

# The Middle Snake River Watershed Advisory Group

## Meeting Minutes

Twin Falls City Council Chambers  
305 3<sup>rd</sup> Avenue East, Twin Falls, Idaho  
Wednesday, October 13, 2010  
Time: 6:00 PM

### Attendees:

Andy Morton – Clear Springs Foods, Inc.  
Brian Hoelscher – Idaho Power Company (IPC)  
Brian Olmstead – Twin Falls Canal Company (TFCC)  
Clyde Lay – Bureau of Reclamation (BOR)  
Jack Bennion – CH2M Hill  
Jackie Fields – City of Twin Falls  
Jay Barlogi – Twin Falls Canal Company (TFCC)  
Katie Shewmaker – DEQ – Twin Falls Regional Office (TFRO)  
Larry Pennington – Northside Canal Company (NSCC)  
Mark Daily – Aquaculture Industry Representative  
Marti Bridges – DEQ – State Office (SO)  
Michael McIntyre – DEQ – State Office (SO)  
Mike Trabert – City of Twin Falls  
Randy MacMillian – Clear Springs Foods, Inc.  
Sean Woodhead – DEQ – Twin Falls Regional Office (TFRO)  
Shawn Moffitt – CH2M Hill  
Sonny Buhidar – DEQ- Twin Falls Regional Office (TFRO)  
Sue Switzer – DEQ-Twin Falls Regional Office (TFRO)  
Tom Courtney – City of Twin Falls

### Call To Order And Introductions

The meeting was brought to order by Mike Trabert, WAG Chairman, at 6:08 p.m. The attendees introduced themselves and who they represented.

### Wag Business

- The minutes from the previous Middle Snake WAG meeting on September 15, 2010, were reviewed and approved as written. Motion was made by Brian Olmstead; seconded by Larry Pennington.
- Mike Trabert reported that a File Transfer Protocol (FTP) site was set-up by the City of Twin Falls to allow the TAC (as well as WAG members) to share documents and information.

Step-by-step directions to send and receive documents were passed out. The group was encouraged to begin using the site.

- There is no TAC meeting this month. The next WAG meeting will be November 17.

### **2010 Integrated Report Update**

Sue Switzer reported that on September 28, 2010, an email was sent to the WAG members notifying them that the 2010 Integrated Report was open for public comment. The deadline for submitting comments to State Office would be October 27<sup>th</sup>, 2010. Copies of the email were made available to the group.

### **Proposed Draft Revision Of Upper Snake Rock TMDL**

The Proposed Draft Revision to the Upper Snake Rock TMDL was introduced by Marti Bridges and Mike McIntyre. Copies were made available to the attendees. The revision is not intended to reopen the TMDL but only to accommodate a revision in the TMDL so that a change in the Twin Falls City NPDES permit interim TSS limit is allowed to continue after 2014. Thus, the revision would reflect what the City is currently discharging as their 30/45 mg/L TSS limitation. The proposal would not increase current loads on the Middle Snake River but would allow a shift from a component of the non-point source load (the unaccounted surface water TSS load) in Segment 2 of the river over to the City. The revision would not change the instream target of the river (52 mg/L TSS). This section of the river is meeting the target 97% of the time according to the Upper Snake Rock Five Year Review; thus demonstrating compliance with the TMDL instream target for TSS.

Bridges and McIntyre explained that this approach is not the first of its kind in Idaho; a similar project had been done in the lower Boise area. Additionally, similar proposals for private industry would certainly be considered on a case-by-case basis. The proposal fits with past discussions of how the TMDL was developed.

### **WAG Questions and Concerns**

Brian Hoelscher raised concerns that the revision proposed seems like back-sliding and that there does not seem to be consistency in applying State standards equally across programs. A concern was also raised on the lack of data on the drain proposed for the off-set implementation project. Brian voiced that IPC had discussed cost limitation in the past with DEQ and was told that costs would not be considered. However, this is a reason being used to allow the city to increase their TSS load in their NPDES permit. Brian also suggested that there should be considered a multiplier for uncertainty associated with the proposed revision. Marti Bridges was clear that the proposed revision is an off-set and not a trade. .

It was asked if this revision could be compared or contrasted with the Sorrento Lactalis Inc. Sorrento Lactalis Inc. has been in discussions with DEQ regarding projects that would be coordinated with the agricultural community to meet a 1 lb of phosphorus reduction. Mike McIntyre reiterates that in this situation the fundamental elements of the TMDL are not

changing. The river target is not changing. Part of the allocation is moving, but the under penning in terms of science has not been messed with.

