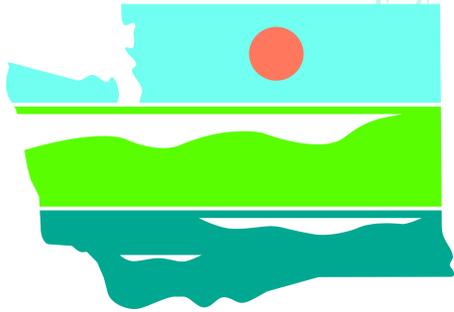




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# TMDL settlement agreement

A new direction



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# Settlement agreement counts TMDL “beans”

Generally produce TMDLs at a steady pace, except for  
balloon payments every five years. OFM target is 50  
per year.

Balloon payments: 2003—249

2008—801

2013—1566

We have completed 647 TMDLs, so did not meet the  
2008 balloon payment.





# What we've learned

- Most Category 5 listings are caused by nonpoint pollution.
- Producing a nonpoint TMDL doesn't necessarily lead to implementation.
  - Successful implementation requires Ecology to maintain a presence in the watershed.
  - This isn't possible when you're running to do the next TMDL.



# The same answers for a lot of money

- When we do nonpoint TMDLs, we keep coming up with the same solutions over and over.
- TMDLs are expensive. Some average costs:

Bacteria TMDL—\$296,000

DO/pH/Nutrient TMDL—\$380,000

Temperature TMDL—\$411,000





# TMDL production beans don't account for the level of effort

The level of effort required to get TMDL production beans can be stunning, for instance:

- The Pend Oreille River temperature TMDL has taken five years so far—for two beans.
- The Spokane River dissolved oxygen TMDL has taken ten years so far—for three beans.



TMDL production beans don't necessarily reflect the level of effort or the value of the TMDL.



# We need more pathways to get from dirty water to clean water

- Settlement agreement got us focused on producing TMDLs
- By doing TMDLs, we learned that there's more than one route to clean water
  - We want to add those other routes to our toolbox, and not just always do a TMDL
  - If we could count the Category 4b beans from “straight to implementation” approaches, we'd have 737 beans.



# When can “straight to implementation” work?

- Watersheds with all nonpoint sources
  - Pollution problems are known
  - Management practices to solve the problems are known
  - Have dedicated staff
  - Have funds for post-implementation monitoring
  - Are willing to do enforcement
- 



# “Straight to implementation” approach

- Kitsap county’s PIC program.
- Ecology Eastern regional Office Livestock and Water Quality Program.

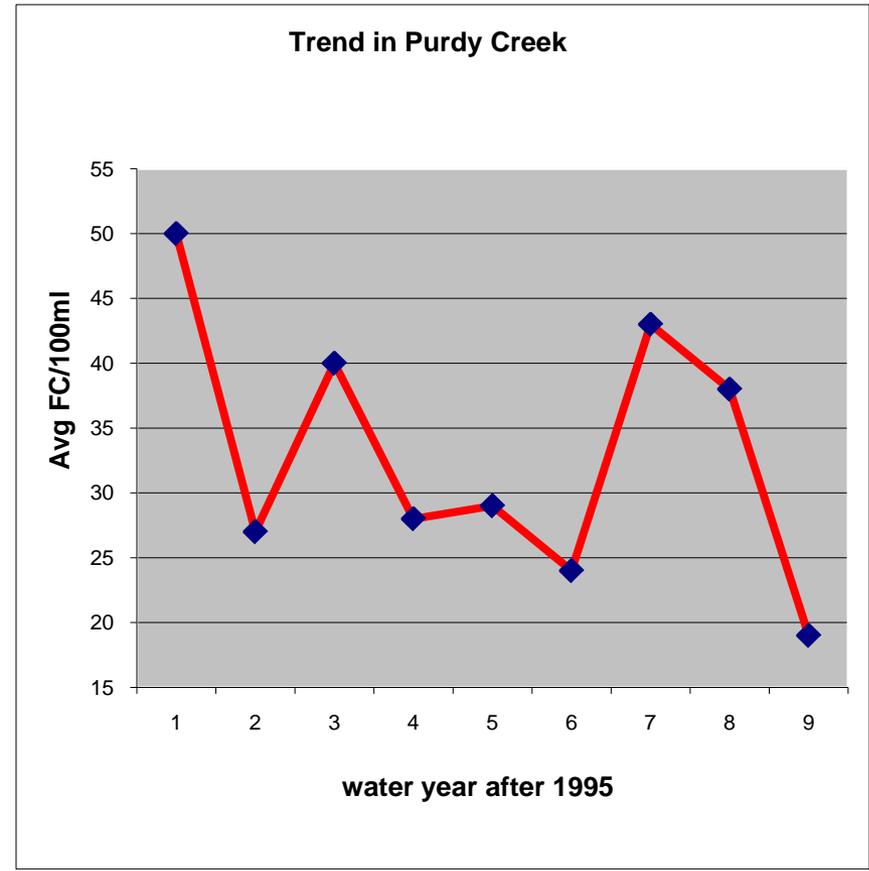




# Does “straight to implementation” work?

## Kitsap County PIC Program

- Identified failing septic systems and animal waste problems and worked directly with landowners to fix them. Health district and CD began implementation in 2002. Now meeting standards!
- Placed 37 listings into Category 4b based on Kitsap’s PIC Program.





# Implications of using alternatives to TMDLs

- Don't get TMDL beans, so won't meet settlement agreement.
- Listings stay in Category 5 until we achieve compliance with standards.
- State has to use its regulatory authority to get compliance.



**BUT**, we get to clean water faster, **AND** we may even spend less money doing it.



# Renegotiating the settlement agreement

Proposed clean water beans:

- Listings addressed by our “straight to implementation” approach, before or after placement in Category 4b
- Permits issued that implement TMDLs
- 401 certifications issued that address listed segments
- Enforcement actions taken
- Steady progress producing and implementing the nonpoint BMP manual

