Technical Guidance Committee
Meeting Agenda

May 12, 2025

9:30 a.m.

Conference Room D
Department of Environmental Quality
1410 N Hilton St., Boise, ID

The meeting will also fully accommodate remote participation. Contact Peter Adams at Peter.Adams@deq.idaho.gov to sign up for participation by telephone and web conferencing.

Call to Order and Roll Call

- Introduction of committee members, guests, and attendees

Public Comment Period – The Committee will allow up to 30 minutes for public comments on topics relevant to the Committee.

Action Item – Review, Amend, or Approve

- Review minutes from April 17th (**Appendix A**)
- Vote to approve minutes

NEW BUSINESS

Action Item – Review, Amend, or Approve
Variance Petition – Massacre Rocks LSAS

- Review lab results from dump station sampling and determination of pretreatment from DEQ **(Appendix B)**
- Review information presented in the petition
- Determine if granting the variance would remain protective of public health and the environment, and not negatively affect neighbors
- Vote to recommend DEQ approval

Action Item – Approve
Adjourn Meeting

**Begin time will be observed. Time spent discussing each agenda item may vary.*

Conference Call Instructions

All remote participants must join the Teams conference call either by joining the meeting online or calling into the Teams phone number.

Call in number: **208-985-2810**
Phone Conference ID: **422 159 452#**

To reduce background noise, please remember to mute your phone unless you are speaking.

Teams Web Conference Instructions

This will allow users joining the meeting via online video conference to view the documents being shared.
For the Teams Meeting ID and Password, please contact Peter Adams at Peter.Adams@deq.idaho.gov.

Appendix A

April 17th Minutes

Technical Guidance Committee
Meeting Minutes
LSAS Variance Meeting for
Massacre Rocks State Park

Thursday, April 17, 2025
9:00 a.m., MDT
Conference Room D
Department of Environmental Quality
1410 N. Hilton St.
Boise, ID 83706

The meeting accommodated remote participation via phone, Microsoft Office Teams conference, as well as in-person attendance.

TGC ATTENDEES:
Peter Adams – Onsite Wastewater Coordinator, DEQ, TGC Chair
Joe Canning, P.E. – Centurion Engineers
Kellye Johnson, REHS – Director of Environmental Health, EIPH
Jason Peppin, REHS – Environmental Health Program Manager, Ph.D.
Kendall Unruh – WEB, Inc. dba/Western Septic & Excavation

GUESTS:
James Craft – Wastewater Compliance Bureau Chief, DEQ
Bryan Griggs – Idaho Department of Parks and Recreation
Allan Johnson – Regional Engineering Manager, DEQ
Ken Keller – Southeastern Idaho Public Health
Mike Reece – Health District 6
Andrew Kimmel – Great West Engineering
Kathleen Price – Southeastern Idaho Public Health
Hannah Young – Lead Deputy Attorney General, DEQ

CALL TO ORDER AND ROLL CALL:
The meeting was called to order at 9:00 a.m. Introductions were made by each person in attendance.

Public Comment Period: No comments were made.

APPENDIX A

Action Item – Review, Amend, or Approve
Idaho Department of Parks and Recreation (IDPR) Large Soil Absorption Systems (LSAS) Massacre Rocks State Park Variance Request

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- Review of opinion on vested rights by the Attorney General's office.
- Review of information presented in the petition.
- Determine if granting the variance would remain protective of public health and the environment and not negatively affect neighbors.
- Peter read Hannah's statement:

