



East Dakota Water Development District
132B Airport Drive
Brookings, SD 57006
605-688-6741 605-688-6744 Fax

MINUTES
October 18, 2018

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on October 18, 2018, at the Chamber Community Room, 1001 East Fourth Avenue (US Hwy 12), Milbank, SD. Chairman Jarrett called the meeting to order at 9:30 a.m. The following persons attended:

Directors Present

Mark Anderson
Mary Ellen Connelly
Martin Jarrett
Kay Kassube
Dana Loseke
John Moes
Janelle Weatherly

Directors Absent

Gary Duffy

Others Present

Mitch Enderson, Lac qui Parle/Yellow Bank Watershed District
Trudy Hastad, Lac qui Parle/Yellow Bank Watershed District
Stephanie Pauli, Grant Conservation District
Dennis Skadsen, Northeast Glacial Lakes Watershed Project

Staff Present

Jay Gilbertson

DRAFT

Administrative Items

Approval of Agenda - The Manager asked to have an additional item (Software Upgrades) under Administrative Items.

Motion by Loseke, seconded by Moes to approve the agenda as so amended. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the September 20th, 2018, meeting. The following change was made:

Report of Meetings and Conferences - Directors **Loseke and** Weatherly attended the September 19th meeting of the Big Sioux River Watershed Project Steering Committee in Sioux Falls.

Motion by Anderson, seconded by Kassube to approve the Minutes as so amended. Motion carried unanimously.

DRAFT

Financial Reports - The Board reviewed the September 2018 Financial Reports.

Motion by Moes, seconded by Weatherly to accept the September 2018 Financial Reports. Motion carried unanimously. Chairman Jarrett then asked that the reports be placed in the District files.

Meetings and Conferences - Directors Connelly and Loseke attended a strategic planning meeting of the Friends of the Big Sioux River in Sioux Falls on October 13.

Directors Jarrett and Loseke attended an informational meeting at the District office in Brookings on the revised surface water discharge permit for the Agropur cheese plant in Lake Norden.

Director Loseke reported on meetings with City of Sioux Falls Public Works staff on October 1st and 11th. He also attended the Eastern South Dakota Water Conference in Brookings on October 17th.

Director Moes attended the October 17th meeting of the Lake Pelican Water Project District in Watertown.

The Manager briefly commented on the following meetings he attended in the past month:

1. **October 1st** - Brookings. Big Sioux River 'relocation' discussion.
2. **October 2nd** - Brookings. Discussion of proposed surface water discharge permit for Agropur cheese plant in Lake Norden.
3. **October 8th** - Brookings. Dakota Rural Action staff discussion.
4. **October 11th** - Flandreau. Moody Conservation District Board of Supervisors.
5. **October 16th** - Brookings. Source water protection discussions with Brookings Municipal Utilities and Brookings County staff.
6. **October 17th** - Brookings. Eastern South Dakota Water Conference.

Upcoming Meetings -

1. **October 22nd - 10:00 a.m.** - Madison, MN. Lac qui Parle Watershed Restoration and Protection Strategy (WRAPS) Steering Committee.
2. **October 23rd - 10:00 a.m.** - Community Room, Watertown Police Department, 128 North Maple, Watertown. Big Sioux Flood Information System Meeting.
3. **October 23rd - 2:00 p.m.** - City Center Building, 231 North Dakota Avenue, Sioux Falls. Big Sioux Flood Information System Meeting.
4. **October 24th & 25th** - Deadwood. South Dakota Association of Rural Water Systems Manager's Group.
5. **November 1st - 3:00 p.m.** - Redwood Falls, MN. AREA II Minnesota River Basin Projects/Redwood-Cottonwood River Control Area Annual Legislative Gathering.
6. **November 5th - 8th** - Colorado Springs, CO. 2018 National Non-Point Source Training Workshop.
7. **November 8th - 1:00 p.m.** - Matthews Training Center, Pierre. SD Board of Water & Natural Resources.
8. **November 9th** - DeSmet. Public hearing on Badger area dairy.
9. **November 13th** - Owatonna, MN. Iowa-Minnesota Drainage Research Forum.
10. **November 15th** - South Dakota State University, Brookings. Livestock Development Summit.

DRAFT

The Manager noted that the scheduled livestock development summit would conflict with the regularly scheduled Board meeting. In that several Board members had expressed an interest in attending the event, he proposed re-scheduling the November Board of Directors meeting for the following day, November 16th. The time (9:30 a.m.) And location (Water Purification Plant, 2100 North Minnesota Avenue, Sioux Falls) would remain the same.

Motion by Moes, seconded by Connelly to hold the November 2018 Board of Directors meeting on November 16th, to start at 9:30 a.m., and to be held at the Water Purification Plant, 2100 North Minnesota Avenue, Sioux Falls. Motion carried unanimously.

