

Panhandle Basin Advisory Group
 Idaho Department of Fish and Game
 Coeur d'Alene, Idaho DEQ
 July 12, 2007
 Final Meeting Notes

Members and Alternates Present	Guests Present
Scott Fields-Coeur d'Alene Tribe	June Bergquist-CdA DEQ
Mike Mihelich-Environmental	Jenna Borovansky-CdA DEQ
Patty Perry-Kootenai Tribe	Serena Carlson-Intermountain Forestry Assoc.
W.C. Rust-Mining	Tyson Clyne-CdA DEQ
	Donna DeFrancesco-Golder and Assoc
	Mike Edmonson-State Office DEQ
	Donna Harvey-CdA DEQ
	Glen Rothrock-CdA DEQ
	Robert Steed-CdA DEQ

The Panhandle Basin Advisory Group (BAG) meeting was called to order at 9:10 am by Chairman Scott Fields. There was not a quorum present, so approval of the May minutes was deferred until the next meeting of the BAG.

Staff Changes: Robert Steed, acting for Ed Tulloch, announced that Kajsa Stromberg has joined the DEQ water quality section. Kajsa has a master's in fisheries from the University of Idaho and a BS in biology from Kansas State. Kajsa has experience with 319 projects in the Clearwater Watershed and also is familiar with BURP monitoring.

Jenna Borovansky will be leaving DEQ. Her last day will be July 20. For the present, Robert Steed will be the lead contact for the Pend Oreille WAG and Tyson Clyne will be the lead contact for the Clark Fork WAG.

Robert announced that DEQ has received comments on the draft minutes from the previous BAG meeting. These comments were in the form of Email between Rose Chaney and Jamie Davis and an Email from Lincoln Loehr. Copies of the Emails were passed to the BAG members.

Lower Clark Fork River TMDL: The WAG went through the responses to comments on the proposed TMDL. Avista was unable to attend that meeting and DEQ scheduled another meeting with Avista at a later date. DEQ has added language to reflect that the 401 certification language and requirements may change for the Cabinet Gorge Dam due to Avista's not being able to meeting the Total Dissolved Gas (TDG) allowance on the 401 certification.

Jenna told the BAG that the WAG isn't finished with its approval of the TMDL. As soon as the TMDL is ready for BAG approval, Jenna will send an Email to BAG members who can then vote on sending the Lower Clark Fork River TMDL to DEQ State Office.

Pend Oreille Tributary Group: Two meetings have been held and the draft temperature TMDL was discussed. Peter Leinenebach of EPA made a presentation to the group on regional shade curves. Members of the group gave their comments to the contractor who did the sediment TMDL and the contractor presented their response. Temperature, sediment and nutrient drafts are posted. The next meeting is July 19. If the Tributary Group approves the documents, DEQ will have a great deal of work to put the reports together, as the parts had different authors and must be combined. By the next BAG meeting, the Tributary Group should have a report to present.

Pend Oreille River Temperature: A temperature model was produced by Portland State University from the railroad bridge to Albeni Falls Dam. DEQ selected compliance areas and asked the contractor for outputs related to these compliance areas. Portland State did an excellent job in providing the models that met DEQ's specifications. Washington State used the same contractor, but asked for different outputs. Washington is working with "flat file" outputs. *(A flat file is a computer file that contains only data and is not formatted. In the case of CE-QUAL-W2, the flat files are computer files with nothing but rows and columns of data.)*

The models show that overall, temperature of the river is cooler now than the temperature of the river would have been under natural conditions, with a few exceptions. There are some areas where temperature exceeds Idaho numeric criteria and the river is warmer than it would have been under natural conditions. Idaho's concern is cold water aquatic life, which is one of the beneficial uses of streams in Idaho. While there were no observed negative effects from the 3 wastewater treatment plants, the tributaries coming into the river, or lack of shade on riverbanks, Albeni Falls Dam did produce an observed negative effect on river temperature. Robert showed the BAG a power point presentation of the temperature model month by month in the river. The US Army Corps of Engineers has sent Robert comments on the model, but DEQ has not replied to those comments at this time.

