



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

May 22, 2008

Reply to
Attn Of: OWW-131

Barry Burnell
Water Quality Programs Administrator
Idaho Department of Environmental Quality
1410 North Hilton
Boise, Idaho 83706-1255

Re: Approval of Definition Revisions and Procedure for Determining Salmonid
Spawning Time Periods in Idaho Water Quality Standards Contained in Docket No.
58-0102-0505.

Dear Mr. Burnell:

The U.S. Environmental Protection Agency (EPA) has completed its review of the
revisions to Idaho's Water Quality Standards contained in Docket No. 58-0102-0505.

BACKGROUND

Idaho Department of Environmental Quality (IDEQ) initiated a negotiated rulemaking on
November 2, 2005, to modify 23 definitions included in IDAPA 58.01.02.010, beneficial
use support status provisions in 58.01.02.010.053, and to address time periods for
salmonid spawning at IDAPA 58.01.02.250.02(f). Other minor editorial changes
included IDAPA 58.01.02.100.01(b) and IDAPA 58.01.02.250.04. IDEQ proposed rule
language and provided an opportunity for public comment from April 2006 through July
2006. Following public comment, a proposed revision to the definition of IDAPA
58.01.02.010.31, Ephemeral Waters, was not finalized since the revision was determined
to be premature by the Idaho Board of Environmental Quality. In addition, further
revisions were made to the definitions at IDAPA 58.01.02.010.31 and IDAPA
58.01.02.010.56 and a minor editorial change was made to IDAPA.58.01.02.200.09.

The proposed rule was adopted by the Idaho Board of Environmental Quality in
December 2006. The final rule was then adopted by the Idaho Legislature at the
adjournment of the 2007 legislative session. By letter dated May 13, 2008, IDEQ
submitted these revised water quality standards, contained in Docket No. 58-0102-0505,
to EPA for review and CWA action.

EPA's DETERMINATION

EPA has reviewed Idaho's revised water quality standards (WQS), contained in Docket No. 58-0102-0505 pursuant to our authority under section 303(c) of the Clean Water Act (CWA) and the implementing regulations at 40 CFR Part 131. Today's action distinguishes three categories of provisions found in Idaho's revised WQS:

1. Provisions which are approved under section 303(c) of the CWA.
2. Provisions which are approved under section 303(c) of the CWA subject to the completion of consultation under section 7(a)(2) of the ESA.
3. Provisions which do not constitute WQS under section 303(c) of the CWA and therefore EPA is not taking action.

1. Provisions which are approved under section 303(c) of the CWA.

- Definition revisions contained in IDAPA 58.01.02.010.
- Minor formatting change to IDAPA 58.01.02.100.01(b) Salmonid Spawning.
- Minor editorial change to IDAPA.58.01.02.200.09 Natural Background Conditions as Criteria.
- Minor editorial change to IDAPA 58.01.02.250.04 Warm Water.

EPA is approving Idaho's new and minor editorial definition revisions contained in IDAPA 58.01.02.010 and minor editorial revisions to IDAPA 58.01.02.100.01(b), IDAPA.58.01.02.200.09 and IDAPA 58.01.02.250.04. These revisions do not alter the levels of protection afforded by the water quality standards that have been previously approved. EPA believes these revisions have no effect on listed species or the designated critical habitat of such species and therefore is not required to consult under section 7(a)(2) of the ESA.

2. Provisions which are approved under section 303(c) of the CWA subject to the completion of consultation under section 7(a)(2) of the ESA.

- The identification of a procedure to determine waterbody specific time periods for salmonid spawning in IDAPA 58.01.02.250.02(f).

This action remedies the revision Idaho adopted in 2000, contained in Docket No. 16-0102-9704, in which the state removed the default salmonid spawning table and did not replace it with a provision in the water quality standards regulations. EPA expressed concerns that a mechanism in the water quality standards regulations was needed so as to clearly provide the time periods for when the various salmonid spawning months occur and thus when the salmonid spawning use and criteria apply. By adding a procedure into the water quality standards regulation, Idaho has corrected this outstanding issue.

