To: Bonifacino, Gina[Bonifacino.Gina@epa.gov]
From: Chang, Lisa
Sent: Mon 8/24/2015 6:11:02 PM
Subject: FW: Comments on Swinomish subaward
EPA markup of website 8-14-15.docx
EPA markup of letter 8-14-15.docx

Hi Gina,

Here are the latest comments we sent back to Larry. We haven't heard back from him yet. I don't think he's going to be happy.

Lisa

From: Chang, Lisa
Sent: Friday, August 14, 2015 12:43 PM
To: Tiffany Waters
Cc: Bonifaci, Angela; Opalski, Dan
Subject: Comments on Swinomish subaward
Importance: High

Hi Tiffany,

Here are EPA comments on the draft website (including the draft letter to legislators) produced under the Swinomish subaward. It would probably be very helpful to have a call with Larry to walk through the basis for our comments. We really appreciate your and Larry's working together with us on this. Since Larry was not open to having the appropriate ECY technical experts review this, I'm also including comments from our 303(d)/305(b) staff, including much of the content of the following 3 paragraphs.

We want to emphasize the importance of ensuring a solid technical basis for assertions made in this website, including those relating to the impaired waters listing program and those relating to the public opinion research. Regarding the impaired waters information, according to our 303(d)/305(b) staff, the Ecology report being cited is 13 to 15 years old (published in 2002,

likely data from 2000). That report has been replaced several times over by an updated version, the most recently approved by EPA in 2012. We realize that the data search tool on Ecology's website does not present current information in a narrative like the 2002 report, but for the website to be consistent with current State data, the Ecology data search tool should be the source of used.

We also think it is not supportable to say that agriculture is responsible for 30% of pollution. That number is coming from Table 2 on pg 5 of the 2002 report, a table called "POSSIBLE Pollution Sources of Impairment of Assessed Waters." The impaired waters listing does not determine source attribution. That happens during a TMDL assessment. The conclusions in that table are based on best professional judgement of Ecology staff, likely determined by land use activities surrounding the impaired segments, and may be reasonable, but should not be presented as fact. For example, there have been many cases, most recently in the Skagit, where water quality impairment for bacteria was assumed to be strictly agriculture. However, Microbial Source Tracking determined that while agriculture was a contributor, dogs, birds and septic systems were also to blame.

The subawardee may find that current data yield similar conclusions, but it is the current data that should be referenced, not outdated data. And again, they must be careful about making it sound like that data shows agriculture is a definitive cause, because that is not how the listings should be used, and that is not what they represent (definitive causes are determined during the TMDL assessment). The subawardee could instead say something like "XX percent of impairments are due to pollutants commonly associated with agriculture."

Please review our additional comments on the attachments. Thank you again, Tiffany!

Lisa