watershed Planners so that they can work on the TMDLs more efficiently. The Bureau is also looking to reduce its workload by using part of the 319 money to contract out the NPS Information & Education program as a single contract.

The 319 money that goes towards the Category 2, 3, and 4 contracts is the only way DEQ can salvage the relationship with the conservation districts. Some of the local groups have been left behind when DEQ has hurried the TMDL Process. The role for local constituents has shrunk and DEQ needs to keep relationships up so that there are people to implement the finished TMDLs on the ground. That is why the Implementation Section is so important.

Gary Frank requested that an organizational chart and functional description be sent out with the meeting summary. STAG expressed support for the re-organization.

Update on TMDL and Water Quality Restoration Plan Documents (Robert Ray, DEQ, Ron Steg, EPA)

Robert Ray said DEQ is on schedule for getting 140 TMDLs done this year. Earlier this year the Blackfoot Metals TMDL was approved by EPA. The Blackfoot Sediment TMDL was recently approved by EPA (including 4 TMDL/pollutant combinations plus an additional one that was removed off the 1996 303(d) list with this TMDL document). The Swan TMDL document was submitted to EPA on June 9, 2004 (there are 3 TMDL/Pollutant segment combinations in the Swan and 6 other 1996 listings that were addressed) The Bitterroot should be out for public comment in June. The Bobtail should be out for public comment early in July. Big Spring Creek should be coming out in mid-July (had a number of nutrient and sediment listings, and one new listing which was PCBs). Darrin is working at getting things done so that he can focus on finishing the TMDL for the Sun. Grave Creek should be out for public comment in fall or early winter. Big and Little Dry Creek should be out for public comment early October. Bullwhacker/Dog should be out for public comment late October and St. Regis should be out for public comment in fall or winter. The Ninemile is expected in draft form in October.

Ron Steg said the EPA is working with DEQ on the Tongue-Rosebud TMDL. The coal bed methane issue has slowed down the process. In August, EPA will be ready to present Water Quality impairment status information for all the waterbody/pollutant combinations, ready to present targets and ready to present model allocation scenarios. There is a tremendous amount of politics surrounding the TMDL. The schedule EPA is looking at is having the TMDL technical work finished by December. In the Flathead Headwaters TMDL Planning area, EPA is working with the Forest Service on the project. The internal draft is completed except for one watershed. EPA has just completed the internal draft for the Dearborn and should be out for public review in a few weeks. Lake Helena, which is an extremely complex watershed, should be done early in 2005. EPA has a public involvement strategy in place to deal with all of the stakeholder issues involved with this TMDL. Cutbank to Medicine should be done early in 2005. For the Fort Peck and the Lower Missouri River, EPA has established a good working relationship with the Conservation District. Ron is hoping to have a draft Phase I report to present them with the

information available next week. EPA is hopeful to wrap up this TMDL in 2005 but the political issues (Endangered Species Act, etc.) may hinder the release of the TMDL. The series of 9 or 10 Phase I TMDLs are progressing well and EPA is finalizing contract amendments to get the projects completed this summer. The Yak is progressing very well and should be completed in 2004. A new interagency agreement has been made with the Kootenai National Forest to complete this TMDL quickly.

The effort of EPA to get some of the TMDLs done is still a joint effort and the same process will be used when it comes to the public review. There should be no differences between agencies in the planning or public outreach process. It was stated that EPA-drafted Water Quality Restoration Plans would be posted on DEQ's web site for public comment.

Gary Frank stated that he would appreciate more DEQ "presence" /re-engagement in the Forestry BMP program that DNRC coordinates.

Brian Sugden requested that the STAG be involved in the Cooperative Agreement and provided the example of not knowing that EWPA was leading the Lake Mary-Ronan TMDL development effort.

Public Comment Opportunity

Julie Altemus said she would really appreciate if DEQ kept going ahead with the Plan B (2007 deadline) and try to get TMDLs done quickly. She is concerned about how the pace of TMDL development is impacting the forest product industry. George said DEQ is going to address the most crucial TMDLs first. Art Compton pointed out that there are no scheduled extensions for the Westside watersheds.

Ellen Engstedt said that time and speed is the issue for the Wood Products Association. She is glad the DEQ is trying to work with other agencies to finish TMDLs. George said that one of the areas DEQ is improving in is working with the Forest Service to complete TMDLs.

Larry Van Rinsum said that there was a meeting with the Conservation Districts and it seems like the Conservation Districts are happy with the leadership and how things are improving with the TMDL process.

Next Meeting

Next meeting is set for September 28, 2004 in Room 111 of the Metcalf Building. John Youngberg asked if absent STAG members could be contacted to see if there is still interest on their part to be involved in the STAG.

The meeting was adjourned at 11:50 pm.