EPA is approving this provision for purposes of CWA section 303(c), subject to completion of consultation under section 7(a)(2) of the Endangered Species Act. This

revision formalizes the procedure used to determine waterbody specific time periods for salmonid spawning in Idaho's WQS. By approving the standards "subject to completion of consultation under section 7(a)(2) of the Endangered Species Act," EPA has explicitly stated that it retains the discretion to take appropriate action if the consultation identifies deficiencies in the standards requiring remedial action by EPA. EPA retains the full range of options available under section 303(c) for ensuring water quality standards are environmentally protective.

3. Provisions which do not constitute WQS under section 303(c) of the CWA and therefore EPA is not taking action.

- IDAPA 58.01.02.053. Beneficial Use Support Status.
- IDAPA 58.01.02.053.01. Aquatic Habitat Parameters.
- IDAPA 58.01.02.053.03. Use of Data Regarding pH, Turbidity, Dissolved Oxygen, and Temperature.
- IDAPA 58.01.02.053.05. Rigor, Quality and Relevance of Data.

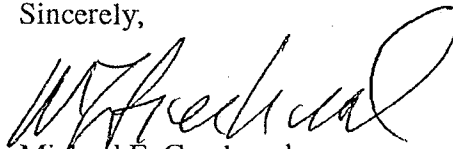
EPA has determined the above referenced language revisions and additions are not water quality standards and is therefore not required to act on these provisions under section 303(c) of the CWA and the implementing regulations at 40 CFR Part 131.

TRIBAL CONSULTATION

EPA sent a letter dated November 14, 2007 offering to conduct formal consultation with the Coeur D'Alene Tribe, Kootenai Tribes of Idaho, Nez Perce Tribe, and Shoshone-Bannock Tribes. EPA did not receive any responses from the tribes indicating a desire for formal consultation.

A detailed discussion of the rationale for today's action is included in the enclosed technical justification document. Please feel free to contact me at (206) 553-7151 if you have questions concerning this letter or Matthew Szelag, Water Quality Standards Coordinator, at (206) 553-5171.

Sincerely,



Michael F. Gearheard
Director, Office of Water and Watersheds

Enclosure

cc: Michael McIntyre, IDEQ
Don Essig, IDEQ

ENCLOSURE

IDAHO WATER QUALITY STANDARDS
Docket No. 58-0102-0505

TECHNICAL JUSTIFICATION
MAY 22, 2008

This enclosure provides the Environmental Protection Agency's (EPA) technical justification for today's action. The definition and editorial revisions are listed at the end of this document.

1. PROVISIONS WHICH ARE APPROVED UNDER SECTION 303(C) OF THE CWA

IDAPA 58.01.02.010. Definitions.

Idaho's revised WQS include modifications to definitions at IDAPA 58.01.02.010. The definitions contained in the water quality standards regulations provide the meaning of terms used in Idaho's water quality standards that are important in understanding the basis for the standards.

Minor Editorial Changes to Definitions

The following definitions in Idaho's water quality standards have undergone minor editorial revisions:

- IDAPA 58.01.02.010.01. Acute.
- IDAPA 58.01.02.010.02. Acute Criterion.
- IDAPA 58.01.02.010.11. Chronic.
- IDAPA 58.01.02.010.12. Chronic Criterion.
- IDAPA 58.01.02.010.34. Four Day Average.
- IDAPA 58.01.02.010.38. Ground Water.
- IDAPA 58.01.02.010.43. Hypolimnion.
- IDAPA 58.01.02.010.49. Lower Water Quality.
- IDAPA 58.01.02.010.50. Lowest Observed Effect Concentration (LOEC).
- IDAPA 58.01.02.010.51. Man-Made Waterways.
- IDAPA 58.01.02.010.52. Maximum Weekly Maximum Temperature (MWMT).
- IDAPA 58.01.02.010.56. Natural Background Conditions.
- IDAPA 58.01.02.010.82. Short-Term or Temporary Activity.
- IDAPA 58.01.02.010.89. Suspended Sediment.

In addition, the following definitions have been removed and combined with other definitions. These changes have not affected the substance or content of the definitions and are thus considered minor formatting changes to Idaho's water quality standards. The definitions that have been removed are:

- Acute Toxicity.
- Chronic Toxicity.

