



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

FEB 04 2009

Reply To: OWW-134

Mr. Barry N. Burnell, Administrator  
Water Quality Program  
Department of Environmental Quality  
1410 North Hilton  
Boise, ID 83706

Re: Partial Approval/Partial Disapproval of Idaho's Final 2008 303(d) List

Dear Mr. Burnell:

The U.S. Environmental Protection Agency has conducted a complete review of Idaho's 2008 Section 303(d) List<sup>1</sup>, supporting documentation and information. Based on our review of the submittal, EPA has determined that Idaho's 2008 list of 929 waterbodies (as identified by assessment units (AU)) still requiring TMDLs meets the requirements of Section 303(d) of the Clean Water Act (CWA) and EPA's implementing regulations. However, Idaho has failed to include two waterbodies which meet the requirements for 303(d) listing. Therefore, by this order, EPA hereby partially approves and partially disapproves Idaho's 2008 303(d) list. Specifically, EPA approves the State's decision to list the 929 AUs and associated pollutants identified in the State's 303(d) list. EPA is also disapproving the State's decision not to list two additional water bodies because EPA finds that these waters and pollutants meet the federal requirements for listing under Section 303(d). The statutory and regulatory requirements, and a summary of EPA's review of Idaho's compliance with each requirement, are described in the enclosure to this letter.

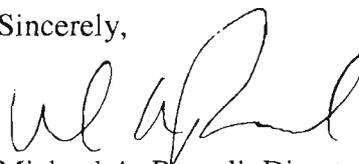
EPA is identifying for inclusion on Idaho's Section 303(d) list the Lower Boise River (ID17050114SW001\_06) and Hem Creek (ID17060307CL007\_02b). EPA will open a public comment period to receive comments concerning our proposed decision to add waters to the State's Section 303(d) list. After we consider comments received from the public, we will make a final decision regarding the addition of the two waters to the 2008 303(d) list.

EPA has received Idaho's long-term schedule for TMDL development for all waters on the State's 2008 Section 303(d) list. As a policy matter, EPA has requested that States provide such schedules. EPA is not taking any action to approve or disapprove this schedule pursuant to Section 303(d).

In 1994, in response to a federal District Court order, EPA published a 303(d) list for the State of Idaho which identified all impaired waters within the State of Idaho, including some waters within Indian Country as defined at 18 USC 1151. EPA's partial approval/partial disapproval of the State's 2008 303(d) list does not apply to any waters, or portions thereof, that are within Indian Country. EPA is taking no action to approve or disapprove the State's list with respect to any waters within Indian Country.

We recognize and appreciate the excellent work of staff and managers at IDEQ in developing the final 2008 303(d) List. We look forward to continuing to work with you on this process to address the water quality issues in the State. If you have any questions please contact Tracy Chellis, Impaired Waters Program Manager at (206)553-6326, or Dave Croxton, Manager, Watershed Unit at (206) 553-6694.

Sincerely,



Michael A. Bussell, Director  
Office of Water and Watersheds

Enclosures

cc: Michael McIntyre, IDEQ  
Marti Bridges, IDEQ

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<sup>1</sup> For tracking purposes, Idaho did not submit a 303(d) list in 2004 or 2006. The last 303(d) list submittal was in 2002.