

Portneuf Watershed Advisory Group
April 15, 2008

Group Memory

Snake River Conference Room, Pocatello Regional Office
Idaho Department of Environmental Quality

The Idaho Department of Environmental Quality Pocatello Regional Office hosted a Portneuf Watershed Advisory Group meeting on Tuesday, April 15, 2008 in the Snake River Conference Room at the Regional Office located at 444 Hospital Way, Suite 300 in Pocatello, Idaho.

Meeting participants included the following voting members of the Portneuf Watershed Advisory Group: Kim Gower (JR Simplot Company), Jon Herrick (alternate, City of Pocatello), Brad Higginson (Caribou-Targhee National Forest), M. Keene Hueftle (Southeast Idaho Environmental Network), Jim Mende (Idaho Fish and Game [IDFG]), Hannah Sanger (Portneuf Greenway Foundation), John Sigler (City of Pocatello), Candon Tanaka (Shoshone-Bannock Tribes), and Roger Thompson (Southeast Idaho Flyfishers).

The following non-voting members were also in attendance: Greg Mladenka (Idaho Department of Environmental Quality [DEQ]), Andrew Ray (DEQ), Sue Skinner (U.S. Environmental Protection Agency [EPA]), and Lynn Van Every (DEQ).

Visitors attending: Doug Anderson (Hoku Materials).

Members who were absent from the meeting included: Larry Ghan (alternate, Bannock County Commission), Wilder Hatch (Caribou Soil Conservation District), Kevin Koester, Bud Smalley (alternate, Southeast Idaho Flyfishers), Elliot Traher (Natural Resources Conservation Service), Louis Wasniewski (alternate, Caribou-Targhee National Forest), and Lin Whitworth (Bannock County Commission).

Wendy Green Lowe of P2 Solutions facilitated the discussion. This "group memory" documents discussion and decisions that occurred.

Review and Approval of March Group Memory

Corrections were noted to the March Group Memory. Changes will be made in accordance with those corrections and the final Group Memory will be posted to the Portneuf Watershed Advisory Group's website.

DEQ - Simplot Voluntary Consent Order (VCO) Discussion

Lynn Van Every said that he wanted to report on a significant agreement between JR Simplot Company (Simplot) and the DEQ. The 16-page VCO describes activities that will help to improve phosphorus conditions in the lower Portneuf River. Lynn stated the DEQ and Simplot have intermittently worked to formalize this agreement for > 5 years.

The highlights of the agreement are summarized in a handout that was provided to the WAG members, and this document will be posted to the project website. Elements of significance are included in the handout and were presented to the WAG. The negotiated compliance point is in the Portneuf River at Siphon Road. Simplot has agreed to reduce Total Phosphorus (TP) at the compliance point by 50% by 2013, 75% by 2015, and 94% by 2021. These reductions would support compliance with the intended target of 75 µg/L TP - which is based on the existing (2001) Portneuf River TMDL.

Lynn noted that Simplot's approach to TP removal may continue to employ existing strategies of groundwater capture and recirculation in addition to other measures including targeting sources by lining the gypsum stack. He indicated that Simplot would provide DEQ with a Remedial Action Plan in April 2009 and that this document would provide a description of the range of remedial activities proposed.

Jim Mende asked if source removal would help reduce arsenic and pollutants other than phosphorus. Lynn Van Every indicated that it would.

Jim Mende also remarked that the timeline established for water quality improvements is impressive and wondered how remediation could happen so quickly.

Kim Gower noted that Simplot believes that the reductions and timeframes described within the VCO are possible because of the operation of an extraction system required by EPA under another remedial action. Kim also noted that they are currently in Phase II of an iterative process being taken to intercept groundwater leaving their site.

Sue Skinner noted that the VCO between DEQ and Simplot does not supersede EPA's authority and ongoing actions at the site, nor does it address all comments made by the Tribes and EPA to DEQ. EPA does appreciate however, that DEQ did include EPA and the Tribes (through EPA's trust responsibility) in this VCO process even though the Idaho VCO process does require it.

Lynn noted that the agreement was several years in the making and represents a significant accomplishment.

Continuation of Total Phosphorus Load and Waste Loads Discussion

Wendy Lowe recalled how last month several individuals indicated that agreement on TP loads and waste loads was critical to the success of the TMDL. The Load and Waste Load Allocations were established based on the targets that had been previously approved by the WAG. DEQ will soon begin preparation of the Revised TMDL and would like to know if the WAG members have any remaining concerns related to the approach they are taking. Wendy asked if there were any issues associated with phosphorus loads that the WAG would like to continue discussing. WAG members present indicated acceptance of the approach.

