

Integrated Reporting: Outreach and Updates

Meeting Notes

Integrated Reporting Improvements Workgroup Meeting 1

Tuesday, Oct. 17, 2017 8:30 a.m. – 3:00 p.m.

Meeting Location

Conference Room 610
Oregon DEQ Headquarters
700 NE Multnomah St.
Portland, OR 97232

Topic: Assessment Units

Michael Campbell, Stoel Rives:

Will the new assessment unit (AU) approach that results in designating beneficial uses as impaired, in addition to identifying specific water quality standards that are not achieved, modify the way in which TMDLs are established, by basin and specific parameter? Currently, DEQ establishes TMDLs for specific pollutants at a basin or sub-basin level. My understanding is that the new approach to the Integrated Report will identify not only impairments for specific water quality standards, but will also identify as impaired the designated beneficial uses that those water quality standards are intended to protect. Will DEQ now establish a TMDL for the impaired beneficial use in addition to the specific standard that is impaired?

Response: DEQ staff indicated that the new AU approach will not change the way in which TMDLs are established.

Michael Campbell, Stoel Rives:

A related, but separate, concern that I have is that the failure to achieve a water quality standard intended to protect a designated beneficial use does not necessarily mean that the use is impaired. For example, because standards are established at levels that will conservatively protect beneficial uses, it would not be surprising if small or infrequent violations of the standard did not result in an impairment of the use. If the Integrated Report will identify uses as impaired solely on the basis of a failure to achieve a water quality standard intended to protect that use, the report should be clear that that is the only basis for designating the use as impaired.

Response: DEQ acknowledged the point being made and noted Michael's concern about how the assessment information will be organized and conveyed which could be construed as a substantive difference. However, DEQ's perspective has been that this information was included previously, although less specifically than it will be in the future. DEQ expects that EPA's perspective will be that an impairment based on exceeding criteria does equate to an impairment of a designated beneficial use as viewed under the CWA paradigm.



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Mary Anne Cooper, Oregon Farm Bureau:

Since the AU approach will be creating polygons for lakes, will small private lakes or catchment areas be assessed?

Response: DEQ staff identified that, for the next assessment, only lakes greater than 20 hectares will be assessed if data has been submitted.

Heath Curtiss, Oregon Forest Industries Council:

Will it be obvious to the public what parameter is driving impaired water body listings in the new system of AU's?

Response: The parameter(s) that are the cause of impairments will be clearly identified and DEQ will send out some links to other states' websites so the workgroup can get a sense of how other states display this information.

Lauren Goldberg, Columbia Riverkeeper:

In the new system, will stakeholders be able to use an online database, as has been available in the past, to query water quality data used in the assessment?

Response: DEQ will be uploading all of their information into the EPA ATTAINS database. DEQ will also have a webmap-based database to query

Jill Fullagar, EPA:

Jill clarified that ATTAINS will provide the information about the assessment and gives the option to link through to additional state information. DEQ added that it anticipates making the raw data associated with the assessments also available.

Raj Kapur, Clean Water Services:

DEQ may want to consider vetting with the team and internally an overall message to support the IR improvement initiatives – what is the big picture take away that will be obvious to all, resulting from the improvements?

Response: DEQ will continue to work on refining its message for IR improvements and would welcome any suggestions for how to accomplish this objective.

Michael Campbell, Stoel Rives:

If beneficial uses are listed as impaired solely because a water quality standard intended to protect that use is not achieved, this may lead to additional debate about whether the scope of TMDLs can be limited to the specific water quality standards that are not achieved, or whether the TMDL needs to take a more inclusive look at the beneficial use. If the Integrated Report describes a use as impaired solely on this basis—and not based on an assessment of the use itself—that should be made clear in the Report.

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Kathryn VanNatta, Northwest Pulp and Paper Association:

The public will be very interested in waters that are not attaining beneficial uses, especially in urban areas; DEQ should consider adding verbiage that addresses the dynamic nature of contaminant flow, transport and inputs in urban environments and the ubiquitous nature of certain pollutants adding to background concentrations.

