

## Memorandum

To: Bassett Creek Watershed Management Commission  
From: Barr Engineering Co.  
Subject: Item 6D. TMDL Implementation Reporting Update  
BCWMC January 17, 2013 Meeting Agenda  
Date: January 10, 2013  
Project: 23270051.33 2012

### 6D. TMDL Implementation Reporting Update

#### Recommendations:

1. For information only.

#### Background

The EPA approved the Wirth Lake TMDL on October 25, 2010, the Medicine Lake TMDL on February 8, 2011 and the Sweeney Lake TMDL on August 10, 2011. These TMDLs assigned categorical wasteload allocations, which means a watershed approach will be needed to implement the necessary water quality improvement measures in each watershed. Although the BCWMC is not a MS4, the TMDLs assigned the BCWMC a role in the implementation of the TMDLs. For example, the Medicine Lake TMDL called for the BCWMC to serve as the “convener of action for the categorical TMDL, but not as a responsible entity.” The Commission’s interpretation of this role is that the Commission should track implementation of the TMDLs. The BCWMC’s 2012 budget set aside funding to assist further developing the Commission’s role in tracking the implementation of the Medicine Lake, Sweeney Lake and Wirth Lake TMDLs.

The 2012 budget document laid out three major components to the TMDL implementation reporting:

1. Develop the formal implementation reports to be submitted to the MPCA.

Much of the discussion and ideas presented in the 2012 budget document were based on the Commission Engineer’s understanding at that time of the MPCA’s intended revisions to the MS4 permit. A couple of draft MS4 permits have been circulated or public noticed since that time, but each draft has generated significant debate, so the MPCA has not finalized and approved the MS4 permit. As a result, the Commission Engineer’s progress on this task has been affected by MPCA’s delays in finalizing and releasing the next MS4 permit.

The Commission engineer recently spoke to MPCA staff regarding the MS4 permit. The MPCA staff informed us that they plan to go to the January 29, 2013 MPCA Board meeting with the following:

- a. Responses to the public comments on the last draft MS4 permit (from summer 2012)
- b. An updated MS4 permit for Board approval
- c. A guidance document for compliance with the updated MS4 permit

The timing for the January MPCA meeting indicates that the MPCA will not be granting any of the several contested-case hearing requests they received, and they will not be re-issuing another draft permit for comment. Based on this information, the Commission Engineer will wait until the MPCA Board approves the MS4 permit (possibly at their January meeting) before proceeding further with this task.

MPCA staff indicated that the final MS4 permit would likely require the following information from each MS4:

- a. A breakdown of the TMDL wasteload allocations (WLAs) that apply to the MS4
- b. A discussion of what the MS4 intends to implement to comply with the WLAs
- c. Document the BMPs that have already been implemented

Once the final MS4 permit is issued, the Commission Engineer will review the permit requirements and discuss them with the MS4s and MPCA staff. Based on that review, we will develop a recommended approach for the Commission to track TMDL implementation.

Assuming the final permit includes the requirements noted above, our recommendations will likely include collecting the above information from the MS4s (to the extent this information exists). The collected information could then be used in combination with the TMDL Reports/Implementation Plans, the watershed-wide water quality (P8) modeling, and/or recent monitoring data to track how well the TMDL WLAs are being met in each of the impaired watersheds.

This approach is also in line with the current MS4 permit requirements, as follows:

- MS4s must review the adequacy of their Storm Water Pollution Prevention Program (SWPPP) to meet the TMDL's WLA set for Storm Water sources
  - If the SWPPP is not meeting the applicable requirements, schedules and objectives of the TMDL, the MS4 must modify the SWPPP, as appropriate, within 18 months after the TMDL WLA is approved.
2. Estimate and report progress towards achieving the assigned wasteload allocations.  
For 2012, the first step was to complete the P8 model, which is being done under a separate budget. In future years, the P8 model will be used to estimate phosphorus load reductions resulting from installation/construction of BMPs.
3. Lake water quality monitoring.  
Annual monitoring of the three lakes should (and currently does) occur every year. The MPRB conducts annual monitoring of Wirth Lake, and the TRPD conducts annual monitoring of Medicine Lake. The Commission funds the monitoring of Sweeney Lake.