



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

May 27, 2011

Reply to
Attn Of: OWW-131

Paula Wilson
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255

Re: Comments to Idaho's Docket No. 58-0102-1101, Preliminary Draft Proposed Revisions to Idaho's Water Quality Standards; Salmonid Spawning Criteria and Thermal Treatment Requirements

Dear Ms. Wilson:

Thank you for the opportunity to provide the Environmental Protection Agency's (EPA) comments on Idaho's Docket No. 58-0102-1101. In this proposed temporary rule the Idaho Department of Environmental Quality (DEQ) proposes to revise its numeric temperature criteria for the protection of salmonid spawning in Subsection 250.02.f.ii by replacing the current criteria (13 degrees Celsius (C) or less with a maximum daily average no greater than 9 degrees C) with 13 degrees C as a maximum seven day average of daily maximums. In addition, DEQ proposes to remove Subsection 401.01.c. and d. which provides additional temperature requirements for point source wastewater discharges into surface waters.

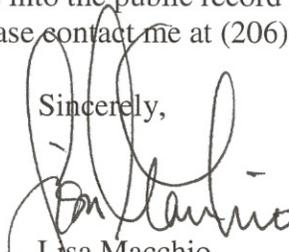
EPA supports DEQ in its efforts to update and revise its temperature criteria for the protection of salmonid spawning consistent with EPA's temperature guidance and to revise Subsection 401.01.c and d. However, EPA has several concerns that we conveyed to you during the May 25, 2011 negotiated rulemaking meeting. Specifically, although EPA supports the proposed 13 degrees C MWMT criterion for salmonid spawning and egg incubation protection, EPA is concerned it cannot approve the criterion without clear identification in the rule on when and where the 13 degrees C criterion applies. Furthermore, DEQ's current approach in Appendix F in the WBAG for determining where and when the salmonid spawning criteria apply is incomplete and in some cases inconsistent with the current table of use designations in Idaho's water quality standards. Therefore this approach is problematic and does not address the concerns discussed above. With respect to 401.01.d, although EPA supports modification of the 1 degree C temperature increase limit in this subsection, there is concern that removal of this

provision altogether would result in insufficient protection of salmonid egg incubation during the winter months.

EPA looks forward to working with DEQ on these concerns for a state-wide rule. However, due to the time involved in addressing the above concerns, EPA does not recommend DEQ proceed with the proposed temporary rule on a statewide basis. Because of the immediate need to address the temperature standards in the Boise River in the context of the upcoming NPDES permit for the City of Boise, EPA recommends that the temporary rule focus on the Boise River or the Boise watershed. EPA believes that identification of where and when the 13 degrees C criterion applies on the Boise River and a suitable revision to Subsection 401.01.d can be written in the timeframe associated with a temporary rule.

Please accept the above comments into the public record as EPA's formal written comments. If you have any questions please contact me at (206) 553-1834.

Sincerely,



Lisa Macchio
Water Quality Standards Unit
Office of Water and Watersheds

Enclosures

cc: Barry Burnell, IDEQ
Michael McIntyre, IDEQ
Don Essig, IDEQ