

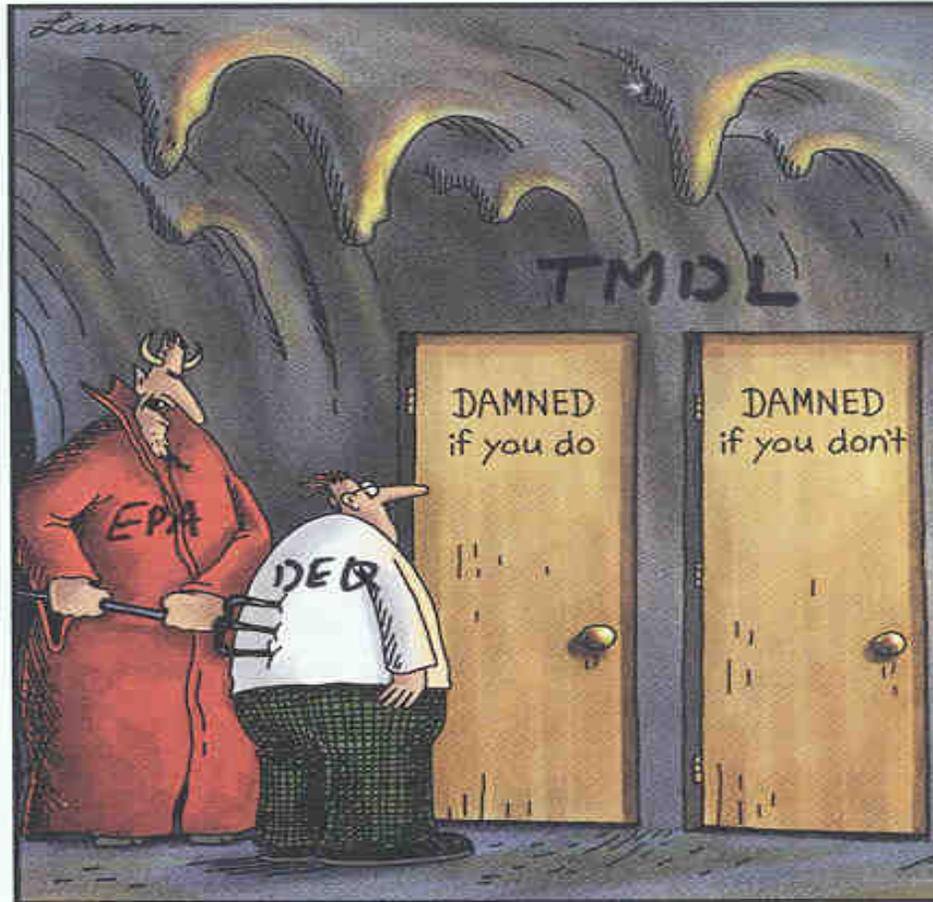


Demonstrating Reasonable Assurance in Idaho TMDLs

Fact, Fiction & Warm Fuzzies

Marti Bridges, TMDL Program Manager

2011 TMDL/Listing Workshop, ELI

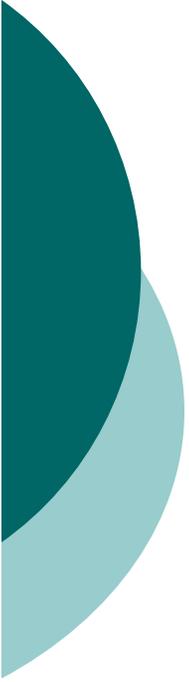


“C’mon, c’mon—it’s either one or the other.”



