

9:00 to 12:15 AM Tuesday 5 October, 2004
Statewide TMDL Advisory Group
Director's Conference Room (Room 111), Metcalf Building, Helena
Meeting Summary

ATTENDEES:

Group Members:

John Youngberg, Chairman, Montana Farm Bureau
Barb Butler, City of Billings
Robin Cunningham, Fishing Related Business
Bruce Sims, USFS
Gary Frank, DNRC
Joe Gutkoski, Montana River Action
Marc Vessar, Soil & Water Cons Dist W
Christine Brick, Clark Fork Coalition

Others:

Ron Steg, EPA
George Mathieus, DEQ
Rosie Sada, DEQ
Michael Pipp, DEQ,
Julie DalSoglio, US, EPA
Julia Alltemus, MLA
Ellen Engstedt, MWPA
Art Compton, DEQ
Robert Ray, DEQ
Sherri Davis, DEQ

Introductions:

Chairman John Youngberg called the meeting to order at 9:15 a.m. A round of introductions was performed. John Youngberg reviewed the previous meeting summary and agenda, no changes were made.

Update on STAG Membership (Robert Ray, DEQ, John Youngberg, MFB)

Dave Debats, the Point Source Discharger Representative resigned from the STAG council. Robert Ray sent a letter to point source dischargers with a response requested by October 4th. There have been two responses received. To ensure continuing interest in participation, John Youngberg asked how often the members thought the committee should meet? A commitment was made from Robert Ray to personally send updates by email on a regular basis. John Youngberg motioned STAG meeting be scheduled to twice a year on a regular basis in April and October with the opportunity to call a special meeting if there are decisions to be made. It was seconded and passed.

Impaired uses determination for dewatered streams discussion - Continued (Rosie Sada, DEQ)

Rosie Sada updated the council. DEQ will be finishing all streams from the Appendix F of the 303(d) list by 2006 including upgrades to the SCD/BUD. DEQ is not doing modifications on the sufficient credible data/beneficial use determination process (SCD/BUD). DEQ will remove the dewatering impairment criteria for industrial use but continue using the contact recreation impairment criteria that DEQ has been using in the past.

George Mathieus added at the last meeting DEQ proposed a few changes but that a more appropriate time for SCD/BUD changes will be after DEQ finishes the 2006 integrated list.

Discussion of DEQ and EPA led TMDLs and future "assignments" (Robert Ray, Ron Steg).

Robert Ray handed out a worksheet presenting where DEQ stands in TMDL planning efforts as of Oct 4th 2004 and included 2005, 2006, and 2007 TMDL planning areas. DEQ will submit The Bitterroot Headwaters, Bobtail, Grave Creek and the Ninemile in December of 2004. Three TMDL Planning Areas where there is uncertainty and DEQ may not be done by the end of the year are Big Spring, Bull Whacker Dog, and Big and Little Dry Creek planning areas.

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

Robert Ray's section is also working on a number of TMDL planning areas in 2005, 2006, and 2007. John Youngberg asked if the original date listed is the original 2000 or last year's date. Robert Ray responded that the original date was the 2000 schedule.

Robert Ray had two more comments; the original dates were planning towards the 2007 deadline. At this point in time DEQ is confident that DEQ is going to have 2012 deadline instead. The second point is that the three areas slipping outside the 2004 deadline are because of the fact that these were the TMDLs that DEQ was doing when DEQ didn't have templates. DEQ had a hard time with reference conditions and trying to establish how DEQ is going to develop TMDL targets in the future for eastern Montana.

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

Ron Steg announced that based on the recent schedule revisions Flathead Headwaters TMDL Planning Area is scheduled to be completed this year. Dearborn is scheduled to be completed this year. One of the features of the Dearborn is that much of the river is pretty inaccessible. There are limited access points. EPA used a remote sensing approach, a different technique to efficiently look at sources in a watershed like this. EPA and DEQ can use this tool for future TMDLs.

Tongue, Powder, Rosebud; a high level of public involvement is required. It looks like at this point that all the necessary TMDLs will be completed in 2005.

The Yaak was scheduled for completion in 2004. These TMDLs will slip to 2005. EPA is working right now on the lower most reach of the Missouri in the state below Fort Peck

Reservoir - This is the first step for 2005. This will be the first step and EPA will complete it in 2005, progressively moving throughout the Mainstem of the Missouri River as it makes sense.

Ron Steg stated that the EPA would focus on the Mainstem River not the tributaries. DEQ will focus on the tributaries. It is split up this way because EPA is dealing with issues that go thru to the Mississippi river as well, as having multiple jurisdictions.

George Mathieus combined the update on TMDL and Water Quality Restoration Plan Documents agenda with the update on TMDL Planning activities and presented the status report as a Power Point presentation. Phase 1 is the development of foundational elements needed so DEQ can be prepared to complete the TMDLs by 2012.

What would an extended schedule approach to completing the 1700 TMDLs look like? EPA and DEQ put together a two-phased approach.

Ron Steg pointed out that reassessment is needed from all the waters that were removed in 2000 from the 1996 list so that in 2006 a new and improved 303 (d) list will be created.

Ron Steg conceptually showed that in 2004 in order to make this approach work, DEQ has to get an estimated 80 individual TMDLs done. In 2005 DEQ will step up the numbers to complete 100 individual TMDLs conceptually. DEQ will progressively step up further to 240 from 2008 thru 2012.

John Youngberg wanted to know if the 80 individual TMDLs are going to be finished in 2004. Ron Steg and George Mathieus both confirmed by answering yes.