    - *"First, I am not sure that the term "vested right" is really applicable here. I would agree that one could view the system as "grandfathered in." However, there is a permit on file, so that may not be entirely applicable. What is definitely true is that all the time, systems get approval, and then the rules change. DEQ does not make a system come into compliance with current standards every time a rule changes.*
        - *As an aside, a "vested right" is usually some right that cannot be taken away without consent, due process, compensation, or some combination thereof. The right to operate under the terms of a permit is conditional – if you violate the permit or violate the rules the permit is issued under, your permit could be taken away or you could face penalties, or both. If the system fails, for example, then they can no longer operate that system as built/maintained and may also face penalties.*
    - *Here, IDPR is requesting a permit for the proposed changes to the system. Because they need a permit, they would be required to meet current standards – or get a variance. That is the reason this is before the TGC and, in my opinion, the appropriate focus. In other words, the question is simply should a variance be granted for this new permit. Why the system being "grandfathered in" is relevant, is because if DEQ/TGC ultimately denies the request, then IDPR can simply continue operating the existing system.*
    - *Under IDAPA 58.01.03.010.01, the rules spell out when a variance is appropriate. Subsection 001.06 also states that a variance should not be granted unless "The technical allowance or variance rendered is consistent with the recommendations of the Technical Guidance Committee or the Technical Guidance Manual in use at the time of the petition…" Those are the most relevant sections guiding the TGC's decision.*
    - *Ultimately, the question of issuing the variance is a DEQ decision – though, TGC input is part of the process."*

- Kathleen said the system was originally installed without a permit; the only permit in place is a repair permit for a drain field that never should have been in place.
- Hannah said it's just an opinion that the nature of the permit doesn't change the nature of the request from Parks at this juncture, because the system hasn't failed, under the applicable variance standards.
- Kathleen confirmed that the system hasn't failed, which is a parameter to become compliant with current standards.

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- Hannah said it's her understanding that if IDPR continues to operate as is, the park will continue operating as is, and that's why it's been grandfathered in, not really vested in.
- Jason asked if the drain field fails, would it be the position of DEQ that the system be grandfathered in?
- Hannah said she doesn't believe that it's true if the system failed and IDPR wanted the Health District & DEQ to issue a variance. Just because there's a subsurface system doesn't mean that there will always be a variance, particularly if the system fails. Notifications would be sent regarding the system failure, with a chance for contestation, and the variance. Hannah is looking at the current situation with the Massacre Rocks State Park system.
- Jason said that it helps to understand the variance request.
- Hannah said her opinion is that if DEQ said that for the variance request, IDPR could appeal, her opinion is that the variance is appropriate under the vested side.
- Peter's objective is for the variance request to protect public health and the environment because the new system is more protective than the current system.
- Peter and Hannah feel this is a safer alternative than the current system. Looking at the possible variance.
- Jason said the proposed system is more protective, but questions are if there is a system that meets all standards.
- Kathleen has a concern about using the term more protectively for adding a new drain field vs. the old drain field system.
- Ken said the new system would be pressurized.
- Kathleen said it's still going into the bedrock and soil and could release even more.
- Kendall questioned if the new system and dump station didn't happen until the system failed, where would the money come from, he also has concerns about the time it would take to fix the system and wondered how bad it would be for the environment if the system failed.
- Kathleen said if the variance is denied, then there would be no updates to the compliant dump space.
- Kendall said that was his impression.
- Bryan said that the new system will have an alarm to monitor the wastewater more efficiently.
- Jason asked if someone could explain the old vs. the new tank size with the variance request and the drain field size.
- Andrew said the current tank is 1,500 gallons, with four laterals, and a drain field that is gravity-fed. The new system would consist of two or three tanks in series that would be 1,500 gallons each, with two different drain fields alternating, spanning 1,800 ft^2 for the drain field (this would be eight times the size of the current drain field).
- Kellye asked if there is a way that we can understand the condition of wastewater before disposal.
- Ken asked if this was non-domestic wastewater without chemicals.