- Criterion Continuous Concentration (CCC).
- Criterion Maximum Concentration (CMC).

Determination

EPA approves these revisions as minor editorial or formatting changes that clarify the definitions but do not alter the water quality standards that EPA previously approved. These revisions do not change the criteria or uses of Idaho's water quality standards. EPA is acting on these revisions to ensure that these minor editorial changes are in effect under the Clean Water Act.

New Definitions

The following new definitions are changes to Idaho's water quality standards:

- IDAPA 58.01.02.010.14. Daily Maximum (Minimum).
- IDAPA 58.01.02.010.15(d). Daily Mean.¹
- IDAPA 58.01.02.010.79. Sediment.
- IDAPA 58.01.02.010.90. Suspended Solids.

Determination

EPA approves these new definitions since these changes do not alter the criteria or uses of the water quality standards that EPA previously approved. The new definition of Daily Maximum (Minimum) and new subsection (d) of Daily Mean are scientifically supportable and provide necessary information for application and implementation of the water quality standards. The addition of definitions for Sediment and Suspended Solids reasonably explain the application of these terms.

IDAPA 58.01.02.100.01(b) Salmonid Spawning.

This provision was revised for consistency to add a missing acronym, "SS", for salmonid spawning.

Determination

EPA approves this revision as a minor formatting change that does not substantially alter the water quality standards that EPA previously approved. EPA is acting on this provision to ensure that this minor editorial change is in effect under the Clean Water Act.

IDAPA 58.01.02.200.09. Natural Background Conditions as Criteria.

This provision was revised to incorporate a phrase regarding Lower Water Quality, which is defined in IDAPA 58.01.02.010.49. This phrase was originally added in the proposed standards to the definition of Natural Background Conditions in IDAPA 58.01.02.010.56 but was shifted to this provision. After public comment, IDEQ decided that a reference to Lower Water Quality is better suited in this provision since IDAPA 58.01.02.200.09 is related to the application or use of natural background conditions rather than its definition in IDAPA 58.01.02.010.56. The replacement of the phrase "pollutant levels shall not

¹ IDAPA 58.01.02.010.15. Daily Mean is an existing definition but subsection (d) is new.

exceed” to “there shall be no lowering of water quality” does not change the meaning or implementation of natural background conditions as criteria but more clearly explains the provision.

Determination

EPA approves this revision as a minor editorial change that does not substantially alter the water quality standards that EPA previously approved since the implementation of natural background conditions as criteria has not been changed. EPA is acting on this provision to ensure that this minor editorial change is in effect under the Clean Water Act.

IDAPA 58.01.02.250.04. Warm Water.

This provision was revised to include the phrase “are not to vary from the following characteristics due to human activities” for consistency with 250.02 and 250.03.

Determination

EPA approves this revision as a minor editorial change that does not substantially alter the water quality standards that EPA previously approved since it was added for consistency. EPA is acting on this provision to ensure that this minor editorial change is in effect under the Clean Water Act.

2. PROVISIONS WHICH ARE APPROVED UNDER SECTION 303(C) OF THE CWA SUBJECT TO THE COMPLETION OF CONSULTATION UNDER SECTION 7(a)(2) OF THE ESA.

IDAPA 58.01.02.250.02(f) Salmonid Spawning.

Prior to 2000, Idaho’s water quality standards contained a default salmonid spawning time period table. In 2000 IDEQ revised specific provisions of their water quality standards, which included deleting the table providing spawning time periods for a number of salmonid species. These revisions were submitted to EPA April 26, 2000 in Docket No. 16-0102-9704. EPA has acted on specific provisions contained in Docket No. 16-0102-9704, but did not specifically act on the removal of the salmonid spawning time periods. Instead, EPA informed IDEQ that this would need to be corrected and agreed to provide IDEQ time to rectify the removal of this provision. IDEQ initially corrected this by adding a general procedure into IDEQ WBAG guidance. Although the language in the WBAG was sufficient in determining salmonid spawning time periods, EPA determined that a reference to the WBAG guidance contained in Idaho’s water quality standards was required for both consistency with the federal regulations and so that it was clear to the public and regulated community how IDEQ determined when the salmonid spawning use was applicable.

