

# Water Quality Environmental Performance Partnership Agreement

Calendar Year 2023



**Idaho Department of Environmental Quality  
US Environmental Protection Agency, Region 10**



December 2022

The following Performance Partnership Agreement (PPA) between the US Environmental Protection Agency (EPA) Region 10 and the Idaho Department of Environmental Quality (DEQ) will serve as the work plan for DEQ's Surface and Wastewater Division and Drinking Water Protection and Finance Division. This PPA is effective for calendar year 2023 and covers the period from January 1 through December 31, 2023. The agreement aligns DEQ and EPA Region 10 priorities and defines expected environmental outcomes. Through this agreement, DEQ and EPA can work together more efficiently in managing Idaho's water resources.



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Jess Byrne, Director  
Idaho Department of Environmental Quality

12/19/2022

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Date

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Casey Sixkiller Regional Administrator  
US Environmental Protection Agency, Region 10

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Date

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## Introduction

The US Environmental Protection Agency (EPA) and states share responsibility for environmental protection. This Performance Partnership Agreement (PPA) describes how the Idaho Department of Environmental Quality (DEQ) water quality divisions and EPA Region 10 will work together to protect Idaho's water quality.

The goal of a PPA is to bring more flexibility, accountability, and innovation into the state and federal relationship. These agreements are intended to increase environmental protection by focusing on overall environmental goals and results of government programs. In the PPA process, DEQ and EPA discuss environmental conditions and program needs, agree on priorities, develop approaches to address priorities, determine roles and responsibilities, and choose program measures.

This agreement details how DEQ and EPA will work together to accomplish common water quality goals. The two agencies will continue to focus on integrating key program areas that form the foundation of Idaho's water quality programs. DEQ is the lead agency for the following core programs: safe drinking water, groundwater, water quality standards, water quality monitoring and assessment, water body and watershed restoration, wastewater and drinking water infrastructure, biosolids, pretreatment, and Idaho Pollutant Discharge Elimination System (IPDES) permits and compliance. Each water quality program component identifies the expected environmental results as well as the DEQ and EPA work commitments to be completed during calendar year (CY) 2023.

In May 2019, DEQ formally separated the Water Quality Division into two divisions to better accommodate the workload associated with implementing the Safe Drinking Water and Clean Water Acts. These two new divisions are the Surface and Wastewater Division and the Drinking Water Protection and Finance Division. The Surface and Wastewater Division houses the wastewater engineering, IPDES, and surface water bureaus. The Drinking Water Protection and Finance Division houses the drinking water, groundwater and source water protection, and grants and loans bureaus. Figure 1 shows the organizational charts for the two divisions.

To present a comprehensive overview of DEQ's efforts to protect water quality, this PPA describes additional DEQ activities funded by other federal and nonfederal funds. In CY 2023, federal grant work plans will continue to focus on optimizing the use of DEQ staff to perform more critical water quality work in-house.