- 11. **November 16th - 9:30 a.m.** - Water Treatment Plant, 2100 North Minnesota Avenue, Sioux Falls. November EDWDD Board of Directors Meeting.

Payment Requests - The Manager presented a payment request from a District-sponsored activity that required Board action. He noted that the request was in order and consistent with provisions set by the Board at the time of award. He requested Board authorization to make the following payment:

<u>Grant Recipient/Activity</u>	<u>Requested Amount</u>
SDSU/ <i>E. coli</i> & antibiotic resistance in tile water (McDaniel)	\$ 1,132.62
Total	\$ 1,132.62

Motion by Weatherly, seconded by Anderson to authorize payment of \$ 1,132.62 as requested. Motion carried unanimously.

Software Upgrades - The Manager informed the Board that the District would be upgrading the operating software and the general office software (word processing, spreadsheets, etc..) in the next few weeks. Funding for the changes is in the 2018 budget.

Director Area 7 Vacancy and Pending Director Area 3 Vacancy - The Manager noted that Director Lois Brown, Area 9, had moved out of the District, and consequently her director position was vacant. The current term of office for this position expires on December 31st, 2018. Further, former Director Brown had been the sole petitioner for the Area 9 Director position for the coming term (January 1, 2019 thru December 31, 2022). As such, there is a pending ‘new’ vacancy for this position.

He also noted that Roger Scheibe, the sole petitioner for the Area 3 Director position for the coming term (January 1, 2019 thru December 31, 2022), had moved out of this area. Consequently, this position will also be vacant as of January 1, 2019.

He requested authorization to initiate the process of filling the pending vacancies in Director Area 3 and 9. The pending vacancies would be advertised in the appropriate newspapers for these areas in November and December. He proposed setting a deadline of January 4th, 2019, for nominating petitions to be filed at the District office, with Board action to fill the vacancy at the January 9th, 2019 to be held in Pierre. He noted that the terms of office for both such appointed positions would be through December 31st, 2022. Director Weatherly, who currently represents Director Area 3, could continue to serve until a replacement has been selected, including into 2019.

Motion by Anderson, seconded by Moes to authorize publication of the Notice of Vacancies; to require that all applicants for the vacancy submit their petitions to the EDWDD office no later than 5:00 p.m. on January 4th, 2019; and to set the January 9th, 2019, Board meeting as the time to consider all valid petitions and to appoint new Directors for Area 3 and 9. Motion carried unanimously.

Regional Water Resource Activities Updates

Northeast Glacial Lakes Watershed Project - Dennis Skadsen, project Coordinator for the Northeast Glacial Lakes Watershed Project (Project), provided with an overview of Project activities and highlights. The Project encompasses headwaters lakes and streams tributary to the James River, the Minnesota River and the Red River of the North. It also includes closed-lake basins within the northern Big Sioux River watershed. Unique among South Dakota watershed restoration project, the Project works with several un-impaired water bodies, focusing on protection efforts. While much of the Project area lies outside of the District, the watersheds of the Yellow Bank and Whetstone Rivers in Grant, Deuel and Codington Counties area included.

Grant Conservation District - Stephanie Pauli, District Manager for the Grant Conservation District (GCD) provided the Board with an overview of BCD activities and function, and to provided updates on topics of mutual.

Lac qui Parle-Yellow Bank Watershed District - Trudy Hastad, Lac qui Parle/Yellow Bank Watershed District (LQPYB WD) Administrator, and Mitch Henderson, LQPYB WD Watershed Projects Coordinator, provided the Board with an overview of their activities and function, and updates on topics of mutual, cross-border interest. LQPYB WD encompasses the watersheds of the Lac qui Parle and Yellow Bank Rivers within the State of Minnesota, each of which are tributaries to the Minnesota River. The headwaters of both rivers are located in northeastern South Dakota, and also entirely within the East Dakota Water Development District.

Drinking Water Beneficial Use Designation for the Entire Big Sioux River

The Manager noted that the State (SD Department of Environment & Natural Resources) assigns most surface waters in the state one or more beneficial uses. All streams in South Dakota are assigned the beneficial uses Fish and wildlife propagation, recreation, and stock watering waters and Irrigation waters, unless otherwise stated in the Administrative Rules of South Dakota (ARSD) Chapter 74:51:03. Lakes listed in ARSD Chapter 74:51:02 are assigned the beneficial uses of Immersion recreation waters, Limited contact recreation waters, and Fish and wildlife propagation, recreation, and stock watering waters, unless otherwise specified. Additional site specific lake or river assigned uses are available in ARSD Chapters 74:51:01:45.01, 74:51:01:46.01, 74:51:01:48.01, 74:51:01:48.02, 74:51:01:53.01, and 74:51:01:56.