IDEQ has now addressed EPA’s concerns contained in our August 2, 1999 letter by adding this new language referencing a procedure for determining time periods for salmonid spawning. EPA’s comments stated concern regarding the lack of a mechanism to apply salmonid spawning criteria to appropriate waterbodies during spawning months. This action remedies the concerns EPA identified regarding the removal of the table by now describing the general procedure for determining spawning on a site-specific basis

and referencing the WBAG in the water quality standards. This new language replaces the lack of language contained in Docket No. 16-0102-9704 which IDEQ previously submitted to EPA in April 2000 and which EPA had not yet acted on.

In the revision to IDAPA 58.01.02.250.02(f), Idaho identifies a procedure that will be used to determine time periods for salmonid spawning. In order to provide more specific detail regarding when the salmonid spawning designated use applies, Idaho's water quality standards now state that salmonid spawning time periods will be determined on a waterbody specific basis. This procedure relies on information from local fisheries biologists, published literature, records of the Idaho Department of Fish and Game and the most recent version of the Idaho WBAG (currently the QBAG 2002, Section 5.2.4. and Appendix F). Included in the WBAG 2002, Appendix F is a table defining the time periods for salmonid spawning and egg incubation for several native and introduced salmonid species in Idaho. The identification and adoption of this procedure for determining waterbody specific time periods for salmonid spawning rectifies the absence of a method for when to apply salmonid spawning criteria.

In addition, Appendix F includes the cited literature and scientific justification IDEQ relied on to select the time periods for the application of the salmonid spawning use. Enhanced data on basin and stream location is also incorporated from the cited literature. The identification of the procedure to determine salmonid spawning time periods in the current version of the WBAG captures and formalizes into the water quality standards the approach IDEQ has used for implementation of the salmonid spawning use designation.

Determination

EPA approves IDAPA 58.01.02.250.02(f) which identifies a procedure for salmonid spawning time periods on a waterbody specific basis. EPA has determined the procedure to protect the salmonid spawning use designation described in Idaho's water quality standards and time table periods for salmonid spawning in the WBAG 2002 are based on best available scientific data and professional judgment from cited literature. EPA's analysis is described in detail in a memorandum from Matthew Szlag to the Record dated May 22, 2008, Re: Analysis of Procedure for Determining Salmonid Spawning Time Periods in Idaho WQS Contained in Docket No. 58-0102-0505. Since salmonid spawning may not occur year around, applying time periods for salmonid spawning is important to identify in order to protect the seasonality of this use. This is consistent with 40 CFR.131.10 which provides, in part, that states must specify appropriate water uses to be achieved and protected as well as allowing states the discretion to adopt sub-categories and seasonal uses.

3. PROVISIONS WHICH DO NOT CONSTITUTE WQS UNDER SECTION 303(C) OF THE CWA AND THEREFORE EPA IS NOT TAKING ACTION

IDAPA 58.01.02.053. Beneficial Use Support Status.

IDAPA 58.01.02.053 contains Idaho's beneficial use support status provisions. These provisions relate to Idaho's Beneficial Use Reconnaissance Program (BURP), part of the Idaho Water Body Assessment Guidance (WBAG), and are not water quality standards.

Determination

EPA has determined the provisions under IDAPA 58.01.02.053 regarding beneficial use support status are not water quality standards under section 303(c) of the CWA and therefore EPA is not acting on these language revisions. Below is an explanation of how EPA came to this conclusion for each provision that was revised.

IDAPA 58.01.02.053. Beneficial Use Support Status.

The definition of beneficial use support status provision added the following sentence:

“The Department shall employ a weight of evidence approach in evaluating a combination of water quality data types (including, but not limited to, aquatic habitat and biological parameters), when such a combination of data are available, in making its final use support determination.”

The addition of this sentence to the existing provision is not a water quality standard under section 303(c) of the CWA. It simply describes a weight of evidence method for obtaining sufficient and reliable data. This provision does not revise the criteria or uses in Idaho’s WQS. In addition, the revision does not define, change, or establish the magnitude, duration or frequency to be applied in state attainment decisions. Therefore, EPA is not acting on this language because it not a new or revised WQS under section 303(c) of the CWA.