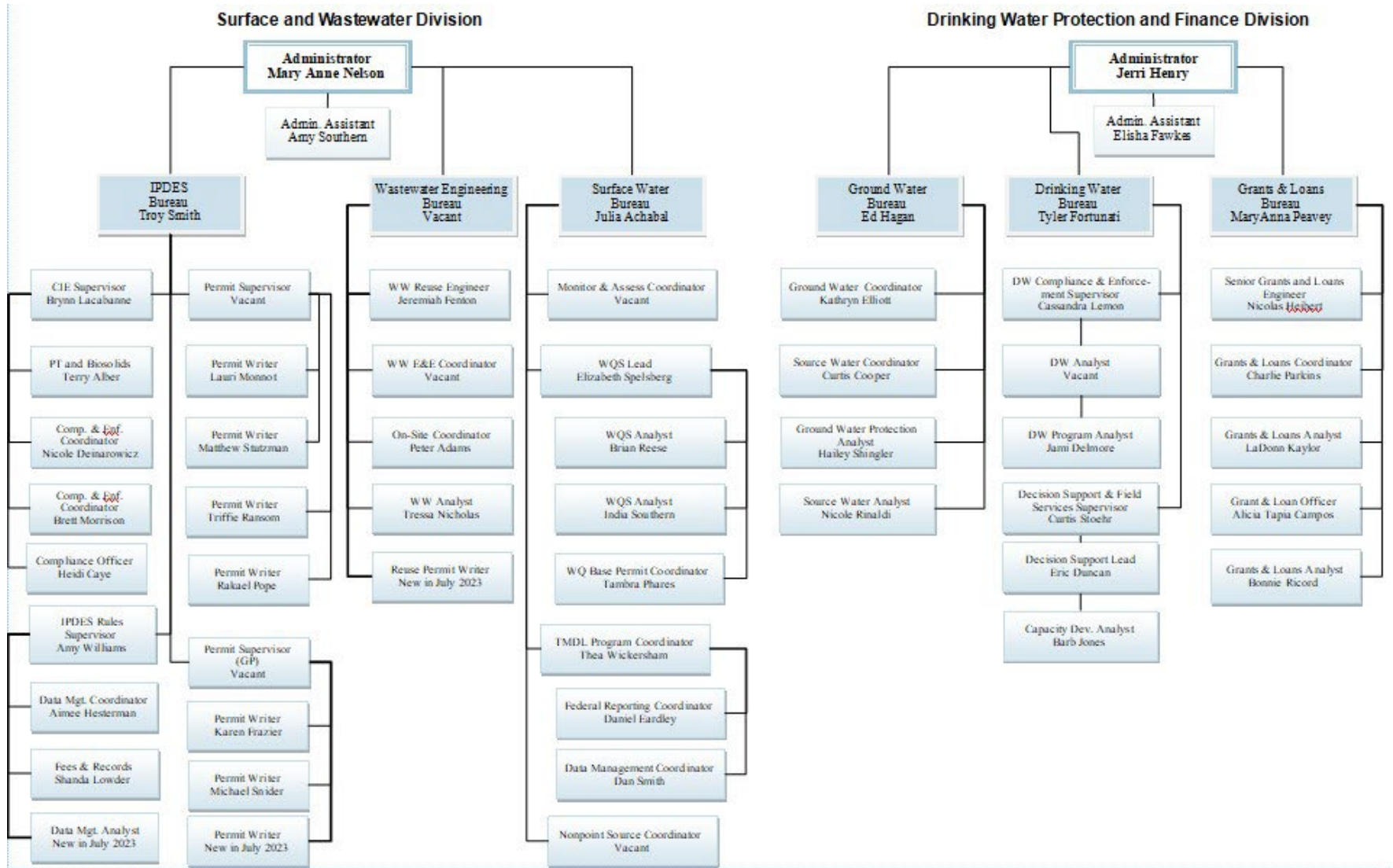


Figure 1. Surface and Wastewater Division and Drinking Water Protection and Finance Division.

## Strategic Priorities

EPA and DEQ were guided in these PPA negotiations by their respective strategic plans and priorities. Available for review on each agency’s website, these strategic plans are broad based and address more than just water quality strategies and priorities. Figure 2 illustrates DEQ’s and EPA’s planning processes for the PPA, including strategic priorities. The PPA offers an opportunity to identify common ground among these priorities and for the agencies to identify opportunities to work collaboratively on some priorities. The following sections describe each agency’s strategic priorities, which establish the framework for developing this PPA. Specifically, this PPA incorporates EPA’s priorities and targets that correspond to DEQ’s priorities and objectives.

### DEQ’s Strategic Priorities

DEQ’s mission is to protect human health and the quality of Idaho’s air, land, and water. As described in the [2023–2026 strategic plan](#), DEQ uses environmental outcomes as one method to evaluate the effectiveness of its programs. The water quality objectives include the following:

- Increase the percentage of assessed rivers and streams supporting beneficial uses by prioritizing impaired waters to focus state and federal resources along with implementing water quality trading.
- Increase the percentage of complete permit applications and facility plan and specification submittal packages by assisting the regulated community with submitting application packages, exploring the potential of electronic application submittals, and providing materials on a reorganized website so they are user friendly and readily accessible.
- Increase the compliance rate of inspected facilities by providing permit handoff meetings; delivering technical assistance workshops to deliver informational materials on applications, rules, and regulations; and increasing the number of community water systems in compliance by 25%.
- Increase the percentage of permits issued before the deadline by tracking permits throughout the entire process and deploying an enterprise-wide platform to provide a single resource for permit tracking and issuance.

