



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

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Department of Environmental Quality
 State Water Quality Programs

Reply To: OWW-134

JAN 31 2008

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

Subject: Approval of the Pend Oreille Tributaries Sediment TMDLs

Dear Mr. Burnell:

Following our review and evaluation of the Pend Oreille Tributaries Sediment TMDLs by Idaho Department of Environmental Quality (IDEQ), the U.S. Environmental Protection Agency (EPA) is pleased to approve the TMDLs for the waters listed in the table below. These TMDLs were submitted to EPA by IDEQ on December 19, 2007.

Table of Approved TMDLs

Name of Creek/Water Segment	Assessment Unit #	Pollutant
Upper Pack River	ID17010214PN041_02 ID17010214PN041_03	Sediment
Hellroaring Creek	ID17010214PN044_02	Sediment
Sand Creek	ID17010214PN049_02 ID17010214PN049_03 ID17010214PN048_03 ID17010214PN048_03a	Sediment
Jack Creek	ID17010214PN050_02	Sediment
Swede Creek	ID17010214PN051_02	Sediment
Schweitzer Creek	ID17010214PN052_02	Sediment
Little Sand Creek	ID17010214PN053_02	
Gold Creek	ID17010214PN034_02	Sediment
North Gold Creek	ID17010214PN025_02 ID17010214PN025_03	Sediment

This approval includes all load allocations established in the TMDL, since all of these allocations are required to attain applicable water quality criteria throughout the watershed. Our review indicates that these allocations have been established at a level that, when fully implemented, will lead to the attainment of the water quality criteria addressed by these TMDLs. Therefore the IDEQ does not need to include these waterbodies on the next 303(d) list of impaired waters for the pollutants covered by this TMDL.

This submittal also includes implementation strategies for the TMDLs. IDEQ developed and submitted these strategies pursuant to the TMDL Settlement Agreement of July 2002. EPA 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.

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 Martha Turvey of my staff at (206) 553-1354.

Sincerely,



Michael F. Gearheard, Director
Office of Water and Watersheds

cc: Doug Conde, Attorney General, Idaho
Mike McIntyre, Surface Water Program Manager, IDEQ
Marti Bridges, TMDL Program Manager, IDEQ

Ed Tulloch, Water Quality Manager, Coeur d' Alene Regional Office, IDEQ
Robert Steed, Coeur d' Alene Regional Office, IDEQ
Laird Lucas, Advocates for the West
Kristen Boyles, Earthjustice

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Department of Environmental Quality
State Water Quality Programs

EPA Region 10 TMDL Review Checklist

State/Tribe: Idaho §303(d) Segment(s): See attached table Pollutant(s): Sediment		Date of Submittal: January 10, 2008 Date Received by EPA: January 16, 2008 EPA Reviewer: Martha Turvey	
Review Element	Required	Included (check if yes)	Recommendations/Comments
Loading Capacity*	Yes	Yes	<p>The load capacity was set at 42 percent above natural background conditions. The natural background sediment rate is the sediment yield within a watershed prior to anthropogenic influences. The natural background sediment load was calculated by multiplying the area of each watershed by the natural background coefficient (0.0234 tons/acre/year) based on forested conditions assuming each watershed was entirely vegetated with coniferous forest. Table 5-3 on page 77 summarizes the load capacity of each waterbody.</p> <p>EPA's review indicates that the load capacities of this TMDL are established at a level which, if fully attained, will lead to attainment of the water quality standards.</p>
Wasteload Allocations (WLAs)* (including expression of allocations as daily loads)	Yes		<p>There are no NPDES permitted point sources of sediment in the impaired water bodies addressed in this TMDL.</p>
Load Allocations (LAs)* (including expression of allocations as daily loads)	Yes		<p>Load allocations and reductions were modeled for each watershed and are summarized in Table 5-5, page 80. The allocations and percent reductions goals are based on the modeled estimate of nonpoint source sediment contribution and the watershed specific reduction necessary to maintain loads below the load capacity, which was set at 42 % above natural background conditions. Load allocations and percent reductions goals were also calculated for each type of land owner and are summarized in Tables 5-6 through 5-9, pages 80-81. Load allocations were expressed as daily values as pounds per day.</p> <p>EPA's review indicates that the load allocations of this TMDL are established at a level which, if fully attained, will lead to attainment of the water quality standards.</p>

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Applicable Water Quality Standards & Numeric Targets*	Yes	Yes	<p>Section 2.2, pages 40-43 provide a discussion of the WQs for sediment which consist of narrative criteria to protect beneficial uses. The beneficial uses that are addressed in the TMDL are (IDAPA58.01.02 Section 100)..</p> <p>Aquatic Life: Cold water biota – waters suitable or intended to be made suitable for protection and maintenance of viable communities of aquatic organisms and populations of significant aquatic species which have optimal growing temperatures below 18 degrees C.</p> <p>Salmonid spawning –waters that provide or could provide a habitat for active self propagating populations of salmonid fishes.</p> <p>The narrative criteria: Sediment shall not exceed quantities specified in Sections 250 and 252 or, in the absence of specific sediment criteria, quantities which impair designated beneficial uses. Determinations of impairment shall be based on water quality monitoring and surveillance and information utilized as described in Section 350. (IDAPA 58.01.02.200.08). Narrative criteria fall under the category of general criteria, which apply to all surface waters regardless of use classification.</p> <p>Target: Sediment targets are surrogate measures for beneficial use support. The procedure to determine whether a water body fully supports designated and existing beneficial uses outlined in Figure 2-1, page 43. Section 5.1, page 72-74 discusses target development and selection. Trestle Creek, a tributary to Pend Oreille. lake, was selected as a reference watershed. A target of 42 percent above natural background load was defined.</p>