TMDL development is proving difficult because of differences in approach, differences in standards, and differences in priorities among entities involved. Robert said that DEQ was not looking for operational changes from Albeni Falls Dam, but is looking for offsets that improve the cold water aquatic life.

Beneficial use impairment was confirmed with an Idaho Fish and Game fish biologist. Based on model outputs and DEQ's findings of excess temperatures, Joe Dupont of Idaho Fish and Game in Coeur d'Alene, has said that there are likely to be thermal barrier effects to sub-adult bulltrout and cutthroat trout, along with temperatures too high for brown trout. Bulltrout and cutthroat trout winter in the lake and must swim through the river to reach the lake. If there is a high temperature barrier, cutthroat and bulltrout are less successful in crossing the barrier. Brown trout would be better in lower temperatures as well.

Tetra Tech will write the Pend Oreille River TMDL. The wastewater treatment plants will receive an allocation equal to current discharge range of temperatures at design capacity.

North Fork Coeur d'Alene River: Watershed Professionals Network has completed their work on the North Fork sediment study. Glen Rothrock will present the WAG with hard copies in the near future.

Kootenai Implementation: The group at work in the Kootenai Watershed has done very well with implementation. This group could serve as a statewide model as a group which identifies problems and performs on-the-ground work. Some new people have come into the process and have said that they will not wait for grants, but will use their own money to do projects on their land to enhance water quality.

Fish Creek: Local interest has grown in serving on the Fish Creek WAG. Tyson Clyne said that all the slots had been filled for the interest groups, except for two that didn't apply in this watershed. The meetings have included a review of Idaho Water Quality Standards, a review of listed segments of concern and their beneficial uses, and PNV (potential natural vegetation) temperature methodology. The next meeting is July 17, 2007 at the Rathdrum Public Library. The group will review the subbasin assessment and temperature TMDL, the sediment TMDL, and will discuss results from water quality samples taken in the creek for nutrients. In early September, the group will provide comments on the sediment results, the subbasin assessment, and the temperature TMDL.

Long Term Planning: Robert Steed presented the schedule that the Coeur d'Alene office will be following for TMDL writing and implementation. Robert also showed a list of BAG responsibilities which include prioritization of monitoring, revisions of beneficial uses designated for each stream, assigning waterbodies to categories in Idaho code, section 39-3609, review of TMDLs, suggesting members for WAGs, and establishing priorities for water quality programs within the basin. Scott suggested that these issues could be addressed best in the early spring when Glen Pettit presents the streams that will be monitored for the summer BURP season. The group agreed that the early spring would work for BAG prioritization of water quality activities. DEQ would like to keep at least 4-5 WAGs active as well.

Gold Book Criteria and Nutrient Pathogen Evaluations: June Bergquist wrote the following information on the white board for the BAG to view.

1986 Gold Book (EPA Quality Criteria for Water. EPA, 1986)

25 ug/l phosphorus Lakes

50 ug/l phosphorus streams

100 ug/l phosphorus streams discharging to lakes and reservoirs

includes loading considerations

State Office Interpretation:

100 ug/l phosphorus streams

50 ug/l phosphorus reservoirs

25 ug/l phosphorus lakes

Developments > 2500 gpd require DEQ approval

Developments < 2500 cities and counties can require development to pass NP evaluation

Life of septic system is about 12-20 years

Removes 20% Nitrogen and 95% Phosphorus

23 lbs Nitrogen per year is mobile

8.8 lbs. phosphorus per home per year

Nitrogen is concern in wastewater=50,000 ug/L, Phosphorus is 12,000 ug/L

Nutrient Pathogen Evaluation is a scientific evaluation of water quality impacts of on-site subsurface sewage disposal systems. This evaluation is required if the development or expansion generates 2,500 gallons per day or more of wastewater, or if the city or county jurisdiction requests the evaluation. This evaluation predicts if the pollutants will be diluted enough to prevent groundwater contamination. The evaluation takes into consideration the volume and flow of groundwater. This evaluation would

determine the appropriate number of homes and placements of the sewage systems so that neighbors' groundwater and nearby surface waters are not polluted.