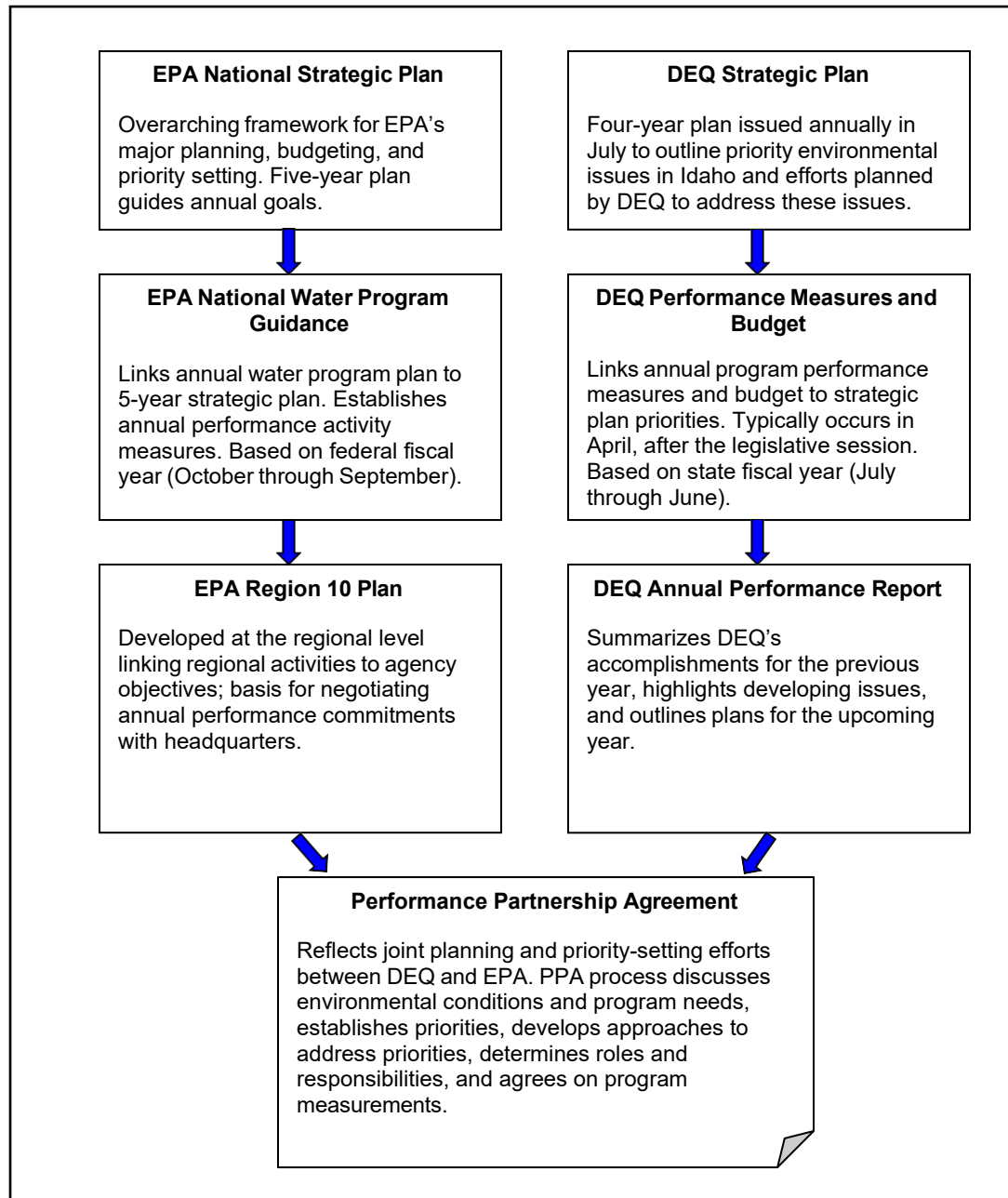
### EPA’s Strategic Priorities

The EPA [National Water Program Guidance](#) provides overarching national goals, priorities, and performance measures aimed at making significant progress toward protecting human health and improving water quality. This national program guidance is augmented by the Office of Enforcement and Compliance Assurance [National Program Guidance](#) for enforcement activities in all media.

