



Idaho Rivers United - PO Box 633 - Boise, ID 83701 - (208) 343-7481 - idahorivers.org

Protecting and Restoring the Rivers and Fish of Idaho

April 8, 2015

Comments of Idaho Rivers United on draft nutrient TMDL for the Boise River and Tribes

The Clean Water Act became the law of our nation because of the tremendous concern citizens have for the health of our rivers and other waters of the nation. People across America were witnessing the rampant pollution of their waterways, they were unable to swim or fish in the water, rivers were becoming stinking nuisances, not recreational and natural resources. They demanded action. It is the commitment that Congress and the President made to the citizens of the United States to restore and maintain the chemical, physical and biological integrity of the waters of the US, including the Boise River that drives this process. It's one that all of us must take very seriously.

Idaho Rivers United supports the adoption of a TMDL for total phosphorus in the lower Boise River. Nutrients are polluting the waterway and impairing beneficial uses. IRU agrees with the sources of TP pollutant listed in the draft TMDL.

IRU supports the two TMDL targets, one for TP concentrations May 1 – Sept. 30 and one for mean monthly benthic chlorophyll a. We agree that the TP loadings should achieve both the SR-HC TMDL and lower Boise River mean monthly periphyton target.

Idaho Rivers United does not support the 0.1 mg/L wasteload allocation for waste water treatment plants for May – September. Idaho Rivers United supports a wasteload allocation of 0.07 mg/L.

The TMDL is an allocation that is rooted in science and informed by practicality and reality. IRU believes the TMDL should be created to effectively attain beneficial use. It's a tool meant to be used, not a fantasy. That's the foundation of our objection to establishing wasteload allocations for WWTPs that are more lenient than load allocations for groundwater, drains and tributaries.

Because they are enforced through NPDES permits, because the load of phosphorus is known, and because there is an established method that can be counted on to decrease the phosphorus, WWTP wasteload allocations are the only reliable way to reduce phosphorus pollution of the Boise River and attain beneficial use.

Phosphorus loads from agriculture, stormwater, septic and other nonpoint sources are estimated based on limited data. At this time, we don't know the extent to which these loads can be controlled, how expensive such control is and whether unpermitted polluters have any means or incentive to control the loads. Despite these gross shortcomings in knowledge, they are being

assigned a load allocation of .07 mg/L – and the attainment of beneficial use depends on them not exceeding that allocation.

An additional argument in support of setting the WWTP wasteload allocation to .07mg/L relates to pollution trading. Municipalities have expressed interest in trading with unpermitted polluters to meet their NPDES permit limits for phosphorus. This is considered to be a major funding source for the voluntary phosphorus load reductions. While the trading framework isn't finalized, trading commonly results in the removal of more phosphorus because of the required ratios. Trading is a voluntary activity that would help attain beneficial use. The less stringent allocation given to the WWTPs in the draft TMDL decreases the attractiveness of that approach and further increases the uncertainty that this TMDL will be effective.

Finally, NPDES permits for WWTPs have already been issued in the watershed that contain the 0.07 mg/L limits and, across the country, many permits contain this limit, so it's clearly not unreasonable. Point source dischargers have already invested in planning and study to meet that requirement. Why back away from it? For better or worse, point source reductions, however they are achieved, are the most reliable and they should therefore be as stringent as justified.

Idaho Rivers United supports establishment of TP load allocations for October 1 – April 30. USGA data show that algae grows throughout the year when conditions are right. Also, phosphorus persists in the aquatic ecosystem for months, if not years. There should never be a “free” period when phosphorus can be discharged without restriction into the Boise River. River conditions during this time period should be closely monitored and more research conducted in coming years to augment the existing limited data and body of knowledge to better inform decision makers during the five-year TMDL review.

Comments submitted by Liz Paul, liz@idahorivers.org