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Department of Environmental Quality
State Water Quality Programs



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue
Seattle, WA 98101

Reply To
Attn Of: OWW-134

OCT 22 2007

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

RE: Approval of the Lower Clark Fork Subbasin TMDLs

Dear Mr. Burnell:

The U.S. Environmental Protection Agency (EPA) is pleased to approve the temperature, sediment, metals, and total dissolved gas Total Maximum Daily Loads (TMDLs), as listed in the table below, for the Lower Clark Fork Subbasin, as submitted on August 29, 2007. This approval only includes those waters for which a TMDL was completed and does not constitute approval for de-listing of waters within Hydrologic Unit Code 17010213 from the Idaho 2002 §303(d) list. Any proposed de-listing of waters will be considered at the time of submission of the next §303(d) list of impaired waters.

Table 1. Table of Approved TMDLs

Name of Creek/Water Segment	Assessment Unit #	Pollutant
Cascade Creek	ID17010213PN012_02	Temperature
Dry Creek (Twin Creek, Delyle Creek, Unnamed Stream)	ID17010213PN004_02	Temperature
Dry Creek (Twin Creek, Delyle Creek, Unnamed Stream)	ID17010213PN004_03	Temperature
East Fork Creek	ID17010213PN014_02	Temperature
East Fork Creek	ID17010213PN014_03	Temperature
Johnson Creek	ID17010213PN002_02	Temperature
Johnson Creek	ID17010213PN002_03	Temperature
Lightning Creek	ID17010213PN011_02	Temperature
Lightning Creek	ID17010213PN011_04	Temperature
Lightning Creek	ID17010213PN013_02	Temperature
Lightning Creek	ID17010213PN013_04	Temperature
Lightning Creek	ID17010213PN017_03	Temperature
Lightning Creek	ID17010213PN017_02	Temperature
Lightning Creek	ID17010213PN019_03	Temperature
Lightning Creek	ID17010213PN019_02	Temperature
Lightning Creek	ID17010213PN010_04	Temperature

Lightning Creek	ID17010213PN016_02	Temperature
Lightning Creek	ID17010213PN016_03	Temperature
Mosquito Creek	ID17010213PN009_02	Temperature
Rattle Creek	ID17010213PN018_02	Temperature
Savage Creek	ID17010213PN015_02	Temperature
Wellington Creek	ID17010213PN020_02	Temperature
East Fork Creek	ID17010213PN014_02	Sediment
East Fork Creek	ID17010213PN014_03	Sediment
Johnson Creek	ID17010213PN002_02	Sediment
Johnson Creek	ID17010213PN002_03	Sediment
Lightning Creek*	ID17010213PN011_02	Sediment
Lightning Creek*	ID17010213PN011_04	Sediment
Lightning Creek*	ID17010213PN013_02	Sediment
Lightning Creek*	ID17010213PN013_04	Sediment
Lightning Creek*	ID17010213PN017_03	Sediment
Lightning Creek*	ID17010213PN017_02	Sediment
Lightning Creek*	ID17010213PN019_03	Sediment
Lightning Creek*	ID17010213PN019_02	Sediment
Lightning Creek*	ID17010213PN010_04	Sediment
Lightning Creek*	ID17010213PN016_02	Sediment
Lightning Creek*	ID17010213PN016_03	Sediment
Clark Fork River Delta	ID17010213PN001_08	Metals (cadmium, copper, zinc)
Clark Fork River	ID17010213PN003_08	Total Dissolved Gas
Clark Fork River Delta	ID17010213PN001_08	Total Dissolved Gas

* Listed as Unknown pollutant on 2002 303(d) List

EPA is also approving the following waterbody segments which were not included on the 2002 list, but which were determined during TMDL development to not be meeting water quality standards for sediment, temperature, metals, and total dissolved gas. EPA understands that these waters would have been included on the 2002 §303(d) list had the State been aware, at the time the list was compiled, and that these waterbodies were impaired. Because these waters now have approved TMDLs associated with them, the State need not include them on its next Clean Water Act Section 303(d) listing of impaired waters for the pollutants covered in these TMDLs.