George Mathieus asked Michael Pipp of DEQ to elaborate more on the Data Management systems enhancements which are to: 1) develop a strategy on how to deal with historic data, 2) reevaluating STOREASE database for migration in the STORET version 2; 3) implement the use of Web - SIM which is a STORET import module; and 4) finish a requirements analysis for enhancements to water quality assessments and reporting processes.

George Mathieus pointed out that one of the other foundational elements is the TMDL template. One of the TMDL templates is a Standards Section template. This is what DEQ calls Chapter 3 and is currently being used. A second template is called the Water Quality Impairment Status Section - how does DEQ interpret its narrative standards, or how we are developing water quality targets or end points that equate to those standards and how we are using them in the TMDL process.

George Mathieus mentioned a couple of other items that DEQ is doing. The Standards Section has developed a translator mechanism that translates the narrative standards into a number or the target and indicators that DEQ can use. DEQ has several narrative standards including nutrients, sediment, and temperature. DEQ wants to make sure from a consistency

stand point that TMDL staff are interpreting those narrative standards and developing appropriate targets that represent those standards. This translator mechanism is a process. The other item is water quality target/supplemental indicator use. DEQ realized for example that there are now six targets and six supplemental indicators that both DEQ and EPA think represents the standard that are appropriate to this case. What we haven't defined is at what point do we say it is impaired or not impaired. Using a flowchart process is a good process to make these kinds of calls.

Bruce Sims wondered if there has been good third party non-associated peer review of targets and indicators. George Mathieus responded that one example of DEQ utilizing peer review was the sediment conference DEQ and EPA sponsored in April, 2004.

Ron Steg agreed with Bruce Sims's comment going back to the target indicator guidelines. The translator mechanism that George Mathieus mentioned provides a method for taking narrative standards into numbers. The next component is once you have the numbers, is how do you use them to make decisions? George Mathieus' comment comes in the third tier of this: that is specifically what number should be used? It is at that point that where DEQ needs the scientific community weigh-in such that we are consistently applying numbers that are science-based.

George Mathieus identified another foundational element is DEQ's biological indices. DEQ needs adequate reference data by which we create targets. At this point the DEQ is taking all DEQ reference data and incorporating it into a reference database. Our plans are to then enhance that database by pulling in all outside information that we can. One of the items that the Standards Section is working on is a document called Interpretation of Narrative Standards. This document clearly defines what is meant by "reference". Everybody across the state has a different definition of this, so part of what the Standard Section is working on right now is to come up with a clear definition of reference as it pertains to the water quality standard.

Another foundational element is a TMDL tracking mechanism and DEQ is working on this. DEQ also has funding in place to support several models such as SWAP, a sediment and nutrient/model and SSTEMP, which is a temperature model.

George Mathieus continued by discussing the Public Involvement Strategy. DEQ clearly recognizes the need to do a better job with public involvement. The Bureau put in an EPP request and it's gone thru to the Governor's Office. DEQ internal communication has greatly improved. Communication between EPA and DEQ has also improved.

George Mathieus discussed three Forest Service/TMDL approaches. First, projects that the Forest Service were working on that from the data we have, we can conclude that they are in fact not impaired. Second, Forest Service documents similar to Water Quality

Restoration Plans, but lacking specific elements such as targets, source assessments and part of the TMDL process. We did take a look at a particular case in the Flathead, but this project is now on the back burner because of lack of funding and personnel. The third item was use of Category 4B. We identified a case study, which is Taylor Fork down in the Gallatin National Forest Service.

Ron Steg summarized the discussion by stating the point with all of these elements is that STAG saw this proposal and talked about it six or eight months ago when we put this two-phased approach together. We are well beyond talking about it and are making very good progress in terms of building the foundation, so that come 2008, we will be in a position to be considerably more efficient than we are right now.

Update on TMDL Schedule Extension Activities (Ron Steg)

Ron Steg stated that we've been talking about an extended schedule approach for most of the meeting. DEQ is proceeding with this approach. Relative to the legal issues, all of the necessary documentation has been completed and the plaintiffs have signed the document's EPA has filed a status report with the court. At this point, it is a waiting game.

Update on Water Quality Planning Bureau Staffing (George Mathieus)

George Mathieus handed out an outline summary of DEQ staffing. The Standards Section is currently fully staffed. The Planning Section has a vacancy we expect to fill in November.

Data Management Section has 303 (d) 305 (b) Coordinator interviews this week. The Modeler position is a case where round two of an applicant pool was conducted. A new position, for Data Management is vacant.

Monitor and Assessment has two vacant Lead Monitor positions. There are also two Multi-Basin Monitor positions open. We also have a Lab Assistant position that is currently vacant. The Implementation Section still not official at this point.

We identified a management position FTE that we had in house as well as 1 ½ FTE that we thought that we could use to staff the new Implementation Section. In addition to that we have an EPP request proposal for an FTE to support this section. The 2½ FTE positions can just laterally move right into the new section.

Public Comment Opportunity Items

Ellen Engstedt, MWPA stated that she agreed with Bruce Sims suggesting independent peer review. Don't reinvent the wheel. Don't go underground and start from

scratch. Check around to see if there is a document such as a permitting plan that someone has already started or completed in the area that your now working. The funding level of resources that your asking for is a legislative policy decision and we all know how cranky the legislature can get when it comes to asking for additional money especially as to the TMDL program. DEQ will have to prove its case. Extensions, 2012 if you give people more time, it is human nature to use up whatever time has been given. Finish early before 2012.

Julia Alltemus, MLA stated that we need a better schedule and that the courts and findings are the wild card.

Next Meeting

Next meeting is set for April 2004. John Youngberg asked that STAG members be contacted by email for details on the next meeting closer to April. The meeting was adjourned at 12:00 pm.