IDAPA 58.01.02.053.01. Aquatic Habitat Parameters.

Removing the word “and” at the end of the provision is a minor formatting change to a provision that is not a water quality standard.

IDAPA 58.01.02.053.03. Use of Data Regarding pH, Turbidity, Dissolved Oxygen, and Temperature.

This new provision allows for Department discretion, now formalized in Idaho’s regulations, that allows a weight of evidence approach to the minor exceedances defined provided aquatic life beneficial uses remain supported. The provision allows exceedances (using data regarding pH, turbidity, dissolved oxygen and temperature) from criteria that are brief, infrequent and small but do not directly constitute 303(d) impaired waters listing. Instead, if these minor exceedances do occur, they may be factored into the BURP process found in the Idaho Water Body Assessment Guidance (WBAG 2002) section 5.2. BURP is a process which accounts for a variety of parameters regarding data and evaluation to determine a 303(d) listing decision. As a result, EPA is not acting on this provision because it has been determined not to be a water quality standard but a mechanism for the evaluation of data used in the BURP process.

IDAPA 58.01.02.053.05. Rigor, Quality and Relevance of Data.

This new provision regarding rigor, quality and relevance of data formalizes data quality considerations from the WBAG into rule, but does not constitute a water quality standards revision. Many state water quality standards regulations contain provisions that specify the terms of National Pollutant Discharge Elimination System (NPDES) permits, address section 303(d) impaired waters listing requirements, and/or enforcement

provisions. Since these programs are related to the implementation, maintenance and protection of water quality, they are often included in a single regulatory package like the Idaho water quality standards. However, many of these provisions are beyond the scope of section 303(c) of the CWA.

Provisions that merely describe the sufficiency or reliability of information necessary for the state to make an attainment decision and do not change a level of protection are methodologies under section 303(d), but are not WQS under section 303(c) of the CWA. Therefore, EPA is not acting on this language because it is not a water quality standard under section 303(c) of the CWA, but rather a provision regarding section 303(d).

DEFINITION REVISIONS

Note: New or revised language is underlined and deleted language is struck out.

01. Acute. *Involving a* A stimulus severe enough to rapidly induce a rapid response. ~~In aquatic toxicity tests, a response measuring lethality observed in acute refers to a single or short-term (i.e., ninety-six (96) hours or less) is typically considered acute exposure to a concentration of a toxic substance or effluent which results in death to fifty percent (50%) of the test organisms.~~ When referring to human health, an acute effect is not always measured in terms of lethality. (3-20-97)

Summary: Minor clarifying wording changes and adds definition of acute toxicity which has been removed.

02. Acute Criteria. Unless otherwise specified in these rules, the maximum instantaneous or one (1) hour average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from acute toxicity ~~resulting from due to~~ exposure to the toxic substance or effluent. Acute criteria ~~will~~ are expected to adequately protect the designated aquatic life use if not exceeded more than once every three (3) years. ~~The terms "acute criteria" and "criterion maximum concentration" (CMC) are equivalent.~~ This is also known as the Criterion Maximum Concentration (CMC). There are no specific acute criteria for human health; however, the human health criteria are based on chronic health effects and are expected to adequately protect against acute effects. (3-15-02)

Summary: Adds statement indicating acute criteria is synonymous with Criterion Maximum Concentration (CMC), which has been removed from the definitions section. Clarifies that human health criteria are based on chronic health effects.

121. Chronic. *Involving a* A stimulus that lingers persists or continues for a relatively long period of time, often one-tenth (.01) of relative to the life span or more of an organism. ~~Chronic should be considered a relative term depending on the life span of an organism. The measurement of a chronic effect can be reduced growth, reduced reproduction, etc., in addition to lethality.~~ In aquatic toxicity tests, chronic refers to continuous exposure to a concentration of a toxic substance or effluent which results in mortality, injury, reduced growth, impaired reproduction, or other adverse effect to aquatic organisms. The test duration is long enough that sub-lethal effects can be reliably measured. When referring to human health, a chronic effect is usually measured in terms of estimated changes in rates (# of cases/ 1000 persons) of illness over a lifetime of exposure. (8-24-94)

Summary: Adds definition of chronic toxicity which has been removed. Removes statement regarding duration of one-tenth of lifespan. Modifies outcomes of chronic exposure. Includes statement regarding human health and rate changes using the formula: # of cases per 1000 persons.