EPA’s fiscal year [2022–2026 strategic plan](#) communicates the agency’s priorities and provides the roadmap for achieving its mission to protect human health and the environment. The strategic plan outlines crosscutting priorities, long-term performance goals, and agency-priority

goals. EPA will emphasize four cross-agency strategies while advancing three agency priority goals to jump start action on climate change, environmental justice, and civil rights:

1. Ensure scientific integrity and science-based decision making.
2. Consider the health of children at all life stages and other vulnerable populations.
3. Advance EPA’s organizational excellence and workforce equity.
4. Strengthen tribal, state, and local partnerships and enhance engagement.



**Figure 2. DEQ’s and EPA’s planning processes for the Performance Partnership Agreement.**



## **General Water Quality Agreements**

### **Information and Document Sharing Expectations**

DEQ will submit annual reports to EPA that provide data on the measures indicated in the PPA, unless this information is provided in grant reports. DEQ and EPA will inform each other regarding correspondence about grants, agreements, or products or services rendered from other local, state, and federal agencies or private entities that concern activities covered under this agreement.

### **Training and Technical Assistance**

Each agency, within its resource limitations, will provide training and technical assistance to the other agency upon request.

### **Scientific Integrity**

EPA is committed to restoring the public's trust in government through scientific integrity and science-based decision making. Over the next 4 years, EPA will strengthen the policies and procedures surrounding scientific integrity and the use of science and evidence to inform agency decision making and will reaffirm the agency's commitment to fostering open, objective, and honest investigation of scientific activities, data, and conclusions, and to deliver rigorous scientific research and analysis.

EPA and DEQ will work to integrate the following scientific integrity objectives as we implement the components of this PPA:

- Scientific integrity will be highly visible within the EPA and DEQ partnership.
- All responsible for protecting Idaho's water quality will embrace and model scientific integrity.
- Robust mechanisms will protect and maintain a shared culture of scientific integrity as we carry out actions under this PPA.

### **Serving Disadvantaged Communities**

EPA strives to advance environmental justice and civil rights by implementing EPA programs.

EPA will advance this goal by identifying opportunities to prioritize program resources and allocate funding targeted at historically overburdened and underserved communities. EPA will continue to meet the goals of the Civil Rights Act Title VI and ensure the fair treatment and meaningful involvement of all Idaho residents regardless of race, color, national origin, sex, age, disability, income, or limited English proficiency, when developing and implementing environmental laws, regulations, and policies.

EPA will strive to engage disadvantaged communities and those communities most affected by environmental and public health threats as we implement the components of this PPA.

DEQ will work with EPA as resources allow to address the advancement of environmental justice initiatives. DEQ works closely with the regulated community in providing technical assistance and funding to disadvantaged communities.

## Joint Evaluation of Performance

Unless stipulated otherwise in the PPA or individual grant conditions, DEQ and EPA will perform semiannual reviews for all PPA commitments. These reviews are planned for May and November 2023. This joint evaluation of performance will discuss program accomplishments as measured against work plan commitments, existing and potential problem areas, and suggestions for improvement. As a result of these performance evaluations, DEQ and EPA will collaborate on preparing brief progress reports covering their respective commitments in the PPA.

## Roles and Responsibilities

Roles and responsibilities for EPA and DEQ are specified in the Program Commitment sections of this PPA.

## Terms and Conditions

DEQ and EPA will follow all terms and conditions outlined in the operating agreements, yearly grant agreements, and federal and state statutes and regulations. To quantify effort, 2,080 person hours is one *full-time equivalent* (FTE), also known as one *work year*. As required by 40 CFR 35, the following federal sources of funding have been identified in this PPA:

Funding Source	Purpose/Use
Surface Water § 106	Reuse Permit Program; NPDES inspections/capacity development/certifications; wastewater plans/specifications; monitoring initiatives
Groundwater § 106	Groundwater Program-related activities
Nonpoint Source (NPS) § 319	Total maximum daily load (TMDL); NPS; restoration and management plans
§ 604(b)/205(j)	On-Site Wastewater Program
EPA TMDL contract	Key watershed TMDL projects
Drinking Water—Public Water System Supervision (PWSS)	Drinking Water Program administration
Drinking Water State Revolving Fund (SRF) capitalization grant	Drinking Water Loans; Loan Program administration; and eligible set-aside activities
Clean Water State Revolving Fund (CWSRF) capitalization grant	Wastewater Loans and Loan Program administration

## Outcomes

Environmental outcomes are described in the individual program sections.