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- Peter said they can make conditions for sampling to determine the nature of the wastewater, and that could be added to the permit.
- Kellye said that would help, and Jason agreed.
- Jason has concerns about the holding tanks for wastewater and wants to know if there is an ability to test the wastewater that is being released.
- Kellye said that it could help with treatment before it is released into the ground.
- Jason said normally they would require that the wastewater be treated before it is released.
- Joe asked if the wastewater was treated by aeration.
- Peter asked what they would be specifically sampling for.
- Bryan asked if monitoring would be required for testing before going into the tank or from the effluent.
- Peter said that the monitoring would be from the effluent directly from the tanks.
- Kathleen said if you're testing after the fact, you're not stopping it or preventing it, you would want to test before it goes into the tank and the ground.
- Peter said yes, it would have to be done at the time of installation, and if there's time allowed for sampling and data.
- Bryan asked if this would apply to the existing system.
- Peter & Kathleen confirmed that yes, it would apply to the current system.
- Bryan said they could do that and get it tested.
- Ken asked if IDPR is installing other RV dump stations in the state.
- Bryan said Henry's Lake failed, so they're putting it in a holding tank at that location.
- Ken asked why they were opposed to the holding tank for the Massacre Rocks State Park system.
- Bryan said it's a financial situation; they have the funding for the current system since it hasn't failed, and that's why IDPR is asking for a variance. IDPR can't justify holding tanks for Massacre Rocks State Park. Henry's Lake is a test facility to see if IDPR will lose money by having a holding tank.
- Ken said it's standard practice, and maybe he doesn't understand the financial aspect.
- Bryan said there are no hookups for Massacre Rocks State Park or Henry's Lake; they only have the dumping stations.
- Jason said the recent DEQ memo increased the risk of solids passing into the drain fields, and wonders if Massacre Rocks State Park meets domestic strength standards.
- Bryan said they're just trying to provide a service for the public; they will continue to utilize the current system if the variance isn't approved. They don't want the system to fail; they want it to be available to the public, and they may put it in a holding tank if they don't get the variance. They're trying to utilize the funds that were given to IDPR, and the funds have a time limit on when they need to be used, or they lose the funds.
- James said more than likely, since it's pressurized, that it's probably more liquid than solid passing through.

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- Andrew said that with the additional tanks, pressurization, and ultrasonic sensors as the solids accumulate in the second tank before the solids push into the third tank, they would be pressurized so they wouldn't go into the drain fields.
- Kellye asked if they needed to request a motion for the testing by IDPR and then go from there regarding the design.
- Peter said they can recommend approval based on certain conditions regarding testing and pretreatment.
- Kellye asked if IDPR would have the knowledge to do the testing through engineering.
- Kathleen asked if the testing could be done by a third party. She also mentioned that they don't ever want solids to go into the drain field, and she's confused as to why any solids are going into any drain field.
- Jason said that it was about the recent memo for RV parks.
- Kathleen said by stating to make to improve the system, the system shouldn't allow solids at all.
- Ken said ideally every system should not carry over any solids, but it is a concern with an existing system that's gravity-fed and can release solids.
- Bryan asked about the third-party sample testing, and would that be a third-party lab?
- Kathleen said yes, it would be a third-party lab that would do the sampling.
- Bryan asked if the development of a treatment facility in this park would be determined based on the testing results.
- Jason said that's what makes it hard, not having the plans, and the testing results, no testing has been done yet, that would be standard practice for domestic strength characteristics for wastewater for discharge.
- Bryan said moving forward, they will get the sampling set up.
- Peter confirmed that the system should be sampled for formaldehyde and paraformaldehyde.
- Kellye asked if they would be using the non-domestic wastewater checklist or the statewide checklist.
- Kathleen asked if the system is currently in use, and that typically the testing is done when the system is not in use. Additionally, she said that the third-party testing has to go through the sampling process.
- Bryan said that Massacre Rocks State Park is used year-round, and the tank was dumped over a year ago; it was last dumped in September 2023. Additionally, Bryan said that what's in the tank is what's currently been used since September 2023.
- Peter asked about tabling the request until the sampling comes back.
- Kellye said yes, items of concern for pretreatment for the variance being requested should be tabled.
- Jason said in the Technical Guidance Manual (TGM), section 4.1.20 for RV dump stations, for permitting agencies, that this is how we would approach any other request from anyone else in the state for an RV dump station.