Three segments of the Big Sioux River have been assigned the domestic water supply waters beneficial use. This stretch starts at the Brookings/Moody County, and extends to the point where the flood diversion channel rejoins the river just downstream of Falls Park in Sioux Falls. This is presumably done to reflect that fact that the City has historically drawn drinking water directly from the river within Segment 9.

Chairman Jarrett noted that the limited distribution of this particular beneficial use presents certain potential problems for public water suppliers. For nitrate, the applicable drinking water standard is 10 milligrams per liter (mg/L). If the nitrate concentration within segments 7-9 exceeds this limit, the segment(s) is/are considered to be impaired. This makes sense, as public water suppliers are prohibited by law from distributing water with nitrates above this level. For the remaining segments, the applicable limit is 50 mg/L. As such, a sample collected 10 feet upstream of the boundary point between segment 6 to segment 7 (Brookings/Moody County line) could contain 45 mg/L of nitrate, and still be considered acceptable (fully supporting in DENR's language). However, a sample with the exact same concentration collected 10 feet downstream of the transition point would be considered grossly contaminated, with 4.5 times the allowable limit.

There is a well defined and long recognized boundary between the Big Sioux River and the adjacent Big Sioux aquifer. Water will move back and forth between the river and the aquifer, depending on hydraulic conditions and circumstances. For the many public water suppliers that have well fields located adjacent to the river, high pumping rates can draw river water into the aquifer, and hence the water supply wells. In most cases, nitrate levels in the aquifer are elevated, and as such the induced river contribution often dilutes the overall raw water entering the treatment plants, but only so long as the river nitrates are low.

At the present time, four years of intense nitrate sampling in the Big Sioux River and major tributaries, we have yet to identify any portions of the river with serious nitrate problems. Outside of sites immediately downstream of a few wastewater treatment plants, concentrations are mostly well below the drinking water standard everywhere above the confluence with the Rock River near Hudson. However, long-term trends suggest that overall nitrate concentrations are rising. Recent experiences in Minnesota and Iowa provide an idea of where we might well end up if current approaches are not altered. With only a few exceptions, the DENR does not place any limits on the amount of nitrate that may be released into the river.

Chairman Jarrett and the Manager indicated that they are exploring a formal request (petition?) that DENR formally assign all segments of the Big Sioux River the domestic water supply waters beneficial use. This effort may well require additional/expanded data collection, but believe that the long-term protection of the river and the aquifer as sources of reliable drinking water justified the effort. The consensus of the Board was that this effort be pursued.

District Issues Updates

Agropur Surface Water Discharge Permit - The Manager stated that late last month the SD Department of Environment and Natural Resources - Surface Water Quality Program announced they had completed their review and response to the comments submitted with regard to the DRAFT surface water discharge permit for the expanding Agropur cheese plant in Lake Norden. They have amended the permit, which will go into effect on November 1st, unless challenged by one of the 14 parties that submitted comments. The challenge would need to be made by October 29th.

He reported on an October 2nd, a meeting between seven of the commenting parties (East Dakota, Big Sioux Community Water System, Kingbrook Rural Water System, Brookings-Deuel Rural water System, Minnehaha Community Water Corporation, SD Association of Rural Water Systems and Friends of the Big Sioux River) and staff from the DENR Surface Water Quality Program. They reviewed the changes,

DRAFT

and the foundation behind their actions. The bottom line is that they have included an actual limitation on the nitrate concentration allowable in the effluent from the facility, 18 mg/L monthly average, along with an 18 mg/L daily limit.

Chairman Jarrett, Director Loseke and the Manager reviewed the meeting and final proposed permit conditions. The Manager indicated that he did not intend to contest this permit further, noting that prompting the establishment of an actual limit on nitrate discharge was accomplished.

Vermillion Basin WDD Expansion - The Manager reported on ongoing efforts to explore the creation of a single water development district that would cover the Vermillion River basin. With the collapse of the Legislature's most recent effort to create watershed-based, water resource entities, the Vermillion Basin Water Development District (VBWDD) has taken the initiative to explore expanding their area to encompass the entire Vermillion River watershed. Meetings have been held with the three counties in East Dakota that contain portions of the river basin (Lake, Miner and Kingsbury). To date, there has been no strong opposition to the concept, but as with most things, the devil will be in the details.

A meeting of all counties involved is scheduled for November 26th in Salem. The intent is to go over draft maps and financial implications. If the consensus is to proceed, changes might be pursued in the 2019 Legislature.

Adjournment

There being no further District business, Chairman Jarrett declared the meeting adjourned at 12:15 p.m.

DRAFT

John Moes, Secretary