## Component 1. Surface Water Assessment and Protection Programs

### Program Goal

The goal of DEQ's Surface Water Program is to restore impaired water bodies to conditions supporting designated and existing beneficial uses. These goals are accomplished through the following activities: monitoring and data collection, assessment, Integrated Report publication (formerly called the § 305(b) report and § 303(d) list), water quality standards development, total maximum daily load (TMDL) development, and collaboration with designated management agencies (DMAs) to develop and implement water quality restoration plans.

Monitoring and data collection are proposed to continue in CY 2023 at levels similar to CY 2022.

### Program Activities

Where possible, complete remaining TMDLs per the 2002 Idaho TMDL Settlement Agreement. Perform 5-year reviews of completed TMDLs. Continue monitoring and assessment activities as budget allows; develop water quality standards and guidance. Fund NPS projects.

### Program Contacts

Julia Achabal DEQ, (208) 373-0321

Cami Grandinetti, EPA, (208) 553-8696

Hanh Shaw, EPA, (206) 553-071

### Program Commitments

#### Priorities

- Submit approximately 59 TMDLs counted as assessment unit/pollutant combinations (listed below) TMDLs covering waters identified in the 2002 Settlement Agreement will be noted in the submittal letter to EPA.
  - Middle Snake River-Succor Creek (bacteria and sediment) (10)
  - Boise-Mores Creek (temperature and potential natural vegetation update) (5)
  - Bruneau River (bacteria) (4)
  - Lemhi River (bacteria and sediment) (11)
  - Willow Creek (bacteria, sediment, temperature) (10)
  - Pahsimeroi River (temperature, sediment) (6)
  - Middle Salmon River Panther Creek (temperature) (13)
- Continue development of approximately 115 TMDLs counted as assessment unit/pollutant combinations (listed below).
  - Upper Snake Rock (phosphorus) (34)
  - Lochsa River main stem (temperature) (6)

- Lower Boise River tributaries (5-alt, Category 4b, or TMDL) (5)
  - Raft River (bacteria, temperature) (3)
  - Little Wood (combined biota, sediment) (7)
  - Jordan Creek (mercury) (4)
  - Boyer Slough (phosphorus, nitrogen) (1)
  - South Fork Coeur d’Alene River (temperature) (16)
  - North Fork Coeur d’Alene River (metals) (20)
  - Big Lost (bacteria) (7)
  - Upper Salmon (temperature, combined biota) (4)
  - Lower North Fork Clearwater (combined biota, temperature) (6)
  - Middle Salmon River Panther Creek (copper) (2)
- DMAs, with watershed advisory group (WAG) input, will develop implementation plans, as their budget allows, to implement approved TMDLs.
  - Identify priority watersheds for restoration, consistent with EPA’s TMDL vision (2022–2024 Bridge Metric).
  - Coordinate with WAGs, EPA, and DMAs regarding 5-year reviews as appropriate.
  - Coordinate monitoring activities with other state, federal, and private entities. Provide necessary information, including monitoring data, to demonstrate meeting EPA National Management Measures (SP-12).
  - Continue to update and modify water quality standards as needed.
  - Coordinate harmful algal bloom response with Idaho’s seven public health districts. DEQ will monitor harmful algal blooms and report data to public health districts.

## Outcomes

Surface water assessment and protection outcomes will increase the percentage of waters that support beneficial uses and decrease the percentage of waters that do not support beneficial uses.

## Total Maximum Daily Loads

### 1.1 a Identify pollutant loads expected to restore beneficial uses and meet water quality standards in water quality-limited water bodies.

#### Outputs

- a. Submit approximately 59 TMDLs and continue developing approximately 115 TMDLs (listed under priorities above). Settlement TMDLs will be noted in the submittal letter to EPA.
- b. Share prepublic comment period drafts of TMDLs with EPA.
- c. EPA will provide comments to DEQ on prepublic drafts generally within 30 days to allow DEQ to inform and discuss EPA concerns with WAGs.
- d. Enter TMDLs, TMDL alternatives, and protection plans into EPA's assessment database, ATTAINS.

