



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

Reply To
Attn Of: OW-134

MAY 7 2002

Bryan Horsburgh
Idaho Department of Environmental Quality
1410 North Hilton
Boise, ID 83706

Re: Lower Boise River Nutrient & Tributary Subbasin Assessments, December 2001

Dear Mr. Horsburgh:

This letter is in regard to the Lower Boise River & Tributary Subbasin Assessments report dated December 2001 which was submitted to us on December 27, 2001. The report was prepared by the Idaho Department of Environmental Quality (IDEQ) and presents the rationale for removing the Lower Boise River from the State of Idaho's 303(d) lists of impaired waters, based on nutrient loading. The report also presents Subbasin Assessments (SBAs) for six tributaries within the Lower Boise watershed. These tributaries include Blacks Creek, Fivemile Creek, Tenmile Creek, Indian Creek, Mason Creek, and Sand Hollow Creek. The SBAs present Use Attainability Analyses (UAAs) for the six tributaries which are the basis for IDEQ's proposal to make revisions to the beneficial use designations and impaired listings for several of the tributaries. The report is well written and well presented. The Environmental Protection Agency (EPA) Region 10 commends IDEQ for the excellent work put into this report by their staff.

The EPA presented comments on the draft Lower Boise River SBA and Tributary SBAs in letters dated October 10, 2001 and December 13, 2001, respectively. Our comments have been largely addressed. However, several issues discussed in those comments remain unresolved. EPA staffs have also been in discussions with you on these issues. After review of the SBAs and an analysis of the State of Idaho water quality standards by EPA staff, including our Standards and Planning Unit, EPA concludes that ~~we cannot support delisting the Lower Boise River for nutrient loading at this time.~~ While we concur with the beneficial use designation revisions proposed for the tributaries, ~~we cannot support delisting several of the tributaries for total suspended sediment (TSS).~~ In particular, we believe the delisting of Fivemile Creek, Tenmile Creek, and Mason Creek for TSS are not supported. All other proposed listing changes appear approvable.

We understand that IDEQ is not proposing to delist Sand Hollow Creek for sediment, but does not plan to write a TMDL for the stream. While we fully support and commend the restoration plans developed for Sand Hollow Creek now being implemented by the soil conservation district, these efforts do not obviate the need to develop a TMDL as the water body remains listed for sediment. As such, a sediment TMDL should be prepared for Sand Hollow Creek.

Boise River

~~In our comment letter of October 10, we indicated our concerns regarding delisting the Lower Boise River for nutrients, given the elevated concentrations of phosphorus in the stream. These levels were reported as up to 1.3 mg/l total phosphorus, greatly exceeding the EPA Gold Book recommended level of 0.1 mg/l. IDEQ cited a lack of complaints regarding nuisance growth and odors as one of the reasons for delisting. However, filamentous algal growth has been observed in several stretches of the river. Without specific state implementation guidance for the narrative nutrient criteria, it appears that interpretation of the criteria is done on a case by case basis. Our primary concern is that absent implementation guidance, these criteria may be applied inconsistently and the interpretation subjective. In this particular case the interpretation of the narrative criteria appears to be based on a subjective determination. Given the above, and without additional justification, EPA finds it difficult to support the basis for IDEQ's rationale to delist.~~

The Lower Boise River is also known to contribute significant levels of nutrients to the Snake River at its confluence. A draft TMDL for the Snake River/Hells Canyon (SR/HC) is in public review at this time and proposes significant nutrient reductions for the Boise River at its mouth in its load allocations. The Lower Boise River is part of a nationwide pilot study for nutrient water quality trading. If a TMDL is not issued for the Lower Boise River or if Waste Load Allocations (WLAs) are not issued under the SR/HC TMDL, NPDES permits cannot be issued for nutrient reductions. These NPDES permits are a critical part of the proposed water quality trading program. For all the above reasons, EPA does not believe delisting the Lower Boise River for nutrients is supportable or appropriate at this time. The State may choose to either issue a separate TMDL for the Lower Boise River, issue WLAs for the Lower Boise River and tributaries in the final SR/HC TMDL which is currently being drafted, or amend the SR/HC TMDL to include WLAs after the document is approved.

Tributaries

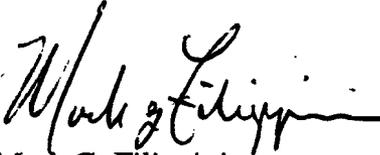
IDEQ has proposed beneficial use designation changes for the six tributaries within the Lower Boise watershed. These changes involve designating many of the waters for modified use, from undesignated or cold water biota. EPA has reviewed the draft UAA document supporting these use designation changes and believes the use revisions are justified for these waters. We understand that the revised use designations and associated specific criteria for the application of the modified use to these tributaries has been adopted by the State of Idaho under the rule-making process. EPA is in receipt of the proposed revised water quality standards and thanks you for submitting them. EPA staff have yet to review this submission, but plan to consistent with the previously agreed to list of EPA and IDEQ priorities. At this time, EPA expects to review and take action on the revised water quality standards by October 2002.

Based on our review of the SBAs, we agree with the majority of the revised listings for impaired uses as proposed. However, IDEQ has proposed the application of a total suspended sediment (TSS) target of 148 mg/l for many of these tributaries. These waters are known to contain cold water biota including salmonids during certain times of the year, but salmonid spawning is not known to occur. In our review of this target we believe that the literature cited does not support the use of 148 mg/l as a level which will protect the aquatic species present and is not appropriate for the tributaries where it has been proposed; Fivemile, Tenmile, Mason, and Sand Hollow creeks.

Based on an evaluation of the data and literature studies, the EPA biologist and program staff believe the TSS target should be nearer to 55mg/l for these waters. We would be happy to discuss the specifics of our analysis with you if you desire.

We appreciate the submittal of these SBAs ahead of the proposed 303(d) listing changes scheduled for October 2002. As previously discussed, we are expecting that these list actions and others currently in progress will be formally submitted, with supporting documentation, as a package during the 2002 listing cycle. We look forward to working with you on this important project. If you have any questions or would like to discuss any of these matters with us, please contact myself at (206)553-6327 or Leigh Woodruff at (208)378-5774.

Sincerely,



Mark G. Filippini

cc: Steve West, IDEQ
Marti Bridges, IDEQ
Mike McIntyre, IDEQ