



State of Oregon Department of Environmental Quality

Integrated Report Work Group Meeting #2

Integrated Report Work Group Meeting #2
Dec. 6, 2017, 9 a.m. - 3 p.m.
700 NE Multnomah St., Room 610

Attendees: DEQ - Jennifer Wigal, Lesley Merrick, James McConaghie, Bill Hickey, Becky Anthony, Josh Emerson, Abigail Waterman, Lori Pillsbury (by phone); Jill Fullagar (EPA); Julia Bond, Brian Laurent (City of Portland BES); Raj Kapur (representing ACWA); Michael Campbell (Stoel Reeves) - afternoon

By Phone: Lauren Goldberg (Columbia Riverkeeper); Nina Bell (NWEA); Ashley Russell (Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians)

Work Group Members Absent: Mary Anne Cooper (Oregon Farm Bureau); Heath Curtiss (Oregon Forest Industries Council); Kathryn Van Natta (NW Pulp & Paper)

Topic	Work Group Member	Input
General Questions	Raj Kapur	<p>What is the process for finalizing the white papers and developing the methodology document?</p> <p><i>DEQ Response: We will clarify and add to the white papers and address any outstanding issues as we finalize them. DEQ will close out those issues with the work group and incorporate the key decisions into methodology revisions. The draft methodology will then go through the public comment process. For some issues we have discussed, there is a question of “ripeness” which we won’t be able to address until we begin the crosswalk with the 2012 303(d) list. We expect to hold an additional meeting around the time of DEQ’s data evaluation to address any outstanding issues.</i></p>
	Nina Bell	<p>What is the timing and status of the peer review panel? Are they planning on meeting at all?</p> <p><i>DEQ Response: The peer review panel is not scheduled to meet at this time, but if there are follow up or clarifying questions that are needed, DEQ may convene a conference call or webinar for panel members. Results from the biocriteria peer review panel will be addressed at</i></p>

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		<i>the January 31, 2018 meeting, and results from the statistical peer review are likely to require a follow up meeting.</i>
Data Quality	Nina Bell	<p>Expressed concern about what constitutes “representative data”. It sounds like use of “best professional judgement” which seems different from the other data validation steps. Is it more arbitrary?</p> <p><i>DEQ Response: This data validation step would include common sense checks for such things as off-channel lagoons, stagnant pools, etc. that may not represent the waterbody as a whole. DEQ will articulate this is a step in the process in the methodology. Going forward, DEQ will document examples we have identified as situations that would not constitute “representative data” in the methodology and specific details in the rationale for including or excluding data for an assessment will be documented.</i></p> <p><i>EPA indicated they will look for documentation of what data may be used both in its methodology and the call for data solicitation. In order to provide transparency, any rationale for including/excluding data should be documented in the final assessment rationales.</i></p>
	Raj Kapur	<p>Data used in assessments should be part of an overall monitoring program, not short-term or focused studies (e.g. spill or cleanup site). Special studies do not characterize a waterbody.</p> <p><i>DEQ Response: DEQ expects that the data we will receive for the assessment will represent a variety of scenarios, but it is difficult to predict at this time.</i></p>
	Nina Bell	<p>Does not agree that special studies should not be included in assessments.</p> <p><i>DEQ Response: DEQ will receive a spectrum of data ranging from best to not ideal, which is likely to include a variety of data sets, some of which may have been collected as part of a study or some other special purpose. There will be a continuum of data, and if the data doesn't represent waterbody conditions we may not use it. However, DEQ will be transparent about the decisions that were made regarding data and there will be a public process for people to weigh in. It is hard to speculate until we have actually seen the data.</i></p>
	Lauren Goldberg	<p>Are samples collected in mixing zones considered valid for assessment?</p> <p><i>DEQ Response: DEQ considers them to not be representative data of the waterbody as a whole.</i></p>
	Raj Kapur	<p>Will there be a deeper look into exceedances of the acute criteria? Zinc presents a unique circumstance where chronic and acute criteria are very similar.</p>

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		<i>DEQ Response: DEQ will take a deeper look at any data that elicits a Category 5 listing. Most of our listings are based on chronic exceedances. Acute exceedances are more rare, Regardless, all data will have gone through the QA/QC screening process; however if data meet the requirements laid out in the methodology, then no further review is needed.</i>
	Nina Bell	<p>Asked if Work Group members could have the opportunity to review the binomial peer review questions before they go out; also, could DEQ provide access to the peer review materials for both biocriteria and the binomial test.</p> <p><i>DEQ Response: DEQ will provide an opportunity for the Work Group to provide input on the binomial test panel questions. Deadline for the input is December 15, 2017. DEQ will make all peer review materials available on the external IR Improvement web page.</i></p>
Listing/Delisting	Jill Fullagar	<p>Suggested that, if the criteria to delist from Category 5 to Category 2 are the same as Category 4 to Category 2, DEQ may want to clarify that those two scenarios have the same data requirements.</p> <p><i>DEQ Response: DEQ agrees that the requirement is the same to move a waterbody from Category 5 or Category 4 to Category 2. DEQ is establishing processes to identify and document waterbodies that should be delisted.</i></p>
	Lauren Goldberg	<p>Lauren expressed interest in understanding the process of when an impaired water body is identified as actually attaining and how that decision is made in the context of an NPDES permit; also, is there a DEQ process to identify a waterbody as impaired outside of the assessment cycle.</p> <p><i>DEQ Response: DEQ's internal process to look at data and evaluate attainment for an impaired water in between cycles has multiple steps. First, staff affirm that the correct standards are being used for the given waterbody. Second, data analyses are performed using the 303(d) assessment methodology. Third, Assessment staff review that this was done correctly. Fourth, all of these steps are documented and summarized in the Permits fact sheet which is subject to public comment. DEQ agreed to follow up with Permits program regarding consideration of the inverse process, where waterbodies that may be identified as impaired during the evaluation of data.</i></p>
	Nina Bell	<p>Asked if, when DEQ performs the assessment, will DEQ be evaluating all of the beneficial uses?</p> <p><i>DEQ Response: DEQ will be evaluate all of the applicable criteria for the relevant pollutants, which will result in an attainment conclusion for each of the relevant beneficial uses for each</i></p>