Lauren Goldberg, Columbia Riverkeeper

What will change with existing AU's that are non-attaining in the new system; will Cat 5 listed units get larger or will they be split as a result of the new AU approach based on environmental relevant units? Lauren expressed concern that DEQ is assuming lack of data in an AU could be construed as attainment of criteria.

Response: It is still unclear how current listings will correspond to new Assessment Units. DEQ highlighted some of the scenarios that it is aware of that it will need to address and will ideally have approaches for the common scenarios (which was also discussed as part of the "crosswalk" presentation), but expects it will need to continue to refine its approach after assessment of the data for 2018.

Kathryn VanNatta, Northwest Pulp and Paper Association:

Is concerned with the policy outcome of the 2012 crosswalk and would like to have a conversation with DEQ once DEQ has looked at the 2018 data submittal.

Response: DEQ noted the request and will look for ways to circle around to the work group after we have insight into the data evaluation and the range of issues encountered.

Heath Curtiss, Oregon Forest Industries Council:

Will the new AU approach result in beneficial use designations getting stretched or compressed to match the geographic extent of respective new AU's on a water body? This is of particular interest to Heath, especially for fish uses – very interested in seeing the final AU product.

Response: Beneficial uses for a segment will not change based on the new Assessment Units.

*Michael Campbell, Stoel Rives
and Mary Anne Cooper, Oregon Farm Bureau:*

Both expressed concern regarding large watershed AUs being listed as impaired, based on one or two data points; implications (e.g., biocriteria listings and implications are of special interest).

Response: DEQ acknowledged this concern and will look into it further. Biocriteria listings will be discussed at the 3rd work group meeting in January.

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*Raj Kapur, Clean Water Services
and Kathryn VanNatta, Northwest Pulp and Paper Association:*

Concurs with above re: watershed AUs; example of isolated agricultural impact creating a non-attainment listing for waters in the same AU but not associated with ag land use is not accurate or appropriate; both would like the opportunity to review watershed listings once the new assessment is performed to see how this all plays out.

Response: DEQ will review assessment categories in watershed AUs to determine whether or not they need to be split into smaller units based on hydrology, geology or other environmentally relevant characteristic.

Lauren Goldberg, Columbia Riverkeeper

A conservative approach is appropriate when listing impaired waters, especially when paired with other evidence, such as fish tissue data.

Jill Fullagar, EPA:

DEQ could consider using segment breaks for land use type changes that occur over large segments; public comment should also address this when obvious discrepancies exist and land use differences are readily apparent. Suggested that DEQ should come up with a process in advance for what would be required to make these breaks.

Response: DEQ is looking into methods that may be used to further split watershed units if assessed data indicate attainment discrepancies.

Lauren Goldberg, Columbia Riverkeeper:

DEQ may want to align with WA on shared water bodies, such as the Columbia, when establishing AU's for those waters.

Response: DEQ will check in with Washington about segmentation of shared water bodies to evaluate to what degree this could be accomplished.

Raj Kapur, Clean Water Services:

Suggested DEQ should also check in with Idaho regarding their Snake River segmentation.

Response: DEQ will check in with Idaho about segmentation of shared water bodies to evaluate to what degree this could be accomplished.

Jill Fullagar, EPA

Concurs with above where this makes sense to do so...

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Raj Kapur, Clean Water Services:

How will DEQ address listings where criteria has changed? Both DEQ and public will need to engage in the crosswalk effort to ensure waters previously listed as impaired but are not using current criteria get changed.

Response: DEQ will assess all data against the current criteria. If there are specific instances that stakeholders are aware of where no new data exists but criteria have changed, DEQ is encouraging them to provide that information to DEQ and possibly resubmit the old data. DEQ does not have access to all of the old data that has been submitted in previous years and this will help ensure that DEQ catches as many instances as possible.

