

# Measurable Progress

Input from SRRTTF
Summary Observations
November 20, 2013



### Summary of Presentation

- Background
- Guiding Concepts
- Listening Sessions
- Continuum of Responses
- Schedule and Next Steps
- Best Case Scenario



# Background

#### Clean Water Act: Washington State

- Identifies segments not meeting the WQS
- Establishes Total Maximum Daily Loads
- Has discretion as to process

#### SRRTTF Memorandum of Agreement

Implements "participation in a regional effort to make measurable progress toward meeting applicable water quality criteria for PCBs"

#### Permit Requirement

"If Ecology determines the Task Force is failing to make measurable progress toward meeting applicable water quality criteria for PCBs, Ecology would be obligated to proceed with development of a TMDL"

# **Guiding Concepts**

- Goal: Achieve the Water Quality Standard
- Tools: Regulations, MOA, Permits
- Constraints:
  - Data gaps
  - Resources
  - > Time factor
  - Regulations



#### Considerations

- Meet the requirements of the Clean Water Act
- Foster collaboration towards the goal
- Implement source reduction activities
- Achieve environmental results



### Listening Sessions

#### Sovereigns

EPA, Ecology, IDEQ, Coeur d'Alene Tribe, Colville Tribes

#### SRSP

Washington and Idaho dischargers

#### Environmental/Conservation

Spokane River Keeper, Lands Council, Lake Spokane Association

#### Other

Spokane Regional Health District

### What Was Said

- Concerns
- Collaboration and Communication
- Geography
- Goal
- Timeframes

- Point and Non-Point Sources
- Data Gaps
- Metrics
- Fairness
- Measurable Progress



#### Concerns

- Non-traditional approach, ambiguity about definition and process
- Not all are at the table: Using the work of others as a measure
- What will the numbers be? What is the schedule?
- Develop definition: now or later
- Trust, wedge issue, potential for litigation
- Staff changes, inconsistency, lack of clarity at Ecology
- Time and resources needed to achieve the WQS.
- Cost/benefit and technological challenges
- "Deus Ex Machina" something happens beyond our control

### Collaboration and Communication

- If the TF ended tomorrow we would reverse course and delay reaching the goal.
- If MP is not made then Ecology would be obligated to proceed with a TMDL

**Ecology** 

#### **Ecology with input from Sovereigns and Stakeholders**

- Mutual understanding and trust is important; to have a robust and interactive forum and create solutions.
- Task Force can address MP holistically and allow for broad community buy-in.
- Important to stay connected with sovereigns.
- Ecology has the responsibility but needs the input of Stakeholders.
- Lake Management plan is an example of how this could work.
- We are breaking old boundaries.
- Recognize this is national and international issue.

- Measurable progress needs to be across the watershed and accepted by the community as a whole.
- How do we keep the TF engaged and effective as we move forward?
- What we do can be attributed to the community

**Task Force** 

WASHINGTON STATE DEPARTMENT OF **E C O I O G Y** 

# Geography

- Will there be a Idaho definition of MP?
- Include upstream waters and monitor progress in the system.

Entire watershed, Washington and Idaho to Columbia River

#### Spokane River, Lake Coeur d'Alene to Columbia River

 Relate to fish consumption along entire length of river.  Determining MP is a Washington activity related to permits and effectiveness of the TF.

Spokane River, Washington only



### Goal

- Decrease public health risk.
- Potential to decrease incidence of chronic disease.
- Show public something is being done to meet WQS over time.
- Document what we are doing, tell the story.

Show progress

### **Meet State Water Quality Standards**

- Remove all fish advisories.
- Comply with state codes.

 Tribe achieves desired fish consumption rate because of less PCB in the environment.

Meet Tribal Water Quality Standards



### **Timeframes**

- An early concept, included in the WA NPDES permits and MOA.
- Need the next 3 years to evaluate and answer MP question.
- Better to know sooner than later (next 6 months)
- Each day of discussion equals progress.

This permit cycle

### Series of permit cycles

- The definition should mesh with the permit cycle.
- 5-Year trends analysis cycle (like Lake Management Plan).
- Be able to reflect back because information and knowledge changes over time.
- How many permit cycles are needed to reach the goal?