Due to the increased development in N. Idaho, there has been an increased demand for nutrient pathogen evaluations (NP Evaluations) to be reviewed by DEQ. There has also been, for the first time, involvement of the surface water section of DEQ. Surface water involvement is due to demand for increased density, development of marginal properties, expansion of existing developments that require upgraded systems, and the presence of nutrient impaired waters. The surface water section must determine if surface water will be polluted by a subsurface wastewater system.

Evaluation of large subsurface wastewater systems is directed by the NP Guidance document. Recently, this guidance has been revised and, if approved, could significantly change what DEQ does to review these evaluations. DEQ's hydrogeologist, Gary Stevens, has developed several flow charts that incorporate the revised guidance to help clarify to everyone concerned how this complex process works. These charts are in draft form, pending more meetings with DEQ State Office.

DEQ's Coeur d'Alene Regional Office has been directed to follow certain elements of this revised draft guidance. We are approaching this direction cautiously because of the different water quality conditions encountered in the northern part of the State, compared with the southern part of the state (where the NP Guidance originated) and DEQ would like the Panhandle BAG's opinion on this direction. Specifically, we are being directed to utilize the State Office's interpretation of Gold Book criteria (listed above) to regulate Northern Idaho waters that are not impaired due to nutrients. We are also being directed to allow mixing zones for subsurface discharges of treated wastewater to these surface waters. To use 1986 Gold Book nationwide averages of total phosphorus as goals for our lakes, rivers, and streams, seems antiquated in light of actual monitoring data we have on many local water bodies. To allow a mixing zone up to 10% of a lake's surface area without a public comment process, also seems to be taking this portion of the water quality standards out of context. Mixing zones have traditionally been used for individual NPDES discharge permits.

The NP (Nutrient Pathogen) Guidance does a good job addressing impaired waters and TMDLs. If the TMDL indicates no increase in non-point source wastewater, then the development must relocate the drain field or utilize a different treatment system. If the wastewater system will be within ¼ mile of a waterbody, then the developer must do a NP Evaluation. Offsetting pollution elsewhere in the watershed, can also be utilized to allow the wastewater discharge to meet either a no net increase, in the case of impaired waters, or a net reduction requirement in the case of waters with an approved nutrient TMDL.

DEQ's Coeur d'Alene Regional Office needs clarification for the following questions: 1) Do we use background as the compliance concentration? 2) Do we consider loading or just concentrations? 3) Do we try to find the phosphorus concentration at which our lakes develop problems, such as an algae bloom at the shoreline? 4) Do we use TMDL targets for load and concentration (DEQ feels this would be a good option)? The Coeur d'Alene office of DEQ would like to get clarification on these issues before the draft guidance is finalized. The Coeur d'Alene DEQ office water quality staff will be meeting again with State Office staff on July 17 to further this goal.

DEQ's Technical Services group has been asked to examine the most recent literature on nutrients from drain fields causing problems in waterbodies. Some questions to be answered include: 1) What is the relationship between local soil types and the length of time a nutrient plume develops from a drainfield? 2) What importance does nitrogen play in aquatic plant growth?

Scott Fields said that, speaking as the representative of the Coeur d'Alene Tribe, he feels that these issues should certainly be addressed because the Tribe and DEQ are working on a lake plan. Scott was surprised that the Tribe had had no input on this guidance and had not seen a draft copy. June replied that draft copies were extremely hard to obtain, but that she would try to get a copy.

June said additional concerns in Northern Idaho include developments near cliffs, and on steep slopes and how far wastewater must travel in different soils to be considered treated before it surfaces. Direction the Coeur d'Alene Regional Office has received, is that depending on soil type, treatment is achieved in 100, 200, or 300 feet and surfacing of this wastewater after this distance is acceptable. The Coeur d'Alene DEQ would like to use site specific criteria and would like to use loading models.