Topic: Crosswalk to 2012

Lauren Goldberg, Columbia Riverkeeper:

DEQ will need to have more clarity in the next call for data to cover use of old versus new data; differences in weighting to list; does data from contaminated site cleanup projects get used alongside ambient water data when assessing? The issue of representative data needs to be defined and clarified for both the public and DEQ so it is clear why some data may or may not be used in the assessment.

Response: The issue of representative data may be more clearly defined in the data call.

Raj Kapur, Clean Water Services:

DEQ should start with a clean slate on Cat 4 and 5 listings, based on the new 10-yr data look back.

Response: EPA has made clear that DEQ cannot remove Category 4 and 5 listings just because they are old. Segments may be removed if new data demonstrate that waterbodies are meeting their beneficial uses.

Heath Curtiss, Oregon Forest Industries Council:

New data should be used and should have more weight for those areas where restoration efforts are in place and obvious water quality improvement are being made.

Response: DEQ will conduct efforts to ensure it captures a broad net of large data sets as well as publicize its call for data with the objective of having the most up-to-date data available to use and make assessment conclusions. Where there's sufficient data and it meets data quality requirements, those assessments will supersede previous assessments. If the ten-year data record demonstrates conflicting attainment results, more recent data will be weighted.

Jill Fullagar, EPA:

Older Category 5 listings cannot just be thrown out because they are old. Many will be addressed with the 10-year data window. Those that are not addressed may need to be flagged for monitoring. The cross walk process will take time (like years) and DEQ will need to engage with stakeholders to get it right.

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Raj Kapur, Clean Water Services:

Thinks Category 5 listings should be as narrow as possible. Listing an entire watershed is too broad. The initial listing should be based just on the segment, not the entire listing.

Response: Category 5 listings will be based on the data collected within the new Assessment Units and the Assessment Unit will be listed. As noted earlier, DEQ will review assessment categories in watershed AUs to determine whether or not they need to be split into smaller units based on hydrology, geology or other environmentally relevant characteristic.

Lauren Goldberg, Columbia Riverkeeper:

DEQ should reference the 2016 EPA IR guidance for setting priorities.

Response: DEQ will review the 2016 EPA Integrated Report guidance (and relevant earlier EPA guidance) for setting priorities.

Heath Curtiss, Oregon Forest Industries Council:

Concerned about suspended toxic pollutants such as naturally occurring arsenic causing an impairment listing unfairly.

Response: The role of the 303(d) list is to identify waterbodies that are not supporting their beneficial uses and identify the pollutant causing the impairment. The source of the impairment and whether the impairment is naturally occurring, will be identified in the TMDL process.

Lauren Goldberg, Columbia Riverkeeper:

Category 5 listings should not just be looked at through the lens of TMDL development. There are other implications for a Category 5 listing.

Kathryn VanNatta, Northwest Pulp and Paper Association:

There is potential for categories other than Category 5 to be used in assessments. Other categories besides 5 should be used if DEQ does not have sufficient data to justify non-attainment conclusions of large segments with limited data.

Response: DEQ is evaluating the appropriate use and potential expansion of other Integrated Report categories, which will be the topic of subsequent workgroup discussions.

Kathryn VanNatta, Northwest Pulp and Paper Association:

Florida does have components of its assessment methodology that are sound and relevant for OR; however, the climate in OR differs greatly so diurnal variations do need to be considered in OR where they are not in FL.

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Response: DEQ will review Florida's assessment methodology.

Topic: Data Aggregation

Lauren Goldberg, Columbia Riverkeeper:

Utilizing a standardized data aggregation approach for all water bodies is not technically defensible, especially when the method is developed based on large rivers such as the Willamette or Columbia – not the same conditions as small coastal streams (Kathryn concurs with this opinion).

Response: DEQ noted that it is important to be both consistent and transparent about its assessment methodologies. Having a standardized approach will help maintain this consistency. DEQ understands there will be cases that may need to be looked at on a site-specific basis.

