



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3123**

OFFICE OF
WATER AND
WATERSHEDS

SEP 26 2018

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

Re: Approval of the Jim Ford Creek – 2017 Temperature TMDL (HUC: 17060306)

Dear Mr. Burnell:

The Idaho Department of Environmental Quality (IDEQ) originally submitted the Jim Ford Creek Watershed 2017 Temperature Total Maximum Daily Load (TMDL) to the U.S. Environmental Protection Agency on February 9, 2017. IDEQ resubmitted the TMDL, with revisions, on March 2, 2017. Following our review, the EPA is pleased to approve a total of nine TMDLs for the waters and pollutants listed in the tables below. Eight of these TMDLs were previously approved by the EPA in June 2000, and were revised by IDEQ using an updated temperature TMDL methodology. These TMDLs are listed in Table 1 below:

Table 1: EPA-Approved Revised TMDLs Using Different Methodology

Name of Water Segment	Assessment Unit #	Pollutant
Jim Ford Creek	ID17060306CL034_04	Temperature
Jim Ford Creek tributaries	ID17060306CL035_02	Temperature
Jim Ford Creek	ID17060306CL035_03	Temperature
Jim Ford Creek	ID17060306CL035_04	Temperature
Grasshopper Creek	ID17060306CL036_02	Temperature
Grasshopper Creek	ID17060306CL036_03	Temperature
Winter Creek	ID17060306CL037_03	Temperature
Winter Creek	ID17060306CL038_02	Temperature

The IDEQ also completed a TMDL for ID7060306CL037 02 which was not meeting water quality standards for temperature, and was not included in Idaho’s most recent List. This water had been included in the 1998 303d list. When IDEQ created assessment units and separated Winter Creek into two units, IDEQ inadvertently placed the 2nd order portion (ID7060306CL037 02) into Category 3 rather than on the list of impaired waters (Category 5). As a result, IDEQ failed to develop a TMDL for this water in 2000. Therefore, IDEQ identified this as a new TMDL on an unlisted but impaired water, as shown in Table 2 below. The EPA understands that this water would have been included in the List had the State been aware of the impairment at the time the List was completed.

Table 2: EPA-Approved Temperature TMDL on an Unlisted Water

Name of Water Segment	Assessment Unit #	Pollutant
Winter Creek tributaries	ID17060306CL037_02	Temperature

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 standards addressed by these TMDLs. Therefore, the IDEQ does not need to include these waters on the next 303(d) list of impaired waters for the pollutant(s) covered by these TMDLs.

This approval only includes those waters for which a TMDL was completed and does not constitute approval for the proposed de-listing of waters within Hydrologic Unit Code 17060306 from the Idaho §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.

Your submittal also includes implementation strategies for the TMDLs. IDEQ developed and submitted these strategies pursuant to the TMDL Settlement Agreement of July 2002. As you know, the EPA has no duty to approve or disapprove implementation strategies under Section 303(d) of the Clean Water Act (CWA); therefore, the 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 the 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) 553-1855, or have your staff contact Leigh Woodruff of my staff at (208) 378-5774.

Sincerely,



Daniel D. Opalski
Director

cc: Mr. Mark Cecchini-Beaver, Deputy Attorney General, Idaho (by email)
Mr. Donald Essig, Surface Water Program Manager, IDEQ (by email)
Mr. Graham Freeman, TMDL Program Manager, IDEQ (by email)
Ms. Sujata Connel, Water Quality Manager, Lewiston Regional Office, IDEQ (by email)
Mr. John Cardwell, Regional Administrator, Lewiston Regional Office, IDEQ (by email)
Mr. Laird Lucas, Advocates for the West (by email)
Ms. Kristen Boyles, Earthjustice (by email)