

MEETING MINUTES
Joint Selenium Task Force Meeting
August 16th, 2006

USDA Service Center, 690 Industrial Blvd, Delta

- A. Presentation by Coordinator: *Where Have We Been? Where Are We Today? Where Do We Go From Here?*
- Presentation was given to set the background for discussion on where the selenium task forces should focus their future efforts. Any member wishing to get a copy of the presentation can contact the Coordinator.
 - Priorities for the Task Force over the next 6 months:
 1. Continuing to meet as a Joint Task Force: the Coordinator presented her priorities over the next 6 months. She also presented her concerns regarding funding for general facilitation and coordination of the task force and the need to minimize duplication of effort to make most efficient use of funding. The Task Forces will meet as follows:
September – Grand Valley Se Task Force (Grand Junction)
October – Gunnison Basin Se Task Force (Montrose)
November – Joint Se Task Force (Delta – Location TBD)
 2. The Coordinator presented an outline of general fundraising needs to support the Coordinator position and concerns over fund raising potential. A dues membership system would not likely work given the high number of federal and state stakeholders and budget constraints and rules regarding payment of membership dues to organizations. Opportunities for getting funds from cities and counties also seemed very unlikely. No suggestions or additional ideas were presented to address the issue.
 3. The Coordinator will be working closely with a smaller subcommittee of the Task Force to complete a single watershed plan for the Lower Gunnison Basin and Grand Valley. A total of approximately \$23,345 in 319 NPS funding was acquired by both the Grand Valley and Gunnison Basin groups to complete the task.
 4. The GB/GV Se Task Forces were successful in acquiring approximately \$18,000 for carrying out a wise water use campaign. The Task Forces are collaborating with the Grand Valley Wise Water Use Council to carry out proposal tasks.
 5. The GB/GV Task Forces are collaborating on submitting a Targeted Watershed Grant EPA proposal. The grant will be multi-faceted in its approach to water-quality improvement.
- II. Discussion of report conclusions on the *Evaluation of Se Remediation Concepts* reports with the EPA (Dave Moon and Bill Wirthel) and Water Quality Control Division staff (Dan Beley and Phil Hegeman).

Discussions regarding the evaluation of selenium remediation concepts in Grand Valley tributaries: The GVSTF explained to the EPA that the issue

with remediation in the Grand Valley tributaries is that as we reduce deep percolation from agricultural drainage in the GV we may be reducing load to the main stem but we are increasing the concentration in the tribs due to the fact that we are reducing irrigation return flows which dilute tributary concentrations. So the questions remains, “do we continue to focus our efforts on meeting standards in the tribs or the main stem?”

Ensuing Question/Answer Session

● *Question to EPA:* If the task forces were to propose ambient/site specific standards what studies do we need?

Response: CWA says “where attainable”.

● *Question to EPA and USFWS:* Can they (EPA & FWS) require things under the ESA to protect species beyond what the CWA says?

Response: The Endangered Species Act doesn’t expand the authority of the CWA. The ESA would be a priority. If we set site specific standards above federal standard in critical habitat, it would be the first time this has happened and would be precedent setting. Setting site specific standards above federal standards would require Section 7 consultation under the ESA.

● *Question to Task Force from the EPA:* How close can we get to meeting standard in the tribs?

Response from Task Force: The Task Force does not feel like we can meet the standard in the tribs because it would take a tremendous amount of financial resources which the Grand Valley does not have. In addition, the selenium task forces are chasing an “unknown standard”. In other words, if a fish tissue standard is developed does the water-quality standard become 3.0 ppb, 8.0 ppb, etc.?

● *Question to the EPA:* Given our discussions, the information you have received in the conference call today, and information from the BOR tributary remediation evaluation concept report what is the position of the EPA and what guidance can you give us?:

-If reducing tributary loads means compliance in the main stem that is probably a good thing.

-If by reducing the concentration in the main stem we are helping T & E that’s also a good thing.

-The EPA’s draft fish tissue document does not give implementation guidance so there isn’t anything they can refer us to regarding guidance.

EPA Question to TF: Has the Task Force looked at other things that could help T & E species other than selenium reduction?

Task Force Response: Yes. We have a second report we are working on that looks at mitigation options / off-set options such as habitat improvement or replacement habitat.

EPA Question: Have we looked at focusing tributary mitigation at the mouths? In other words or for example, are there 4 or 5 tributaries that we have identified as being important and then maybe focus our efforts on them?

Task Force Response: NIWQP has (No longer in existence), but the Task Force hasn't as part of this process.

III. **The Issues Scoping Hearing (Hearing is informational and informal).**

Update to the WQCC on where we are and what we have been doing. If we have an alternative site specific standard or recommendation, we tell the WQCC at this time.

Question to EPA: If the Task Forces come to the hearing with no site specific standard or ambient standards proposal but proposes to continue with temporary modifications and work on the issue for another 5 years would we be out of line?

EPA Response: The EPA would be supportive of temporary modifications if we continue with projects that reduce loads. The process would probably be similar to that which happened in the Gunnison Basin such that temporary modifications would be removed on any stream not having a point source discharger. The policy on temporary modifications is evolving and they feel it is worthwhile to ensure that we are adopting temporary modifications for the right reasons.

State Response: The State has to review basis for going to temporary modifications set at existing concentrations.

In addition, an update should be given to the WQCC and it should come from the Task Force. The Task Force could give the commission a copy of the remediation concepts reports.

Task Force Response to EPA & State: In response to the EPA and State position on temporary modifications, both agencies need to realize that if we reduce deep percolation as a means of trying to reduce selenium loading to the mainstem, we are reducing irrigation return flows from surface runoff that acts to dilute tributary concentrations. We may ultimately see an increase in concentrations in the tributaries and a decrease in the mainstem.

IV. **TMDL Development:** TMDL's define problem and sources. The WQCD has contracted with the USGS to develop a draft TMDL for the lower Gunnison River

and tributaries and the lower Uncompahgre and tributaries (Those segments on 1998 303(d) list, but no Sweitzer Lake). USGS will be looking at data sources, pulling together data, and coming up with some numbers so a TMDL can be developed. The timeline for development is as follows: March 07 – draft TMDL and July 07 – final TMDL.

- V. **Selig Canal Lining Project (319 NPS):** Proposal summary given to TF. We are in need of developing a water-quality sampling plan and better identifying sampling locations. Dan may be able to come up with some funds to help with the monitoring. Ken can look at earlier tracer study & topography to assist with identifying sampling sites within the next week.