- The metric should be rigorous with long-term staying power.
- Change is expected to be slow over time.
- This could be long term effort (> 50 years?)
- Provide enough time to measure the impact based on the indicator that is being used.
- How far have we come in the last 20 years; and what is the "slope" in the reductions for the next 20 years?
- What happens if this is a long (i.e. 1000 year) timeframe?

Until goal is reached

### Point and Non-Point Sources

- Concerned with regulatory compliance, impact on permit conditions and litigation. Challenge is to achieve WQ based limits.
- TSCA and CWA regulatory conflict affects NPDES permittees.
- If all point sources are removed from river then in-stream flow is affected and still won't meet WQS

# Point Sources

# **Point and Non Point Sources**

- Can't meet WQS because of inputs from stormwater and NPS.
- Better data is needed to clearly identify source contributions.
- Can only reduce what you know.
- Consider source types and ability to measure/predict PCB reductions/inputs to river.
- We could rely on a tool, perhaps a model, to manage point and NPS discharges.

- Non point sources need to be included in the reductions in order to reach the 3.37 ppq WQS
- Clean ups can be significant reductions.
- Avista is removing all transformers that contain PCB oil. Find out more and what this adds up to.
- Some (new) sources are outside the control of dischargers to manage.

# Non Point Sources

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### Data Gaps

- PCB removal actions (storm water, technology ugrades) taken by point sources can be measured.
- Look at current available data to determine MP.
- Consistency is needed in data collection (QAPP).

### **Generally** known

# Some level of Certainty

- As we collect data, we refine the loading. The better the river system is described, the easier it is to define MP.
- Impact of revised WQS
- Impact of revised segment listings
- Could address with a process oriented definition, perhaps a matrix of goals and outcomes per permit cycle.

- Better estimates of PCB inputs are needed for MP
- Fish tissue could be difficult to use for NPS identification.
- What is measurable over the given time frames, goals, and outcomes?
- Impact of new information and change over time as reductions are made.
- What happens if we reach background levels?

**Unknowns** 

### **Metrics**

- As an alternative way of showing what we are doing to reduce PCBs.
- All coordination and collaboration
- Tell the story: Database, timeline, documentation on website
- Efforts at TSCA rulemaking reform.
- Getting financial support for the work.
- Having Ecology staff participate.
- Education of new TF members

Anything that can be measured

# Significant accomplishments and environmental data

- Tracking clean up sites (Upriver Dam, Avista)
- Upgrades to treatment systems
- Source identification, control, removal, and prevention
- Workshops and educational efforts
- Research efforts
- Annual report could be used by Ecology as evidence of MP.

- Fish Consumption data
- Stormwater actions
- Effect of next level of treatment
- Must be "measureable" and "defensible"

Environmental data only



### Fairness

- MP results in PCB numbers going down over time.
- We all agree on what MP is.
- People who produce PCB are held responsible for cleaning it up.
- Dischargers have predictability.

Stakeholders concerns are addressed

# Stakeholder and Public concerns are addressed

- Is the Task Force doing its job?
- There is collaboration
- The point and nonpoint sources are identified.
- MP is defined in a way that the public will understand.
- Acknowledgement by the community of the good faith efforts that have been made.

- PCB is reduced in the river.
- Safe fish to eat, safe river to swim in.
- Fish, plants, and ecosystem are healthy.

Stakeholders, Public, and Environment concerns are addressed

### Measureable Progress

- Organizing the activities
- Focus on "measureable"

Inputs

#### **Outputs**

- Activities
- Work Products
- Reports

- Achieving the goal
- Focus on "progress"

**Outcomes** 

We want to answer honestly the question, "Did we make measurable progress?"

### Schedule

#### December 2013

Ecology internal discussion with AGO

#### **■** January 2014

- Ecology discussion with sovereigns
- Draft definition at SRRTTF meeting

#### ■ February 2014

Comments accepted on draft definition

#### March 2014

Definition finalized

### Best Case Scenario

- The current way of doing things is a better use of resources and results in fewer lawsuits.
- Have consensus about what "measurable progress" is and how it is determined.
- Every year we can look back at the work that has been done and say that it has been effective.
- Recognize that some things may not result in direct or immediate impact but there is value in figuring this out.
- Participation results in watershed-wide improvements.
- Build on successes.