132. Chronic Criteria. Unless otherwise specified in these rules, the four (4) day average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from chronic toxicity *resulting from due to* exposure to the toxic substance or effluent. Chronic criteria *will* are expected to adequately protect the designated aquatic life use if not exceeded more than once every three (3) years. *The terms "chronic criteria" and "criterion continuous concentration" (CCC) are equivalent.* This is also known as the Criterion Continuous Concentration (CCC). Human health chronic criteria are based on lifetime exposure. (3-15-02)

Summary: Adds statement indicating chronic criterion is synonymous with Criterion Continuous Concentration (CCC), which has been removed from the definitions section. Adds statement that human health criteria are based on lifetime exposure.

143. Daily Maximum (Minimum). The highest (lowest) value measured during one (1) calendar day or a twenty-four (24) hour period, as appropriate. For ambient monitoring of dissolved oxygen, pH, and temperature, multiple measurements should be obtained at intervals short enough that the difference between consecutive measurements around the daily maximum (minimum) is less than zero point two (0.2) ppm for dissolved oxygen, zero point one (0.1) SU for pH, or zero point five (0.5) degree C for temperature. (8-24-94)

Summary: New definition to clarify measurement intervals for daily cycles. Indicates 24 hour period with ambient monitoring of multiple measurements to capture: less than 0.2ppm for DO, 0.1 SU for pH or less than 0.5 °C for temperature.

185. Daily Mean.

d. For ambient monitoring of temperature, the daily mean should be calculated from equally spaced measurements, at intervals such that the difference between any two (2) consecutive measurements does not exceed one point zero (1.0) degree C.

Summary: Adds section d. which requires ambient temperature monitoring to account for 1.0 °C changes and clarifying measurement requirements within a day of data.

374. Four Day Average. The mean of the twenty-four (24) hour average values calculated over average of all measurements within a period of ninety-six (96) consecutive hours. While a minimum of one (1) measurement per each twenty-four (24) hours is preferred, for toxic chemicals in Section 210, any number of data points is acceptable. (3-20-97)

Summary: Allows toxic chemicals in Section 210 to have reduced data points if they are not available.

4138. Ground Water. Subsurface water comprising the zone of saturation. Any water of the state which occurs beneath the surface of the earth in a saturated geological formation of rock or soil. (8-24-94)

Summary: Clarifying wording revision for consistency with Idaho's Ground Water Quality rules.

463. Hypolimnion. The ~~deepest zone~~ bottom layer in a thermally-stratified body of water. It is fairly uniform in temperature and ~~lies~~ lays beneath a zone of water which exhibits a rapid temperature drop with depth of at least one (1) degree C per meter such that mixing with overlying water is inhibited. (3-20-97)

Summary: Removes requirement of 1.0° C temperature drop to add flexibility in the identification of stratified waters.

5249. Lower Water Quality. A measurable and adverse anthropogenic change in a chemical, physical, or biological parameter of water relevant to a beneficial use, and which can be expressed numerically. Measurable change ~~is~~ may be determined by a statistically significant difference ~~between sample means~~ using standard methods for analysis and statistical interpretation appropriate to the parameter. Statistical significance is defined as the ninety-five percent (95%) confidence limit when significance is not otherwise defined for the parameter in standard methods or practices. (3-20-97)

Summary: Adds anthropogenic. Revises wording so that statistically significant differences are not the only way measurable change can be determined.

530. Lowest Observed Effect Concentration (LOEC). The lowest concentration of a ~~toxicant~~ substance or an effluent that results in observable adverse effects in the aquatic test population. (8-24-94)

Summary: Minor wording revision for consistency.

