



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
WATER AND
WATERSHEDS

SEP 02 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, Proposed Revisions to Idaho's Water Quality Standards; 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 rule the Idaho Department of Environmental Quality (DEQ) proposes to remove Subsection 401.01.c. and d. which provides additional temperature requirements for point source wastewater discharges into surface waters.

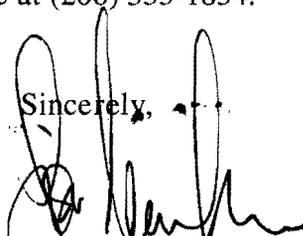
The Agency recommends that Idaho retain an incremental temperature warming limit for point source discharges into waters with Endangered Species Act (ESA) listed salmonids. The EPA Region 10 Temperature Guidance (April, 2003) recommends that State's include temperature standards that limit the warming of waterbodies that are cooler than the numeric criteria. As explained in the Guidance (page 32-33), protecting waters cooler than the criteria are important to protect the temperature diversity in watersheds that support ESA listed salmonids.

In Idaho's Notice of Rulemaking for this proposal, it is noted that the thermal treatment requirements in subsection 401.01.d may be to protect thermal shock, but the 1°C limit is overly stringent to protect against thermal shock. The EPA does not believe the purpose of 401.01.d is to protect against thermal shock. Rather, as discussed in the EPA Region 10 Temperature Guidance (pages 32-33) and in Idaho's April, 2003 Concepts and Recommendations for Using Natural Conditions Provisions of the Idaho Water Quality Standards document (pages 5-6) it is important to protect waters where and when they are colder than the numeric criteria.

We, however, believe there may be alternatives to the current 1°C limit in subsection 401.01.d that may serve the purpose of protecting cold waters and avoid being overly stringent where and when the water is significantly colder than the criteria. The EPA recently approved a temperature standard in Washington that is based on a formula that sets the temperature limit based on the receiving water ($28/(\text{Temperature of the receiving water} + 7)$). The EPA supports Idaho adopting a formula-based standard similar to Washington's.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Macchio', written over the word 'Sincerely,'.

Lisa Macchio
Water Quality Standards Unit
Office of Water and Watersheds

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