

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

IDAHO OPERATIONS OFFICE  
422 WEST WASHINGTON STREET  
BOISE, IDAHO 83702



Attn of: WD-139

Walton C. Poole, Ph.D  
Assistant Administrator, Community Programs  
Division of Environmental Quality  
Idaho Department of Health and Welfare  
1410 North Hilton  
Statehouse Mall  
Boise, Idaho 83720-9000

Re: Approval of Idaho's 1992 Section 303(d) list

Dear Dr. Poole:

On August 17, 1992, the Idaho Division of Environmental Quality (DEQ) submitted a list of waterbodies to the Environmental Protection Agency (EPA) for review and approval pursuant to §303(d) of the Clean Water Act. On February 12, 1993, EPA conditionally approved the list, subject to DEQ providing public participation and considering additional waterbodies for inclusion on the list. On July 19, 1993, DEQ resubmitted the State's 1992 §303(d) list to EPA for approval. EPA has determined that the State has met the conditions of the conditional approval and approves DEQ's 1992 §303(d) list of waters (Table 1). In approving Idaho's 1992 §303(d) list, EPA concurs that these waters require additional water quality-based controls, and are now subject to development of TMDLs as prioritized by DEQ.

The approved 1992 §303(d) list (Table 1) identifies 36 water quality-limited segments still requiring TMDLs, their general priority category, and, for each segment, the parameters exceeding Idaho's water quality standards. Waterbodies that have been targeted for TMDL development within the next two years are identified in the State-EPA agreement. EPA recognizes, however, that in transitioning to the basin approach to water quality management, Idaho may reevaluate its TMDL development priorities within the context of the basin scheduling process.

During the comment period 117 waters were identified by the Idaho Conservation League (ICL) and 178 waters were identified by the Columbia Inter-Tribal Fish Commission (CRITFC) as potential candidates for listing. ICL and CRITFC referenced information that beneficial uses in these waters may be impaired. DEQ has determined that the information does not adequately show that Idaho's water quality standards have been violated. Hence, DEQ did not include these

waters on the 1992 §303(d) list. However, DEQ indicated that the process of evaluating these additional segments would continue in development of the 1994 §303(d) list.

Because the information available is inadequate in demonstrating exceedences of water quality standards, EPA agrees DEQ's position is reasonable. EPA notes that DEQ is preparing §303(d) listing guidelines as part of their transition to the watershed approach. ICL and CRITFC raise important concerns regarding water quality, and EPA expects that these issues will be addressed in the §303(d) listing guidelines and in the development of the 1994 §303(d) list. In summary, EPA strongly urges DEQ to compile the additional information necessary to resolve the issues raised prior to submitting the 1994 §303(d) list.

EPA commends DEQ for meeting the conditions of EPA's conditional approval letter and for committing to evaluating the stream segments raised by the commenters in the 1994 §303(d) listing process. EPA will continue to work with DEQ to ensure that future submissions of §303(d) lists reflect the best available information on Idaho's water quality.

Sincerely,

Charles E. Findley  
Director, Water Division

Enclosure

cc: Joe Nagel  
Paul Jehn  
Don Zaroban

**Table 1. IDAHO WATER QUALITY LIMITED SEGMENTS**

**Idaho's 1992 Section 303(d) List**

<b>Idaho ID#</b>	<b>Priority</b>	<b>Waterbody Name</b>	<b>Pollutants</b>
369	H	Snake River	Sediment, nutrients, temperature
370	H	Bliss Reservoir	Nutrients
372	H	Snake River	Sediment, nutrients, temperature
373	H	Snake River	Sediment, nutrients, temperature
374.0	H	Snake River	Sediment, nutrients, temperature
374.1	H	Snake River	Sediment, nutrients, temperature
384	L	Billingsley Creek	Dissolved oxygen, bacteria, nutrients
415	H	Snake River	Sediment, nutrients, temperature
549	L	Bruneau River	Sediment, bacteria
662	L	Soda Creek	Sediment
664	M	Snake River	Sediment, nutrients
668	M	Snake River	Bacteria, nutrients
669	M	Snake River	Sediment, nutrients
690	L	Black Canyon Res.	Sediment
731.1	L	Lowell Lake	Nutrients, bacteria
732	L	Indian Cr.	Bacteria
818	M	Snake River	Nutrients
840	L	Crane Creek	Sediment, bacteria
841	L	Crane Cr. Res.	Sediment, bacteria
842	L	Crane Cr.	Sediment, bacteria
884	H	Cascade Reservoir	Nutrients
918	H	SF Salmon River	Sediment
919	H	SF Salmon River	Sediment
920	H	SF Salmon River	Sediment
967	H	Panther Creek	Heavy metals (Cu, Co, Mn, Pb, Zn)
977	H	Blackbird Creek	Heavy metals (Cu, Co, Mn, Pb, Zn)
	H	Bucktail Creek	Heavy metals (Cu, Co, Mn, Pb, Zn)
	H	Big Deer Creek	Heavy metals (Cu, Co, Mn, Pb, Zn)
1135	L	Paradise Creek	Nutrients, bacteria
1515	H	SF Coeur d'Alene River	Cadmium, iron