541. Man-Made Waterways. Canals, flumes, ditches, wasteways, drains, laterals, and/or similar associated features, constructed for the purpose of water conveyance. This may include channels modified for such purposes prior to November 28, 1975. These waterways may have uniform and rectangular cross-sections, straight channels, follow rather than cross topographic contours, be lined to reduce water loss, and be operated or maintained to promote water conveyance. (7-1-93)

Summary: Minor wording revisions and addition of identifying characteristics of man-made waterways. Add statement about channels modified prior to November 28, 1975 regarding existing uses.

552. Maximum Weekly Maximum Temperature (MWMT). The weekly maximum temperature (WMT) is the mean of daily maximum temperatures measured over a consecutive seven (7) day period ending on the day of calculation. When used seasonally, e.g., spawning periods, the first applicable WMT occurs on the seventh day into the time period. The MWMT is the single highest WMT that occurs during a given year or other period of interest, e.g., a spawning period. (3-15-02)

Summary: Clarifies metrics and their use for determining maximum temperatures measured over seven consecutive days.

596. Natural Background Conditions. ~~No measurable change in~~ The physical, chemical, biological, or radiological conditions existing in a water body without human sources of pollution within the watershed. Natural disturbances including, but not limited to, wildfire, geologic disturbance, diseased vegetation, or flow extremes that affect the physical, chemical, and biological integrity of the water are part of natural background conditions. Natural background conditions should be described and evaluated taking into account this inherent variability with time and place. (3-15-02)

Summary: Includes statement about characteristics of natural disturbances and adds natural conditions vary by time and place.

79. Sediment. Undissolved inorganic matter.

Summary: New definition that specifies sediment to be undissolved inorganic matter.

842. Short-Term or Temporary Activity. An activity which is as short as possible but lasts for no more than one (1) year, is limited in scope and is expected to have only minimal impact on water quality as determined by the Director. Short-term or temporary activities include, but are not limited to, those activities described in Subsection 080.02. (3-20-97)

Summary: Clarifies time period to last for less than one year; no upper limit was defined previously.

9189. Suspended Sediment. ~~Organic and~~ The undissolved inorganic particulate fraction of matter which has been removed from its site of origin and measured while suspended in surface water. (7-1-93)

Summary: Changes definition to include undissolved. Removes statement about movement of materials from origin.

90. Suspended Solids. The undissolved organic and inorganic matter suspended in surface water.

Summary: New definition that clarifies the difference between suspended sediment and suspended solid.

EDITORIAL REVISIONS

IDAPA 58.01.02.100.01(b) Salmonid Spawning (SS): waters which provide or could provide a habitat for active self-propagating populations of salmonid fishes.

Summary: This provision was revised for formatting consistency to add a missing acronym, “SS”, for salmonid spawning.

IDAPA.58.01.02.200.09 Natural Background Conditions *as Criteria*. When natural background conditions exceed any applicable water quality criteria set forth in Sections 210, 250, 251, 252, or 253, the applicable water quality criteria shall not apply; instead, ~~pollutant levels shall not exceed the~~ there shall be no lowering of water quality from natural background conditions. Provided, however, except that temperature ~~levels~~ may be increased above natural background conditions when allowed under Section 401.

Summary: This provision was revised to incorporate Lower Water Quality, which is defined in IDAPA 58.01.02.010.49. This phrase was originally added to the definition of Natural Background Conditions in IDAPA 58.01.02.010.56 but was shifted to this provision. After public comment, IDEQ decided that a reference to Lower Water Quality is better suited in this provision since IDAPA 58.01.02.200.09 is related to the application or use of natural background conditions rather than its definition in IDAPA 58.01.02.010.56. The replacement of the phrase “pollutant levels shall not exceed” to “there shall be no lowering of water quality” does not change the meaning or implementation of natural background conditions as criteria but more clearly explains the provision since Lower Water Quality is defined in Idaho’s water quality standards.

IDAPA 58.01.02.250.04. Warm Water. Waters designated for warm water aquatic life are not to exhibit vary from the following characteristics due to human activities:

Summary: This provision was revised to include the phrase “are not to vary from the following characteristics due to human activities” for consistency with 250.02 and 250.03.