



State of Oregon Department of Environmental Quality

Integrated Report Work Group Meeting #3

Integrated Report Work Group Meeting #2
 Jan. 31, 2017, 9:00 a.m. - 1:00 p.m.
 700 NE Multnomah St., Room 1101

DEQ	Meeting Attendance
Aaron Borisenko	Webinar attendee – joined at 11:10 am
Becky Anthony	In-person attendee – present for entire mtg.
Jennifer Wigal	In-person attendee – present for entire mtg.
Lesley Merrick	In-person attendee – present for entire mtg.
Shannon Hubler	Webinar attendee – joined at 10:50 am
William Hickey	In-person attendee – present for entire mtg.
Team Members	Meeting Attendance
Ashley Russell	Webinar attendee – present for entire mtg.
Heath Curtiss	Webinar attendee – joined at 11:10 am
Jill Fullagar	Webinar attendee – joined at 11:10 am
Kathryn Van Natta	In-person attendee – present for entire mtg.
Lauren Goldberg	Webinar attendee – joined at 9:50 am
Mary Anne Cooper	Did not attend
Michael Campbell	In-person attendee – present for entire mtg.
Nina Bell	Webinar attendee – present for entire mtg.
Raj Kapur	Webinar attendee – present for entire mtg.

Topic	Work Group Member	Input	DEQ Response/Action Item
Continuous data	Kathryn Van Natta	Kathryn asked whether or not the continuous data had been through a QA/QC process before being loaded into AWQMS	Lesley confirmed it had been
	Ashley Russell	Ashley reported that she had data from 4 logger units that she could not upload into EPA's Water Quality Portal, data from 2006 to present; can this be loaded into DEQ's data system	Lesley offered to assist Ashley in getting this data into the DEQ system; they will connect on this
Assessment Units	Kathryn Van Natta	Kathryn asked how DEQ will be seeking to align with ID and WA on assessment units for Snake and Columbia Rivers, respectively; will this be AU's as well as data, will categorical listings be the same, what if their delineated AU's are based on state-specific data points that are not associated with OR? Kathryn suggested that DEQ clarify in its follow up discussion that it is only looking at lines on the map, not using Washington's and Idaho's data and corresponding listings to drive Oregon's listing conclusions.	DEQ responded that we are still in the process of getting the GIS data layers, line work and/or polygons, and will likely just align with their assessment units if they are in close agreement with our protocol for creating AUs based on environmentally or hydrologically relevant breaks. Ideally listing conclusions would align, since we should be looking at similar data, although there could be valid reasons for instances where that may not bear out, for example the age of the data, slightly different metrics associated with the water quality standards, etc. Oregon will not base a listing solely on the occurrence of a listing in Washington, but rather will evaluate all relevant data following our methodology.

Topic	Work Group Member	Input	DEQ Response/Action Item
	Nina Bell	Nina would like to address the watershed assessment units topic when DEQ has this information to share	DEQ agreed to make this a future agenda item
Role of Work Group	Kathryn Van Natta	<ul style="list-style-type: none"> • Kathryn expressed concern that having only one more meeting sometime in March would not suffice to address all the issues being raised by the work group • Kathryn requested that DEQ clarify what the role of the work group is for the benefit of all members, specifically: 1) where is DEQ seeking input on the improvement process and outputs; and 2) how is DEQ utilizing this input in methodology and policy decisions being made 	<ul style="list-style-type: none"> • DEQ clarified that there are two phases to the work group sessions; the March meeting will conclude Phase I. Phase II will start up in late summer 2018 to address issues that DEQ anticipates will arise from assessing data using the new methods as well as use of the new assessment units • DEQ will clarify the role of the work group and requests the workgroup's assistance in identifying areas in which there have not yet been opportunities or specific requests for feedback that they are interested in providing.

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	Nina Bell	Nina concurred with above. Is concerned that DEQ will put out a final document indicating it was approved and supported by the group yet they had little input on the decision making process.	DEQ indicated that the final products of the work group are the final white papers that will be derived from the collaboration of DEQ and the work group participants. DEQ has requested input regarding practical implementation considerations, areas where clarity is needed and any other input from work group participants throughout the process. Participants will have the opportunity to review final drafts of the white papers to provide additional feedback or identify issues not addressed prior to being finalized. The white papers will then be used as the basis for the relevant portions of the draft assessment methodology.
	Michael Campbell	Michael expressed interest in having DEQ articulate for this group and the public, post assessment, what the implications are of waters being categorized in each of the listed groups, especially 3, 4, and 5, including what specific actions, if any, DEQ would take in response to the listings.*	DEQ will collectively discuss how to address this concern; and noted much of the information and requirements associated with DEQ identifying a water as impaired, or other assessment categories already exists in multiple federal and state regulations, EPA guidance, and state Internal Management Directives. However, DEQ acknowledges these disparate locations make it difficult to provide the information all in one place for interested individuals. Bill suggested that one approach to provide a high level of understanding would be to have a table provided with the draft assessment findings, that describes row-by-row what each category implies, both for DEQ as well as affected members of the public and private sector (e.g., permitted facilities, TMDLs, etc.)