Name of Creek/Water Segment	Assessment Unit #	Pollutant
Rattle Creek	ID17010213PN018_02	Sediment
Savage Creek	ID17010213PN015_02	Sediment
Wellington Creek	ID17010213PN020_02	Sediment
Dry Creek (Twin Creek, Delyle Creek, Unnamed Stream)	ID17010213PN004_03	Sediment
Dry Creek (Twin Creek, Delyle Creek, Unnamed Stream)	ID17010213PN004_02	Sediment
Clark Fork River	ID17010213PN003_08	Metals (cadmium, copper, zinc)
Clark Fork River	ID17010213PN005_08	Metals (cadmium, copper, zinc)
Clark Fork River	ID17010213PN005_08	Total Dissolved Gas

The waterbody segments impaired for temperature in the mainstem Clark Fork River are not being addressed in this TMDL. EPA looks forward to working together with Idaho, Montana, and EPA Region 8 to address these temperature impairments in a future TMDL.

The TMDL includes two sets of calculations identifying the loading capacity and wasteload and load allocations for cadmium for the Lower Clark Fork subbasin: One set is based on the currently applicable EPA approved water quality standards for cadmium and one set is based on a cadmium criterion revised by Idaho and currently under review by EPA (Appendix D to the TMDL). As the State acknowledges in its submission, the Clean Water Act applicable standards for cadmium are those that have been approved by EPA. EPA approves those TMDL calculations for cadmium appearing on pages 71 to 73 that identify loading capacity and wasteload and load allocations based on the currently applicable EPA approved water quality standard.

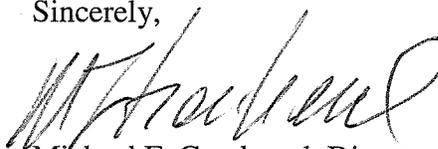
EPA has also reviewed the submitted TMDL calculations identifying alternative loading capacity and wasteload and load allocations for cadmium in Appendix D of the TMDL. These alternative calculations are based on the cadmium standard revised by Idaho and currently under review by EPA. Based on EPA's review of these alternative calculations, EPA has determined that the loading capacity and load allocations are appropriate to implement the State's revised cadmium standards. Because EPA is currently reviewing the State's revised cadmium standard and the State has developed these alternative TMDL calculations, EPA is approving these alternative calculations but EPA's approval shall only become effective for Clean Water Act purposes when and if EPA ultimately approves the State's revised cadmium standard. If EPA approves that revised standard, the TMDL calculations in Appendix D, including the wasteload and load allocations, will supersede the calculations based on the old standard and become, for Clean Water Act purposes, the approved TMDL for cadmium for the Lower Clark Fork subbasin as of the date of the standard approval. Should those revised standards be approved by EPA, and Idaho continues to support this alternative TMDL calculations based on the revised standards, Idaho need not submit revised cadmium TMDLs for approval.

This submittal also includes implementation strategies for the TMDLs. Idaho Department of Environmental Quality (IDEQ) developed and submitted these strategies pursuant to the TMDL Settlement Agreement of July 2002. EPA currently has no duty to approve or disapprove implementation strategies under Section 303(d) of the Clean Water Act (CWA); therefore, EPA is not taking action on these strategies. Implementation is the critical next step to realize improvements in water quality, and we encourage IDEQ to continue their work with responsible parties on implementation of these strategies.

We commend Jenna Borovansky, Tyson Clyne and Bob Steed for their strong leadership, hard work, and partnering with the Watershed Advisory Group to develop the TMDL. EPA appreciates the coordination prior to the public comment period and the sharing of a pre-public comment draft with EPA staff. We support this early involvement and believe it results in a better understanding of the approaches used to develop the TMDL and enables meaningful discussion to occur between IDEQ and EPA staff that can later expedite EPA's review of the final TMDL document.

By EPA's approval, these TMDLs are now incorporated into the State's Water Quality Management Plan under §303(e) of the CWA. If you have any comments or questions, please feel free to call me at (206) 553-7151, or you may call Jennifer Wu of my staff at 206-553-6328.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Gearheard", written in a cursive style.

Michael F. Gearheard, Director
Office of Water and Watersheds

cc: Doug Conde, IDEQ Attorney General
Mike McIntyre, IDEQ Surface Water Program Manager
Marti Bridges, IDEQ TMDL Program Manager
Ed Tulloch, IDEQ, Water Quality Manager, Coeur d'Alene Regional Office
Tyson Clyne, IDEQ, Coeur d'Alene Regional Office
Laird Lucas, Advocates for the West
Kristen Boyles, Earthjustice