Budd Inlet DO TMDL Meeting with EPA **January 4, 2017**

Ecology: Leanne, Andrew, Dustin

EPA: Chris, Ben

Averaging

We started with a discussion regarding averaging in the model to ensure that Ben would be able to participate in the conversation.

Chris wanted to check in regarding the figure on page 5 of the Ecology compliance cell size document. He pointed out that in the diagram the number and maximum level of violation decreases as more cells are averaged.

- Andrew pointed out that although the max violation decreases it is not masking whether or not a violation occurs.

Chris requested a document summarizing grid cell discretization methodology and a description of how methods are protective and have a biological basis.

- Leanne will take the lead on this, it will likely be a few months out.

Summary: Averaging techniques do not mask violations, Ecology will prepare something describing this.

Next Steps: Ecology will begin working on a document summarizing grid cell discretization methodology and a description of how methods are protective of uses and have a biological basis in the next several months.

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Model Scenarios and LOTT

Leanne gave an overview of Ecology's next steps in terms of running modeling scenarios. Because of the time it takes to run both the Budd Inlet model and the Salish Sea model we are trying to be strategic in selecting scenarios.

- Our next set of model runs will focus on winter loading, turning LOTT off in Aug/Sep, and separating LOTT from the three other WWTPs.
- We will be running these scenarios against natural conditions.
- Future modeling may consider relocating the outfall or changing the timing of discharge.

Summary: Our next set of model runs will focus on winter loading, turning LOTT off in Aug/Sep, and separating LOTT from the three other WWTPs. We will also have internal discussions on what scenarios to run for other sources.

Next Steps: Ecology will continue to update EPA as we make new decisions regarding model runs/scenarios.

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Aesthetics

EPA asked if the model is capable of simulating harmful algae blooms.

- Andrew said it is not.

Ecology had questions about whether anyone else is implementing the Anacostia decision.

- Chris said that although he is unsure exactly if/how it has been implemented that this does not necessarily prevent us from moving forward.

Chris asked if/when/how Ecology plans to come up with a plan/approach for dealing with the issue.

- Ecology indicated that before we start down that road we'd like to:
  1. Get a definitive answer on whether anyone has implemented the Anacostia ruling and to what extent (i.e. analytically or descriptively). Relevant examples will help us determine methods and give us something to emulate.
  2. Understand EPA's interpretation of the following section from the Anacostia Ruling (pg. 36). This section seems to support the idea that DO does not impact recreation and aesthetics and therefore is not necessary to include in the TMDL in question.

     "Absent statutory or regulatory support, Municipal Intervenors point to previous EPA-approved TMDLs to argue that a requirement to address all designated uses "is completely inconsistent with decades of implementation of both the listing and TMDL development aspects of the national impaired waters program." Municipal Cross-Mtn. at 8. Momentarily setting aside the dearth of EPA regulations or guidance endorsing partial-TMDLs, a number of TMDLs that Municipal Intervenors reference are not entirely consistent with this assertion. For example, EPA's decision approving a TMDL for fecal coliform bacteria in the Anacostia focused only on the District's Class A and Class B recreational and aesthetic uses, but explained that this was because "standards for fecal coliform *only* apply to Class A and B uses since exposure to bacteriais normally expressed through illnesses related to human contact." EPA, Decision Rationale for TMDLs for Fecal Coliform Bacteria 21 n.21, Oct. 16, 2003, *available at* http://ddoe.dc.gov/ ddoe/frames.asp?doc=/ddoe/lib/ddoe/tmdl/tmdl_decision.pdf (emphasis added). Similarly, EPA's decision approving a TMDL for dissolved oxygen in the Anacostia relies on water quality criteria for the District's Class C use, but this was because EPA "does not consider that low dissolved oxygen levels, in and of themselves, affect primary and secondary recreational uses." EPA, Decision Rationale for TMDLs for Biochemical Oxygen Demand, 22 n.14, *available at* http://ddoe.dc.gov/ddoe/frames.asp?doc=/ddoe/lib/ddoe/tmdl/ amend_ana_om.pdf. In both cases, EPA explicitly found that certain pollutants have no effect on particular designated uses, and an implicit result of that finding is that the TMDL necessarily sets a pollutant load limit protective of such uses."

     * The link in the ruling is broken but the approval notice can be found here.

  - Chris requested that Ecology circulate these questions for EPA deliberation.

Summary: Prior to moving forward with developing an approach for dealing with protecting aesthetic use Ecology would like EPA to consider the above mentioned items.

Next Steps: Leanne will circulate questions and relevant section from ruling to EPA.

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Small Permittees

Leanne and Andrew explained that the current Budd Inlet model only incorporates the four WWTPs and rivers/streams.

- We need to determine if all smaller permittees need to be incorporated into the model or if there is another method for assigning them allocations. (This includes Port of Olympia, City of Olympia, stormwater, construction stormwater.)
- Chris suggested that there are times when assigning aggregate allocations is ok - but he doesn't think any guidance exists regarding when this is allowable. He can look into this.
- Dustin shared that there might be information regarding nitrogen levels from the green lawns program at the City if Olympia.
- Ben suggested that we might try to consider some sort of simple test we could do now to prove that these permits impacts are minimal and then allocated the current load?

Summary: Ecology needs a way to derive allocations from smaller permittees that have not yet been incorporated in the model. Do they need to be incorporated? Can we use the model to show that these sources are minimal?

Next Steps: None at the moment, but all should continue to think about.

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Future Agenda Items and Meetings

Our next meeting will be **January 18th, 2:00 - 4:00**.

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