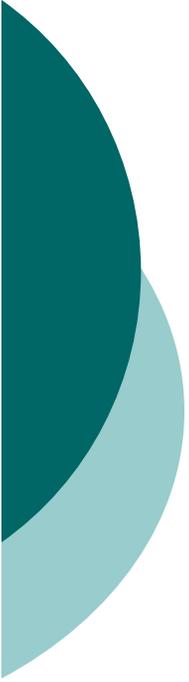
Lake Walcott

- http://www.deq.idaho.gov/water/data_reports/surface_water/tmdls/lake_walcott/lake_walcott_entire.pdf
- TMDL covers all 8 elements;
Implementation is in separate Imp plan.
- See § 3.7 Reasonable Assurance
- 14 page dissertation of “Warm Fuzzies”
- Virtually none have been implemented;
you ask Why?



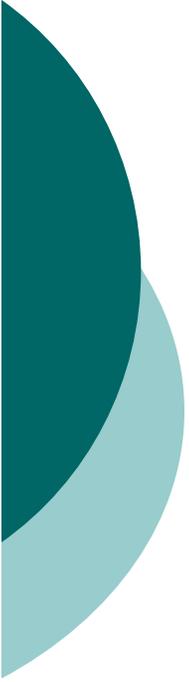
Point Source Permits

- Only one point source discharges
- Discharge is sediment (TSS) expressed as 0.01 tons/day in WLA
- RA calls for DMR monitoring
- TBEL will do the job, minor contributor



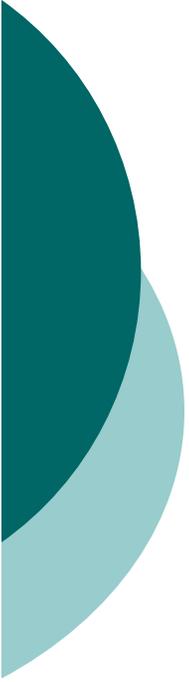
Load Allocations

- Sediment in tons/day
- Allocated amongst 3 subwatersheds
- Based on BLM and private landowners assurance reductions will occur
- BLM has rarely if ever done active land management
- Most farmers too poor to use § 319 funds



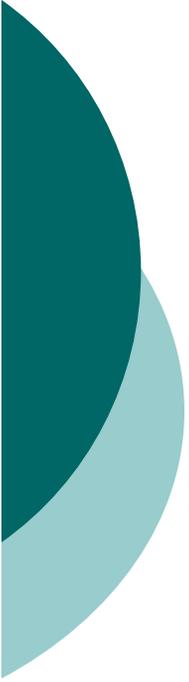
Trend Monitoring

- DEQs Monitoring Budget focused on assessing unassessed waters for § 303 d listing
- BURP is not intended to be a Trend Monitoring
- Only 1/3rd of Idaho Waters assessed
- Legislature cut all monitoring dollars in 2009; also cut pass through to USGS



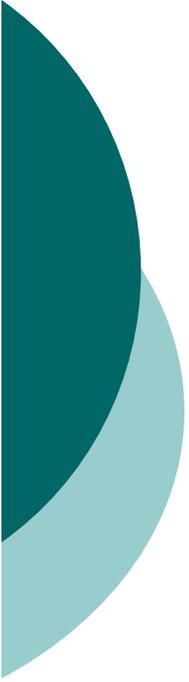
Implementation Authorities

- DEQ is not the implementing agency of non point source activities in Idaho
- Soil and Water Conservation Commission has been stripped of all ancillary monitoring since it's not in their mission
- SWCC staff cut by 2/3rds and now under Governors office instead of Division under Ag dept.
- Ag Dept stripped of all ancillary monitoring except pesticides



Implementation Funding

- 319
- SAWQP-legislature gutted this funded water quality program in early 2000's
- EQIP/CRP/LTAs through ASCS/FSA/NRCS
- Farmers/Ranchers who participate cease practices when not being paid once time is up