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Review Element	Required	Included (check if yes)	Recommendations/Comments
Scope of TMDL	Yes	Yes	<p>This TMDL addresses five watersheds in the Pend Oreille Subbasin that include 11 assessment units identified in the 2002 Integrated Report as water quality limited. These 6th order watersheds are Upper Pack Creek, Gold Creek, North Gold Creek, Rapid Lightning Creek, and Sand Creek. The Upper Pack River watershed includes the main stem river, McCormick Creek and Hellroaring Creek. The Sand Creek watershed includes 1st and 3rd order portions of the creek and Schweitzer Creek. McCormick Creek, Hellroaring Creek, Gold Creek and Rapid Lightning Creek are all tributaries to the Pack River. Sand Creek and North Gold Creek are tributaries draining directly into Pend Oreille Lake. (See Table 2-1, page 39 for list of impaired waters).</p> <p>A specific TMDL was not done for McCormick Creek (ID17010214NP042_02) as it was determined to be unnecessary as an outcome of the stressor identification study. Pollutant load reductions have been factored into the calculations for Upper Pack River watershed.</p> <p>The watersheds comprise 121,927 acres or approximately 190 square miles. The headwaters of the Pend Oreille River Subbasin are in the Cabinet, Selkirk and Bitterroot mountains and these tributaries empty into the Pend Oreille Lake. (See Figure ES-1, page ES-2). The land use is dominated by forest cover, grassland and agriculture. The Sand Creek watershed has the highest density of urban development with City of Sandpoint as the largest urban center. (See Table 1-8, pages 31-32). Trestle Creek watershed was selected as a reference area and contains some of the highest quality bull trout habitat remaining in the Pend Oreille subbasin.</p>

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Review Element	Required	Included (check if yes)	Recommendations/Comments
Submittal Letter	Yes	Yes	

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Review Element	Required	Included (check if yes)	Recommendations/Comments
Margin of Safety (MOS)*	Yes	Yes	An implicit MOS was derived from conservative assumptions and estimates made in the model construction and application. A summary of the various assumptions is provided in Table 5-10 on page 82. EPA review indicates that the TMDL adequately incorporates a margin of safety.
Seasonal Variation*	Yes	Yes	Seasonal variation is discussed on page 83. Sediment from nonpoint sources is loaded episodically primarily during high discharge events which coincide with critical conditions (November through May). The model averages these episodic events to derive an annual average sediment load. Water quality data for the watersheds was collected over a long period of time (Table 2-3, page 45), establishing the peak flow events and highest monthly averages which occur between April and June.
Monitoring Plan for TMDLs under adaptive management	Optional		

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Review Element	Required	Included (check if yes)	Recommendations/Comments
Implementation Strategy Elements under 2002 settlement agreement: ! Expected timeframe for meeting water quality standards ! Approaches to be used to meet load and wasteload allocations ! Identification of the federal, state and local governments, individuals or entities that will be involved in or responsible for implementing the TMDL Monitoring strategy to measure implementation activities and achievement of water quality standards	As agreed upon under the 2002 Settlement Agreement		Implementation strategies are outline in Section 5.5 pages 84-88. An Implementation Strategy has been included that addresses all the necessary elements agreed upon in the 2002 Settlement Agreement.
Reasonable Assurances	If WLAs depend on LAs		N/A

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Review Element	Required	Included (check if yes)	Recommendations/Comments
Public Participation*	Yes	Yes	On September 4, 2007, the Pend Oreille Tributary TMDL were posted on the DEQ website for public comment for 30 days. Copies of the draft TMDLs were available at the DEQ Coeur d'Alene Regional Office and were provided to the Tributary Working Group and the Pend Oreille River WAG. Public notice of the comment period was posted in the local newspapers and on the DEQ web page. The development of the Pend Oreille Tributaries Sediment TMDLs included public participation by the Pend Oreille River TMDL Watershed Advisory Group (WAG), the Pend Oreille River Tributary Work Group and other interested parties. A summary of the meetings is presented on pages 3-4.
Other Comments	As necessary		
Recommended Action		Yes	It is recommended that the Pend Oreille Tributary Sediment TMDLs be approved.

- These elements are required by statute and implementing regulations.

Pend Oreille Tributaries Sediment 303(d) Listed Waters

Water Body Name	Assessment Unit	Impairment Boundaries	Pollutant
Upper Pack River	ID17010214PN041_02		Sediment
	ID17010214PN041_03		
Hellroaring Creek	ID17010214PN044_02		Sediment

Sand Creek	ID17010214PN049+02 ID17010214PN049_03 ID17010214PN048_03 ID17010214PN048_03a		Sediment
Jack Creek	ID17010214PN050_02		Sediment
Swede Creek	ID17010214PN051_02		Sediment
Schweitzer Creek	ID17010214PN052_02		Sediment
Little Sand Creek	ID17010214PN053_02		Sediment
Gold Creek	ID17010214PN034_02		Sediment
North Gold Creek	ID17010214PN025_02 ID17010214PN025_03		Sediment