July 20, 2011

Mike Bussell, Director
Office of Water and Watersheds, Region 10
U.S. Environmental Protection Agency
1200 6th Ave.
Seattle, WA  98101

Re: Submission of revised water quality standards for approval: Site Specific Temperature Criteria for Salmonid Spawning and Site Specific Application of Thermal Treatment Requirements in Lower Boise Subbasin, Statewide Revision of Thermal Treatment Requirements (Idaho docket 58-0102-1101T)

Dear Mr. Bussell:

Consistent with the Clean Water Act §303(c) and 40 CFR 131.20, revised water quality standards (WQS) are hereby submitted for EPA approval. Idaho rule Docket 58-0102-1101T makes three changes to Idaho’s Water Quality Standards: 1) adopts EPA’s regional recommended temperature criterion to protect salmonid spawning for the three waterbodies currently designated for salmonid spawning in the Lower Boise subbasin; 2) modifies the thermal treatment requirements throughout the Lower Boise subbasin; and 3) modifies the thermal treatment requirement statewide. The attached Justification provides the details of each change and DEQ’s rationale for making the change.

These changes were adopted on June 29, 2011 as a temporary rule by the DEQ Board. They became effective under State of Idaho administrative procedures on June 30, 2011. There was opportunity for public comment before the Board and the City of Boise testified in favor. No one spoke against the temporary rule.

As temporary rules these changes expire at the end of the 2012 session of the Idaho legislature. DEQ paired the temporary rule with regular negotiated rulemaking of these same changes. This rulemaking was noticed on May 4, 2011 with a preliminary draft rule that proposed both the salmonid spawning criteria and treatment requirement changes statewide. A public meeting was held on May 25, 2011.

Based on comments made at the meeting, written comments received after the meeting, and phone conversation with EPA prior to the meeting, DEQ revised its preliminary draft to make part of the rule site-specific to the lower Boise subbasin. The revised draft rule is what was adopted by the DEQ Board and will be proposed as a permanent rule in the August Idaho Administrative bulletin. The latter will initiate a 30-day public comment period.
This rule being submitted for your approval. File: 820-09-1117
This rule letter briefly describes the rulemaking and the contents of the package supporting the submission package includes:

Initiate a new submission to EPA.

Implement the rule. Bring any changes this become permanent. If there are any changes DEP will initiate new submission to EPA.

July 20, 2011
Mike Russell, Director
Enclosures

BNB:DE:LS

Water Quality Division Administrator

Harry N. Bumpell

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If you have any questions on this memorandum and the enclosed supporting materials, please contact Don A. Essig, 208-373-0119, or don.essig@idaho.gov.