Many of the WAG members felt that the project had merit in terms of reductions of TSS in a drain that needs to have TSS reductions. Brian agreed that the project has merit; however, he reiterated that there is not enough information to show that there is not backsliding.

### **City Of Twin Falls Proposed Implementation Project**

Mike Trabert presented several projects that the City is considering as TSS off-set implementation projects. The first project proposed would be using Lateral 26 tail water with a set 5 cfs. No sampling has been done by the City, but rather the Canal Company's estimate of 1,000 tons sediment moving through the drain was used. The city believes they would remove 600 tons of sediment through the construction of the sediment ponds and constructed wetlands. This discharge is included in the unaccounted surface waters in the 2000 and 2005 TMDL's.

The second possible project would be using Lateral 30A, located near Auger Falls. This potential project is estimated to remove 500 tons/year. The property is City owned. They anticipate 60% removal of the sediment with the installation of sediment ponds and constructed wetlands; and possibly 85% removal once the wetlands were established.

#### Cost Estimates

There are no cost estimates yet on the ponds. However, the costs estimates would take into account annual maintenance, water quality monitoring, and constructed wetland development. Taken over a 5 year period, the costs for such projects would be expensive; but not as expensive as having to upgrade the present facility to filtration. And filtration would be much more expensive to accomplish.

#### Monitoring

Twin Falls Canal Company has taken bi-weekly data on two drains in the vicinity of the proposed implementation project that could be used for preliminary comparison purposes. They were not able to monitor the proposed drain due to accessibility. The City, however, will be maintaining the ponds and conducting follow-up monitoring for the life of the project. If the reduced load does not meet the required reduction, the City will either do another project or put in filtration at the waste treatment plant in order to meet the NPDES TSS limits. The City will be required to monitor flow and calculate loads both above and below the project. These numbers would be reported to DEQ just like DMR's.

#### Timing of Revision with NPDES Permit

McIntyre and Bridges stated that in response to the concerns raised, the timing of the proposed revision is critical because the permit is set to expire in 2014. The current permit has interim limits of 30/45 mg/L TSS. As proposed the interim limits would stay as the limits in 2014. So it is important to try to accomplish this now. Also, the City is under an appeal with EPA on their

NPDES permit; and this appeal is currently in the hands of the EPA Appeals Board. According to McIntyre and Bridges, the EPA is very supportive of the approach being proposed by the City.

#### Off-set versus Pollutant Trading

There was discussion relative to the proposed revision and allowing trading without ratioing to provide certainty in meeting wasteload and load allocations. Marti Bridges was clear that the proposed revision is an off-set and not a trade. Off-sets and trades have similar influence, but they fall within different legal realms and in difference expectations. It is a different playing field. This proposal is an off-set and needs to be viewed as an opportunity to move forward and to open up new windows of opportunity for the industries to have innovative options to meeting TMDL goals.

#### Future Pollutant Trading

Randy suggested that consideration be given to create guidance or policy for future projects to provide assurance to other stakeholders, like private industry and Idaho Power Company, who would have the same opportunity as in the proposed revision. Mike McIntyre said similar proposals for private industry would certainly be considered on a case-by-case basis.

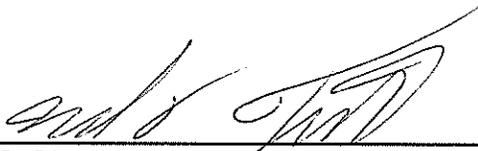
Relative to the spirit of pollutant trading, other pollutants could be considered as well which could have an equivalent effect on nutrient plant growth, like phosphorus. In the last year, DEQ has seen more activity in the pollutant trading. The Pollutant Trading Guidance document has recently been made available.

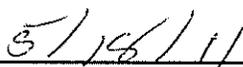
#### Support of Revision

Brian Olmstead moved to support the Upper Snake Rock Subbasin TMDL (2000/2005) Revision by moving the proposal forward to public comment. Jackie Fields seconded the motion. The motion carried with a majority vote of those present. Brian Hoelscher abstained pending a discussion with his legal counsel.

#### Adjourn

The meeting was adjourned by Mike Trabert at 7:50 p.m.

  
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WAG Chairman

  
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Date