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- Peter confirmed that they would be testing for paraformaldehyde and formaldehyde.
- Kellye said they would review the non-domestic evaluation and asked if Allan could do that.
- Allan confirmed that he could.
- Bryan asked if Allan could do the testing for paraformaldehyde and formaldehyde.
- Allan said he would be testing non-domestic wastewater that may require pretreatment. Additionally, he said he would review the sampling data that IDPR provides and review if it's within limits. He will further determine what pretreatment should be used and the levels of the effluent.
- Bryan said they're doing pretreatment at Harriman State Park. Additionally, Bryan said that Massacre Rocks State Park doesn't even have a power source; the pumps are going to operate on generators. He doesn't know if they can incorporate a pretreatment system where there isn't any power.
- Andrew said they would probably have to use a different system for pretreatment that would be used more frequently, have power, or a larger generator.
- Bryan said power is half a mile away from the Massacre Rocks State Park, and the other factor is the cultural significance of the area.
- Jason said they deal with this in rural areas, and they have to figure out how to operate pumps and create challenges. Additionally, Jason said that systems are reviewed through the TGM, LSAS standards, and additional nuances.
- James asked if this would be a one-time sampling or multiple samples.
- Peter said it would be a one-time sample or an average of three across a couple of weeks.
- Kathleen said she would prefer at least three samples across the period of a month or two.
- Bryan said it would be a financial hardship and wanted to know if this would be for preliminary testing only.
- Kathleen told Bryan to use the non-domestic wastewater checklist and recommended that they see what the first test comes back with, and if any additional testing is needed.
- Peter will send Bryan the checklist.
- Bryan asked if the wastewater comes back as meeting non-domestic standards, would this give us the approval to proceed?
- Kellye would be much more comfortable knowing what the test results come back with first before committing to a decision.
- Jason said the dilemma is that the TGM doesn't say how many samples are required, but it does list what should be tested.
- Peter said that if it comes back to non-domestic strength, then they don't need a pretreatment, and it is not an adverse risk to the environment.
- Bryan said they want to be transparent about the process, and they want to do what's best for the environment.
- Kellye wanted to know what the normal testing process is.

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- Allan said previously that it was a single sample.
- Jason said he agrees that the standard requirements were typically one sample, but he's not familiar with the checklist.
- Kellye said she wants to be consistent.
- Peter said he's okay with doing one sample to keep consistent.
- Allan said they don't see this often with more than one sample being required.
- Kellye said they've done one testing sample before, and it was only one sample that was done.
- Peter said that one sample for testing by a third party for paraformaldehyde, formaldehyde, and testing for the following standards would be required.

Wastewater analysis shall be performed for the following standard constituents:

- BOD_5
- COD
- pH
- TSS
- FOG
- TN
- TP
- TC
- FC
- NO_2-N
- NO_3

Additional wastewater constituent analysis may be required by the regulatory authority based on existing site conditions, background contamination, or the described commercial/industrial process wastewater that is proposed to be generated.

- Peter motioned to table the request for approval until the data from the dump station has been received.
- Kellye also asked if the final review and outcome of the checklist would come from the Regional DEQ office.
- Allan confirmed that the final review and outcome would come from the Regional DEQ office.
- Bryan asked about the sampling, third-party testing, and results, and if the results would be made by the Pocatello Regional DEQ office.
- Peter confirmed that it would come from the Pocatello Regional office.
- Peter said we would schedule another meeting after we have the data back from the sample.
- Bryan said they would get the testing scheduled ASAP.
- Motion to table the request.

Motion: Kellye Johnson
Second: Jason Peppin
Verbal Vote: Unanimously approved to table the request.

DISCUSSION ITEM(S):

- Another interim meeting will be scheduled once the results have been received.

- The next regularly scheduled meeting is slated for Thursday, May 29, 2025.

Action Item – Motion to adjourn the meeting

Motion: Joe Canning
Second: Kellye Johnson
Verbal Vote: Unanimously approved, and the meeting was adjourned at 10:00 a.m.

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Appendix B

Massacre Rocks Dump Station Sampling Results