Finalize TP and TSS Load and Waste Load Summaries that Experienced Change to High Flow Period

There was no concern over the revision to the Portneuf River above Marsh Creek and Marsh Creek TSS and TP loads to reflect changes to the high flow period (February was changed from a high flow to low flow month) at these monitoring sites.

Discussion of Process Used to Establish Waste Load and Load Allocations for E. coli, Oil and Grease, and Total Nitrogen

Andy Ray presented tables summarizing total nitrogen (TN) loads for 5 tributaries to the Portneuf River (North Fork of Pocatello Creek, South Fork of Pocatello Creek, lower Rapid Creek, West Fork of Rapid Creek, and the North Fork of Rapid Creek) using all available data. Each table presents TN contributed by non-point sources in each tributary. Estimated TN loads were calculated on a monthly basis using water sample data and flows provided by the Idaho Association of Soil Conservation Districts. These load estimates were compared to the TN target of 1.0 mg/L approved in a previous WAG meeting. The reductions required at each site were also summarized on a monthly basis.

Andy Ray stated that *Escherichia coli* and oil and grease would be presented in a manner similar to that used for TSS and TP on the mainstem Portneuf River and TN for the tributaries. The difference between *E. coli* and those presented previously is that *E. coli* values are presented as colonies/100 mL of water rather than as a mass per unit volume of water. Andy indicated that this would result in load estimates that would be expressed as very large numbers (e.g. billions to trillions of colonies/day). Andy also described the paucity of data for oil and grease which would result in load information for only the lower Portneuf River. John Sigler indicated that the City of Pocatello would hopefully be collecting oil and grease data from stormwater by the end of April.

Schedule for Reviewing the Draft TMDL

Wendy Lowe explained to the WAG that there is some uncertainty over the next meeting date. Wendy reminded the WAG that the goal of the next meeting would be to provide feedback on the Draft TMDL revision. She indicated that the DEQ hopes to get the TMDL revision to the WAG by the end of June, which is approximately one month later the current schedule. As a result, no meeting is planned for June, 2008.

Andy Ray said that he would give WAG members a two-week notice prior to sending the document for review. Andy also noted that the TMDL would come as a read-only document. The WAG members would like for him to provide instructions on the best way for them to provide comments.

Following the WAG's review of the draft TMDL, it will be revised (if necessary) before being distributed for a public comment period.

Keene Heuftle asked how dissenting opinions would be included in the document. **Lynn Van Every** said dissenting opinions were included in the American Falls TMDL as an Appendix.

WAG members indicated that they would like to see a comment resolution document that summarizes how the DEQ dealt with specific comments on the draft.

Brad Higginson indicated that he would like to see a cross-walk table included in the TMDL revision that includes assessment units on the 2002 303(d) list, the 2009 list, and an impairment status call for future listings. Brad said he would meet individually with DEQ staff to discuss the specifics of such a table.

Next Meeting

The next meeting of the Portneuf Watershed Advisory Group will be announced. Although the date for the meeting has not yet been established, WAG members preferred to continue to hold meetings at 7:00 pm on the third Tuesday of the month and at the DEQ Pocatello Regional Office located at 444 Hospital Way, Suite 300 in Pocatello, Idaho. The next meeting will be designed to discuss WAG members' comments of the Draft Portneuf River TMDL Revision:

- Review comments on the Draft TMDL.
- Discuss the necessary steps to finalize the Portneuf River TMDL Revision and prepare that document for public comment.

Documents Relevant to the April 15, 2008 Meeting

Six documents were provided to participants during the meeting. All can be found on the project website located at:

http://www.deq.state.id.us/about/regions/portneuf_river_tribs_wag/index.cfm

The six documents are:

- DEQ - Simplot Orthophosphate VCO/CA Summary of Important Milestones and Actions
- Estimated and target daily Total Nitrogen (TN) loads for the West Fork of Rapid Creek
- Estimated and target daily Total Nitrogen (TN) loads for the North Fork of Rapid Creek
- Estimated and target daily Total Nitrogen (TN) loads for the North Fork of Pocatello Creek
- Estimated and target daily Total Nitrogen (TN) loads for the South Fork of Pocatello Creek
- Estimated and target daily Total Nitrogen (TN) loads for lower Rapid Creek

Next Steps

The following next steps will be completed:

1. Andy Ray, Greg Mladenka, and Wendy Lowe will prepare the draft Group Memory for review and approval at the next meeting.
2. Andy Ray will post the draft Group Memory on the project Portneuf WAG website.
3. Andy Ray will post handouts from the April meeting on the Portneuf WAG website.
4. Andy Ray will contact WAG members prior to sending them a draft of the revised TMDL.

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