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	Raj Kapur	Concurs with above and would also like to understand DEQ's perspective on biocriteria non-attaining water implications – when waters are listed as Category 5, how do they get de-listed, specifically, so project funds can be justified based on clear and distinct quality endpoints	DEQ noted that its actions with regard to biocriteria impairments are not changing. Currently, additional actions related to biocriteria impairments are dependent on knowing the cause of the impairment and DEQ is still discussing this process internally.
Timelines	Kathryn Van Natta	Expressed an interest in understanding the Gantt chart and will note the milestones ahead as in general timeframes (e.g., summer 2018), since dates are not certain	DEQ agreed – Gantt will be maintained but is a dynamic scheduling tool
White Papers	General Note	White papers for Data Aggregation and 3B/Overwhelming Evidence	DEQ agreed to email to work group and post by first full week in February. DEQ requested feedback within 2 weeks so that any feedback could inform the next workgroup's agenda for needed discussion items.
Biocriteria	Heath Curtiss	Heath voiced concern regarding the biocriteria listing process, inadequate reference data, listing determinations based on statistics, not science, etc. Heath believes that determining what constitutes “detrimental changes to the biological community” is a policy decision and should require a rulemaking. He feels the assessment methodology is the wrong place to be setting biological thresholds.	DEQ responded that the questions posed to the peer review panel addressed the scientific validity of the thresholds required to meet the statutory requirements applicable to this area of the methodology. The response from the panelists is used to inform the policy decision of setting impairment thresholds. Having the thresholds in the methodology, as opposed to in rule, allows for adapting the methods over time as data and methods become more robust.

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	Michael Campbell	Michael indicated that how DEQ assesses biocriteria is a policy choice informed by scientific information. For example, it is a policy choice whether to rely solely on PREDATOR, or whether it is just a part of the equation.	DEQ agrees.
	Kathryn Van Natta	<ul style="list-style-type: none"> • Expressed interest in understanding in more detail the biocriteria reference sites and rationale for use per region; also, validation of the model. • Would like to look at the proposed biocriteria listings in the draft assessment in the late summer time frame. 	<ul style="list-style-type: none"> • Shannon agreed to provide Kathryn with a previously prepared presentation that could help clarify this. • DEQ will include proposed biocriteria listings when the work group is reconvened to review the draft 303(d) findings
	Nina Bell	Nina inquired whether DEQ had a copy of the personal communication between Larry Knudsen and DEQ cited in the technical memo.	Aaron Borisenko will look into whether written communication exists.
	Kathryn Van Natta	Kathryn requested a summary of the biocriteria approach that differentiates between the immediate short-term response from the long-term approach with anticipated time frames.	<p>DEQ noted that this information provided about longer term efforts related to augmenting or replacing PREDATOR indicated DEQ's intention at this time, and is subject to continued resourcing of DEQ's biocriteria program and this area continuing to be identified as high priority by the assessment program for further work.</p> <p>DEQ will provide a high /Raj level schedule with corresponding general milestones for biocriteria updates, including what DEQ anticipates it could accomplish by the next Integrated Report.</p>

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	Kathryn Van Natta and Raj Kapur	Asked whether DEQ would assess biocriteria at the assessment unit level or at a different scale, such as the whole waterbody.	DEQ indicated it would assess biocriteria at the assessment unit scale, but noted there may be situations, such as “sandwiched segments” with impairments up and down stream, which DEQ would need to consider.

** Follow up clarification from Michael: There are, of course, statutes, regulations, and guidance that apply, but these are all relatively general with respect to the implications of placing water segments in one category or another. We know that a category 5 listing requires by statute—and at some point—a TMDL, but beyond that the specific consequences of placing a segment in one category or another does not follow clearly from existing laws and guidance. Although compiling existing statutes, regulations, and guidance would be helpful to those who may not be familiar with them, my comment was directed at what specific actions, if any, DEQ will take in response to the placement of a segment in a specific category. For example, will placing a segment in category 3 lead to additional monitoring within that segment, either by DEQ itself or as a requirement imposed on permit and water quality certification applicants? Will a category 5 listing lead, in addition to a future TMDL, to other specific actions, such as a rebuttable or irrebuttable presumption that the segment does not meet water quality standards in making permitting and certification decisions (or additional application or monitoring requirements for permit or certification applicants)? Before the development of a TMDL, will a category 5 listing lead to any actions outside of permitting and water quality certification decisions, such as additional monitoring or waterbody improvement efforts? In my view, knowing at least generally what actions DEQ will take in response to each category is important for making policy decisions regarding the methodology used to place segments in one category or another, particularly with respect to balancing Type I and Type II errors.*