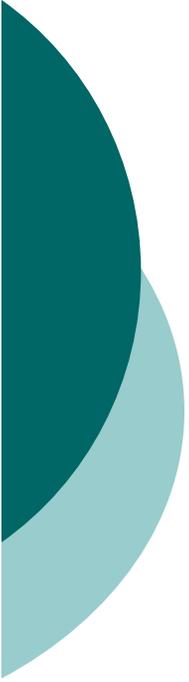
Time Frame to Achieve WQ Standards

- Increasingly difficult to achieve WQ standards since non point sources are voluntary
- R10 EPA encouraged listing for everything
- Point Sources unfairly singled out to achieve standards in mixed sources; up against wall for TP in some urban rivers
- Improvements occurring but much slower; 20 – 50 years in reality



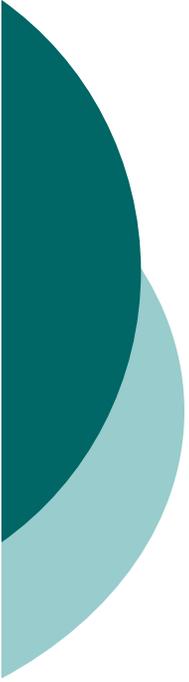
City of Twin Falls TSS WLA Revision – Fact, not fuzzy

- TMDL revised to allow for continued TBEL but higher WLA. TSS remains less than TMDL target of 52 mg/L TSS.
- “Off-set” allowed as RA at 3:1 reduction in lieu of increase in TMDL load and permit limits.
- Two non point wetlands/sediment basins to be installed to achieve reduction paid for and managed by City of Twin Falls WWTP. NPS load transferred to City.
- All info referenced and discussed in TMDL revision as RA



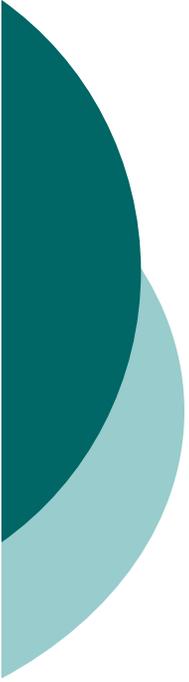
Reasonable Assurance-Fiction?

- Most TMDLs are written for the point sources first!
- LAs are looked at second. The biggest gorilla in the room usually wins.
- WLAs for TSS typically meet TBEL, but nutrients is a whole different ballgame.
- Point sources are significant contributors of nutrients (TP or DOP), but so are non point sources (voluntary)



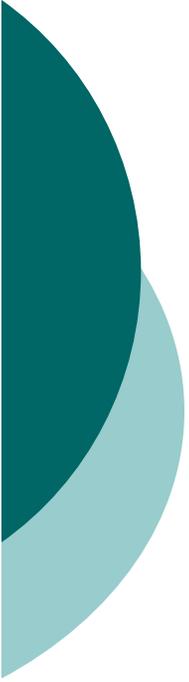
Going From Fiction to Reasonable Assurance

- Until non point source sectors are brought under mandatory BMPs, RA will remain Fiction.
- More money isn't always the answer.
- 319 is better spent in targeted watershed, not spreading it all over a state.
- Same issue with RC & D and all the ag program moneys
- TBEL for TP from point sources is needed. Going to 0.05 mg/L TP is the most stringent most can achieve. Even going to 0.10 mg/L TP would create significant reductions.



City of Twin Falls RA

- Signed commitment of funding by City to DEQ
- Signed legally binding contract by City with DEQ and referenced in 401 Certification
- EPA compliant QAPP required for monitoring and installation of projects
- Enforcement authority and 5 year time frame to be fully compliant or must cease discharge or add additional projects.
- IDEQ does not want to encourage this as the norm. Too labor intensive.



Inadequacies of EPA Guidance Memos

- Perciasepe memo – need for RA in mixed-source TMDLs and interpretation of the memo by states.
- EPA Guidance on Implementation assumes that the state water quality agency does the implementation.
- EPA has no legal authority over implementation in terms of review and approval of implementation plans. Not likely to occur anytime soon.
- 319 funding likely to be cut substantially.