

## How the marketplace can clean up the Boise River

A pollution problem that will cost Treasure Valley cities millions, and which has become a poster child for regulatory excess, may lead to a model for cleaning up rivers cheaply and efficiently



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Ross Dickinson, from left, Terry Maret and Bryan Dufosse collect water, fish, insect and algae samples on the Boise River near Barber Park last week. Dickinson and Maret work with the U.S. Geological Survey, and Dufosse with the city of Boise. The data will be used to help develop a new standard for Boise River sediments and pollutants.

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Last week, the Environmental Protection Agency issued a draft permit to the city of Boise for a small wastewater facility near Notus to remove phosphorus at a drain that carries runoff from thousands of acres of farmland more than 25 miles downriver from Boise.

This is pollution trade-off — Boise cleaning up farm waste rather than making expensive, marginal improvements in its own urban waste treatment. If it works as well as officials hope, farmers or entrepreneurs may be able to repeat the process on more than a half-dozen other drains located on the lower Boise River and save other cities millions of dollars.

“I think it has the potential to be a mod-

el,” said Jim Werntz, EPA Idaho state director.

Phosphorus is a nutrient common in human and animal waste, and farm fertilizer runoff. It feeds algae growth in rivers

**See CLEANUP, A8** that can be more than eye-sore: it can choke off fish and other aquatic life.

The idea of pollution trading to clean up phosphorous and other pollutants is not new. But the challenge has been developing an accurate measuring system so regulators can see documented results. City officials need certainty that the pollution cleanup traders are delivering and the city does-



n't face heavy penalties for violations of its permit.

"We need to know that the ratepayers of Boise won't be holding the bag," said Paul Woods, the city's environmental manager.

Boise officials tried to set up a pollution trading program a decade ago, when the EPA issued the rule requiring rivers to be cleaned up in 15 years. But those efforts failed, and Boise had to build the \$22 million plant to remove 500 pounds of phosphorus from its discharges.

Idaho's congressional delegation pressed EPA to take another look at a pollution-trading program. Studies showed that controlling erosion and runoff from farms could reduce pollution of phosphorus, sediment and bacteria at the mouth of the Boise River more cheaply than upgrading municipal treatment plants upstream.

Republican Rep. Mike Simpson made the case to EPA Administrator Lisa Jackson in a hearing in 2010.

At the same time, the delegation pressed EPA Region 10 Administrator Dennis McLerran. In response, the agency has worked closely to help Boise develop its alternative solution.

The result is that EPA has issued a draft permit for the Dixie Drain project near Notus, as one part of Boise's overall wastewater permit. The city has proposed spending \$6 million to \$8 million for a sediment pond on city-owned land there, where water from thousands of acres of farm fields flows into the Boise River. If the city's estimates are correct, the pond will remove up to 200 pounds daily.

Since the city owns the land and controls the project, it can assure the results. If the settling pond works, contractors eventually could build their own facilities and sell the credits to

cities, industries and other polluters that must reduce their phosphorus.

## LABRADOR A SKEPTIC

Some city officials and Republican Congressman Raul Labrador are skeptical about the goal. Labrador told the Boise City Club last month the cleanup on the Boise is an example of EPA regulatory excess.

"Somebody did a study that claims that fish may be harmed — not will be, may be harmed," Labrador said. "If we don't make these changes, that one regulation alone will kill all those cities. That's just one example."

Boise's Woods said that's too simplistic a view.

"We can have huge philosophical debates with EPA about the right target," he said, "but we are not suggesting it's nothing."

## NOT A NEW PROBLEM

The requirement that Boise River communities reduce phosphorus pollution grows out of rules that have been on the books for more than a decade and a 1990s federal court order. Both are based on the 39-year-old Clean Water Act's mandates that all of the nation's rivers be cleaned up.

The challenge has been that the EPA regulates "point sources" — specific sources like sewage systems — but has no authority over "non-point" sources like farm fields. Because farmers don't have to do anything, cities end up having to do more.

Since compliance by farmers is voluntary, pollution trading can provide them with money while they reduce pollution and help the cities. It also helps the farmers reduce soil erosion, which carries phosphorus into the river.

The Boise River's cleanup plan developed over the past

20 years — first by volunteers and then by state and federal officials — has required phosphorus levels from all sources to come down to meet water quality standards in the Snake River below. EPA also is pushing for Idaho to develop a separate, more specific pollution budget on the Boise River called a TMDL, for total maximum daily load.

The TMDL is set as a limit for pollutants to ensure that waterways can support fish, and allow swimming and other beneficial uses. The limit at the mouth of the Boise River is 70 parts per billion, compared with the current level of 320 ppb. Until there's a Boise River TMDL, Boise and other point sources have to meet that 70-ppb limit.

Agricultural interests have opposed the TMDL budget, questioning whether there really is a phosphorus and nitrate pollution problem on the Boise River.

They want to spend time working on reducing pollution instead of setting new limits, said Dan Steensen, an attorney who represents them on the Boise River Watershed Council.

"I'd like to see us get beyond the two-decade-long story on what the TMDL will be to what we can do," he said, "because the dollars are so scarce now."

## THE TWO BOISE RIVERS

EPA Region 10 watershed programs manager Dave Croxton doesn't expect the demands on the cities to clean up phosphorus to change when a budget is completed. "I don't think it would vary dramatically," he said.

Notus farmer Jerry Glenn has stepped up, turning 25 acres of his riverside lands into wetlands with help from a variety of groups. Farmers like him can help

reduce pollution, but he thinks most people in the cities upstream have no idea of the problems.

“There are two different rivers on the Boise,” said Glenn. “The beautiful, pristine river through the city that everyone sees. ... When you get down here, that pristine river is nothing but a drain ditch.”

In the end, pollution-trading is an interim measure, which has great potential to reduce cleanup costs in the near future, Woods said.

But once the Boise River achieves its pollution goals, the benefits of trading drop.

Glenn sees it another way.

“The contribution to all this pollution is people,” he said. “As the population grows, it’s going to get worse.”

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