Jill Fullagar, EPA:

EPA cautions DEQ on doing any case-by-case analyzing of data for site specific listing decisions; the objective of the improvements are to complete assessments consistently, have the process be repeatable; as far as seasonality considerations or diurnal fluctuations, EPA suggests impairments should be based on review of all data and that site specific issues should be addressed in the TMDL development process.

Michael Campbell, Stoel Rives:

Seasonality should be considered when evaluating parameters that vary seasonally. Listings should take into consideration parameters, such as temperature, that vary seasonally. For example, if a temperature standard is violated only during the summer, the waterbody should be listed as impaired for temperature only during the summer. Many dischargers, such as municipalities, have eliminated summer discharges (through seasonal irrigation of wastewater) for just this reason. If the waterbody is nonetheless listed as impaired for temperature year-round, that could interfere with and discourage this compliance strategy.

Response: EPA has emphasized that seasonality in listings will only be addressed for those criteria where criteria are seasonal (e.g. dissolved oxygen spawning criteria). DEQ retains the ability to look at the associated data more closely when carrying out actions such as TMDL development, permit effluent limits and compliance strategies.

Raj Kapur, Clean Water Services:

Raj thinks that either a median or mean is preferable to min/max when aggregating data.

Kathryn VanNatta, Northwest Pulp and Paper Association:

Kathryn would prefer using the mean or averaging approach to aggregating data rather than min/max.

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Heath Curtiss, Oregon Forest Industries Council:

For the topics discussed today, will this be our last chance to provide input and will the input be incorporated? Or, will we have an opportunity to drill down into the technical details on some of the topics that generated a great deal of interest with the work group?

Response: There will be additional opportunities to review topics discussed at the work group meetings.

Topic: Methodology Revisions proposed by Work Group

Jill Fullagar, EPA:

DEQ should review WA Ecology's public record information and policy hearing documentation regarding fish tissue use.

Response: DEQ will make an effort to review Washington's use of fish tissue data

Lauren Goldberg, Columbia Riverkeeper:

Can DEQ continue to make efforts to use fish tissue data in impairment listing decisions? And, please retain the suggestion in the future improvement parking lot as Columbia Riverkeepers has brought this up numerous times but it does not get recognized. Columbia Riverkeepers believes that toxic pollutant retention in fish tissue may not always be detected in surface water samples, depending on sample location, flow rates, etc.

Response: Because of limited resources, DEQ does not currently have the capacity to develop a fish tissue methodology for the 2018 Integrated Report. DEQ expects to conduct prioritization processes prior to subsequent Integrated Reports to get feedback on methodology development priorities.

Kathryn VanNatta, Northwest Pulp and Paper Association:

If Oregon were to look at fish tissue data, similar to Washington, they would need to have a "who", "what", "when" and "where" (e.g. age and species of fish, where they were collected, etc.) breakdown of the data.

Response: DEQ agrees that there are a lot of metadata associated with fish tissue collection that would also need to be collected and reviewed

Carl Merkle, Confederated Tribes of the Umatilla Indian Reservation:

When will the next IR be submitted - 2018? 2020? And what will it be referred to as?

Response: DEQ will refer to the next IR as the 2018 IR. What EPA intends to call it may differ. DEQ's current goal is to submit the 2018 IR in 2019.

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Heath Curtiss, Oregon Forest Industries Council:

If a large AU is split in the new system, will a previous Cat 5 listing also follow for the new divided AU's covering the former geographical area when the data does not support Cat 5 for some of the new AU's that were once combined into a single, large AU?

Response: This may vary on a case-by-case basis depending on where data has been collected.

DEQ Action Items

- Call for Data – DEQ will address data quality and data representativeness in brief presentation at next meeting.
- DEQ will circle back with Work Group after data is looked at for 2018 IR.
- DEQ will provide technical webinar on crosswalk to 2012 to walk through examples of reconciling past listings prior to release of draft assessment.
- DEQ will look into Florida's methodology for data aggregation.

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