<b>Idaho ID#</b>	<b>Priority</b>	<b>Waterbody Name</b>	<b>Pollutants</b>
1516	H	SF Coeur d'Alene River	Cadmium, iron
326	H	Portneuf River	Bacteria, nutrients, suspended solids
1171	H	Jim Ford Creek	Sediment, bacteria, ammonia
1152	H	Spokane River	Nutrients, zinc
1153	H	Spokane River	Nutrients, zinc
1154	H	Spokane River	Nutrients, zinc

01.02060 - Mixing zone policy

page 12. 01. We suggest adding language to the effect that mixing zones will not be allowed in situations where threatened and endangered species will be harmed. [DAVE - SUGGESTED LANGUAGE?]

page 12. 02.a.i. The language is a bit confusing. If your intent is to clarify what an adequate zone is, we suggest the following language, "~~An adequate zone of passage should be provided~~ In most cases, the zone of passage will be considered adequate if the mixing zone..."

✓ page 13. 02.a.111. A question: who decides what is an appropriate design flow?

page 13. 02.c. This is confusing language to us. Why would the mixing zone areas and volumes be summed? What is the intent here?

01.02090

✓ page 14. 02.a. There is an updated citation: "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms", Fourth Edition, EPA, 1990.

01.02250, Surface Water Quality Criteria

page 25. 02.d.iv.

page 28. 03.a.iii.(b)(i) and (ii). What does "at comparable stream discharge" mean?

page 28. Are section 04 and 05 missing?

page 29. 06.b.i.(b). Is your notation "(or  $10^{-5}$ )" included because you are soliciting public opinion on an appropriate risk level or because you will be leaving the risk level up to a case by case determination. If it is the latter, we suggest establishing criteria for applying the level, so as to reduce ambiguity.

page 29. 07. Table. Numeric criteria for toxic substances. We have reviewed the table and have found it to be consistent with our Toxics Rule (Section 303(c)(2)(B) regulations). Our only comment concerns those metals for which the criteria is to be based on dissolved concentrations; we strongly encourage you to modify the criteria so that they more accurately reflect the dissolved fraction of the total concentration. A table of our

suggested modifications, as well as a page from the state of Washington's WQS regarding metals criteria are attached. We would be happy to give you additional information on this topic if you are interested.

page 29. 07.b.i. As we have discussed earlier, we cannot comment on whether or not these numbers are appropriate until we have received and reviewed the substantiating site-specific material.

#### 01.02275 Site-specific surface water quality criteria

page 30. 01.a.i. You note that site-specific criteria may be appropriate where species are more or less sensitive... However, your two examples are illustrative only of those circumstances where species are less sensitive. Also, under a.i.(a), we note that using acclimation as a justification for deriving site-specific criteria is tenuous as it may not be a mechanism available to all species potentially resident to a site.

page 30. 01.a.iv. We are a bit confused by this language. Water quality criteria must fully protect designated and existing uses, whichever is more protective. It is not appropriate to simply set ambient criteria as water quality criteria.

page 31. h.i. Confusion???

page 31. h.ii. You reference section 01.02090,03. I cannot find the referenced section.

#### 01.02400,

page 34. 03. We are pleased that you have included compliance schedule language in these regulations. We note, however, that "over time" is not acceptable; the schedules must include a limit of up to 5 years or the life of the permit.

#### 01.02403 Wasteload Allocations

page 35. 04.a.iii. We suggest the following language modification here and throughout this section: "Water quality-based ~~effluent limits~~ wasteload allocations may be developed..."

page 37. 04.b.iv.Z and M. The section referenced should be 01.2403,04,e.

page 39. 04.d. For clarification, we suggest that the choices of design flows will be made at the department's discretion.

page 41. 04.g. This section is a bit confusing. The language seems to be requiring that the concentration shall be 1) the reasonably expected maximum, 2) determined on a case-by-case basis and 3) the geometric mean, and may be based on seasonal concentrations.

Under iii, you reference a section we can't find (01.02403,05.g.iii).

iv. We suggest using statistical methods (see EPA's Technical Support Document for Water Quality-based Toxics Control) for dealing with data less than detection limits rather than simply setting them equal to zero.

01.02420,04

*~~01.02420,04~~ and 01.02420,04*

page 45. c.i.(a). Are you suggesting by this that any samples not "representative" may be discarded?