



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

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WATER  
DIVISION

June 9, 2020

Dr. Mary Anne Nelson  
Water Quality Division Administrator  
Idaho Department of Environmental Quality  
1410 North Hilton  
Boise, Idaho 83706-1255

Re: The EPA Clean Water Act Review and Action on Idaho's Water Quality Standards, Seasonal Cold Water, Idaho Rule Dockets 16-0102-9704 and 58-0102-0002

Dear Dr. Nelson:

The U.S. Environmental Protection Agency has completed the review of Idaho's water quality standards that address the seasonal cold water use description, associated criteria, and application of the use (Idaho Dockets 16-0102-9704 and 58-0102-0002). The Idaho Department of Environmental Quality adopted these water quality standards revisions into the State's regulations at IDAPA 58.01.02.100.01.c, 58.01.02.252.02.b, 58.01.02.140.11, and 58.01.02.250.03.

Pursuant to Section 303(c)(3) of the Clean Water Act, 33 U.S.C. § 1313(c)(3), and 40 CFR Part 131, the EPA disapproves Idaho's water quality standards addressing seasonal cold water. Details of the submitted water quality standards and the EPA's action are discussed in the enclosed Technical Support Document.

The EPA's action applies only to waterbodies in the State of Idaho and does not apply to waters that are within Indian Country as defined in 18 U.S.C. § 1151. In addition, nothing in this action shall constitute an approval or disapproval of a water quality standard that applies to waters within Indian Country. The EPA, or authorized Indian Tribes, as appropriate, will retain responsibilities for water quality standards for waters within Indian Country.

## **Background**

Idaho adopted the seasonal cold water use and associated criteria in April 2000, as part of the state's 2000 Triennial Review, and submitted the rule to the EPA for CWA review and action on April 26, 2000 (Idaho Docket 16-0102-9704). In March 2001, Idaho adopted revised temperature criteria associated with the seasonal cold water use and submitted the revisions to the EPA for CWA review and action on May 29, 2003 (Idaho Docket 58-0102-0002). The 2003 submittal includes temperature criteria revisions that lowered the magnitudes of the 2000 seasonal cold temperature criteria by 1°C (26°C daily maximum and 23°C maximum daily average instead of 27°C daily maximum and 24°C maximum daily average submitted in 2000). In addition, Idaho applied the seasonal cold water use to Little Camas Creek Reservoir.

## **The EPA's Disapproval Action**

In accordance with the EPA's authority under Section 303(c)(3) of the CWA and 40 CFR Part 131, the EPA disapproves the following water quality standards. Please refer to the Technical Support Document for the EPA's disapproval action rationale and the water quality standards in effect for CWA purposes.

- Addition of the seasonal cold water use designation description at IDAPA 58.01.02.100.01.c. (Idaho Docket 16-0102-9704).
- Addition of the seasonal cold water criteria at IDAPA 58.01.02.250.03 (Idaho Docket 16-0102-9704).
- Revision of the seasonal cold temperature criteria at IDAPA 58.01.02.252.02.b (Idaho Docket 58-0102-0002).
- Application of the dissolved oxygen and ammonia criteria at IDAPA 58.01.02.250.03.a and 250.03.c, respectively, to the seasonal cold water use (Idaho Docket 16-0102-9704).
- Application of the seasonal cold water use to Little Camas Creek Reservoir at 58.01.02.140.11, Unit SW-7 (Idaho Docket 58-0102-0002).

## **Remedy to Address the Disapproval**

The CWA Section 303(c)(3) and the federal water quality standards regulations at 40 § CFR 131.21 state in part that when the EPA disapproves a state's new or revised water quality standards, the EPA shall specify changes that are needed to assure compliance with the requirements of CWA Section 303(c). The EPA recommends DEQ consider the following options if it believes that there are waters in the state that would be more appropriately assigned to something other than one of the current aquatic life designated use categories:

- Delete the seasonal cold water use and criteria from Idaho's water quality standards regulations and establish site-specific criteria and location-specific uses (as appropriate) for particular waters; and/or
- Revise the seasonal cold water use to more specifically define the uses and species types to be achieved and protected, and establish criteria to protect the aquatic life expected in those waters.

The EPA appreciates our partnership and working together over the years to develop protective water quality standards for the state. We remain committed to providing technical assistance to DEQ as it explores applying appropriate uses to Idaho waterbodies. If you have any questions concerning this letter, please contact me or have your staff contact Cyndi Grafe, the project lead, at (208) 378-5771.

Sincerely,

Daniel D. Opalski  
Director

Enclosure

cc: Jason Pappani, Surface Water Bureau Chief, DEQ