The BAG members present voiced concerns that the draft NP Guidance public comment period was not well announced and that the document needed a further period of public comment. June also suggested that TMDLs for phosphorus really don't speak to nitrogen, because this source of pollution was not foreseen when the TMDLs were written. Perhaps language in future TMDLs needs to be inserted to address nitrogen issues.

W.C. Rust requested a draft copy of this guidance for the entire membership of the BAG. The group agreed to this and that public comment needed to be reopened on this draft. The BAG also requested that this issue appear again on the next agenda, and that June come and make another presentation to the BAG. Glen Rothrock said that the BAG should make their concerns known at the State Office level. Discussion ensued as to if DEQ is required to use "best available information" to write TMDLs, then why would the state use 1986 Gold Book averages.

319 Meeting in Boise: Scott Fields traveled to the Super BAG meeting in Boise, which is the meeting of BAG chairs and DEQ personnel at which the 319 project submissions from around the state are prioritized. There were enough funds for the top 15, with the next four being put on a waiting list. The Super BAG rankings were very similar to the local BAGs' recommendations. The computer problems encountered by some applicants have been fixed, but Scott suggested that the grant writers and DEQ check the system early in this iteration to be sure the computer program was working properly. Scott said the most professionally produced grant proposals usually ranked higher. Tyson is working on bringing 319 training to Coeur d'Alene. A public announcement will be posted on the web. Scott asked that the BAG also receive an Email on the 319 training date.

2008 Integrated Report: Mike Edmonson gave a report on the history of the Integrated Report and explained why the process got out of sync. DEQ has made a call for data and this should be assessed soon. DEQ had broken out tribal lands from state as requested by the tribes, but DEQ was told by EPA to put the tribal lands back in. This has to do with water rights adjudication and not with assessments.

The list will go out again for public comment. Some mercury issues have cropped up, including a couple in Northern Idaho. Fish consumption will be addressed with an advisory which has to do with exposure, rather than water quality.

Coeur d'Alene Regional Office is proposing a 4b designation on Blue Joe Creek. The 4b designation states that the pollutant has been dealt with and no further work need be done. This is the first in the state. If the water quality of the creek should not meet the criteria, the creek then goes back on the list and must have a TMDL written for it.

One size fits all for temperature doesn't work in Idaho. Idaho DEQ is working with EPA and hopefully will be able to come to an agreement. The Lochsa River is an area which exceeds for temperature but doesn't have human activity associated with it, such as silviculture, roads, crossing, etc. If this negotiation works with EPA, this could be applied in other areas of the state.

Other: Robert Steed asked to defer the Spokane and Cabinet Gorge relicensing agenda items to the next meeting of the BAG. The BAG members agreed.

Coeur d'Alene Lake Plan: Glen Rothrock gave an update on the Coeur d'Alene Lake plan, which is in the process of being revised by the Coeur d'Alene Tribe and DEQ. The Coeur d'Alene Tribe and DEQ are still in negotiation, which is a process used to come to agreement on various issues associated with the revised lake plan. However, progress has been made in several areas. Rebecca Stevens, of the Tribe, and Glen have been conducting an audit of lead groups and agencies from the previous plan, giving out questionnaires, and rewriting action items. Also, a Panhandle Storm Water Education Program will begin in early spring and continue in the fall when contractors have the time to attend the class. The Tribe and DEQ have agreed to continue the lake monitoring formerly done by USGS. Glen has a contract with Panhandle Health District to audit wastewater systems using GIS analysis around the perimeter of the lake.

Next Meeting: October 10 was decided upon for the next meeting of the BAG. Agenda items include: June's presentation on Nutrient Pathogen Evaluations, Cabinet and Spokane River dam relicensing, TMDL updates, and Scott's presentation on the Tribe and Washington State's progress on the Hangman TMDL.

As there was no quorum, Chairman Scott Fields ended the meeting at noon.