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		<i>type of criteria for that pollutant. All of the assessments will be available on a web-based GIS interface tool and will include this information.</i>
	Nina Bell	Indicated that DEQ’s external WQ Assessment web page does not currently have a link to the improvement project page; assessment team member contact information is also not available on the page. <i>DEQ Response: DEQ confirmed and agreed to work with the web team to create a link.</i>
	Raj Kapur	DEQ provided an overwhelming evidence example of 2x the criteria to list as non-attaining with small data sets; Raj asked what the basis was for this 2x rule and whether or not DEQ would consider the need to also require additional overwhelming evidence with the single exceedance of 2x the criteria. <i>DEQ Response: DEQ is seeking input on whether this may be the best magnitude or approach in this instance. Two times the criteria is often used because of the way chronic criteria (CMCs) for toxic substances are derived. A final acute value (FAV), which is expected to be lethal to 50% of sensitive species, is divided by two to obtain the CMC (i.e., CMC = FAV/2) (Stephan and others, 1985). This criterion derivation is performed to reduce a lethal concentration to a concentration expected to kill few, if any, organisms. It follows that if a reliably measured concentration is greater than twice the CMC (i.e., is greater than or equal to the FAV), it is likely to be lethal to sensitive organisms used in criterion development. Therefore, the assessor may conclude the water body is unlikely “free from toxics in toxic amounts” if an excursion has been documented at twice the CMC. In addition, DEQ will evaluate all factors such as magnitude of exceedance, critical time periods and additional lines of evidence when making an impairment decision.</i>
	Nina Bell	Expressed concern that using Category 3B in cases where default input parameters are used would create a disincentive for entities to collect more data and would serve as a parking lot for potentially impaired segments. <i>DEQ Response: DEQ stressed that a conclusion of impairment based on assessment of default generated criteria alone would place a waterbody in category 5, not category 3B. DEQ further clarified that Category 3B would only be used in cases where there were both measured and default data and the assessment conclusions did not agree. Further, if DEQ had a sufficient data set based on measured data, it would rely on that data set for its conclusions.</i>
Overwhelming Evidence and Category 3B	Raj Kapur	Expressed concern that DEQ would be “folding” in additional Assessment Units during the 2012 crosswalk adjacent segment scenarios, where two non-attaining assessment units existed on both sides of an attaining unit with little to no data available for the middle AU. DEQ’s proposed

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		<p>approach to list adjacent segments would not be consistent with the new objective, data- driven approach to listing.</p> <p><i>DEQ Response: DEQ indicated this was a specific scenario and will look at these situations on a case-by-case basis. DEQ also noted the example of the Powder River and dissolved oxygen example that was shown in the previous workgroup meeting where the data indicated impairment in an upstream assessment unit (AU) and a downstream AU with a data gap in the “in between” AU. In those instances, DEQ would view the evidence as indicated that the “sandwiched” AU is also impaired. DEQ will have a written protocol for applying the sandwich rule and how it will address other cases of adjacent assessment units.</i></p>
	Nina Bell	<p>Agreed that the “sandwich” rule is technically defensible and is consistent with EPA guidance protecting downstream uses.</p> <p><i>DEQ Response: DEQ agrees.</i></p>
	Nina Bell	<p>Questioned citation of EPA 2002 CALM methodology. Recollection was that the most current EPA guidance went back to 2006, not 2002.</p> <p><i>EPA Response: The 2002 CALM guidance is the most recent comprehensive assessment guidance. Updates to this methodology are completed every two years, with the most comprehensive update occurring in 2006.</i></p>
Biocriteria Peer Review	Nina Bell	<p>Asked for clarification on how the peer review panel would work. Will it just be a summary of the panel responses or will Work Group members get to see the input from the reviewers.</p> <p><i>DEQ Response: DEQ will confirm reviewer’s feedback, summarize the input from the reviewers and present at the January 31st Work Group meeting. DEQ will also post the materials that were given to reviewers on the IR Improvements web page.</i></p>
2012 303(d) List	Jill Fullagar	<p>Communicated to DEQ and Work Group members that EPA Region 10 is finalizing Oregon’s 2012 303(d) List and anticipates that Headquarters will complete their review by early 2018.</p>