- e. Enter draft and final TMDL status into ATTAINS. EPA will verify and finalize TMDL information in ATTAINS.
- f. Participate with EPA and Oregon on developing the Hells Canyon temperature and mercury TMDLs.
- g. Participate with EPA on addressing PCB impairments in the Spokane River.
- h. Continue to perform pre- and post-TMDL monitoring visits, as the budget allows, to support TMDL development and adaptive management.
- i. Continue revision of upper Snake Rock total phosphorus TMDL with a goal of working towards release of a public comment draft by the end of CY 2023.
- j. Continue to work with EPA and its contractor to develop a final draft of the Jordan Creek mercury TMDL.

### **Schedule**

Subbasin assessment and TMDL completions for CY 2023 are as outlined above.

### **Funding**

These activities are funded by state monies appropriated through the Idaho Legislature. Presently, DEQ devotes approximately 23,567 person hours (approximately 11.3 work years) and \$86,089 in operating funds to support this effort. Successful achievement of these activities will depend on additional funding and collaborative efforts with other agencies. TMDL implementation plan development efforts conducted by DEQ staff are funded by state general funds and some federal § 319 funds.

### **Contacts**

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Cami Grandinetti, EPA, (208) 553-8696

Kati Carberry, EPA, (208) 378-5771

### **1.1 b Work with EPA, WAGs, and DMAs to facilitate implementation of TMDL pollutant load.**

#### **Approach**

Idaho Code § 3601 et seq. advises DEQ to complete TMDLs, 5-year reviews for selected TMDLs, and work with DMAs to implement TMDLs. DEQ will coordinate with EPA and the IPDES Program to ensure wasteload allocations are incorporated in discharge permits and work with DMAs and WAGs to identify projects and sources of funding to address load.

#### **Outputs**

- a. Prioritize existing TMDLs for completing 5-year reviews. Complete TMDL reviews during CY 2023 as resources allow.

- b. Consult with WAGs on 5-year review as required by Idaho Code § 39-3611(7). Share drafts with EPA and consider EPA-provided comments within 30 days.
- c. If a 5-year review indicates a lack of progress towards meeting the allocations and water quality targets established in a TMDL or a fundamental change in the TMDL's premise, DEQ will work with the DMAs and WAGs to determine the next steps. DEQ may initiate a process consistent with Idaho Code § 39-3611(7) to consider revisions to the TMDL as funding, technical resources, and workload priorities allow.
- d. To the extent resources allow, conduct monitoring in CY 2023 to support developing TMDLs and 5-year TMDL reviews to be completed by CY 2024.

## **Schedule**

Idaho Code § 39-3611(7) directs DEQ to review EPA-approved TMDLs every 5 years. During CY 2023, DEQ expects to complete reviews of eight EPA-approved TMDLs. During CY 2023, DEQ will also, to the extent resources allow, conduct monitoring to support TMDL development and 5-year reviews to be completed in CY 2023.

## **Funding**

DEQ has budgeted approximately 8,528 person hours (approximately 4.1 work years) and \$6,902 in operating funds to support this effort. Successful achievement of these activities will depend on additional funding and collaborative efforts with other agencies. TMDL implementation plan development efforts conducted by DEQ staff are funded by state general funds and some federal § 319 funds.

## **Monitoring and Assessment**

### **1.2a Monitor water quality throughout the state.**

#### **Approach**

Continue ambient monitoring of Idaho waters to support development of the Integrated Report. Develop a data management system to store and display monitoring data.

#### **Outputs**

- a. Implement at least six regional Beneficial Use Reconnaissance Program (BURP) ambient monitoring crews during the 2023 field season, as resources allow.
- b. Conduct ambient biological monitoring at approximately 240 sites statewide. Collect macroinvertebrate, fish community, and habitat data to provide ambient data and to develop causal assessment strategy.
- c. Collect data at 23 probabilistic sites throughout Idaho, following NRSA protocols.
- d. Continue to build data management capacity by implementing DataSight, EQ's new central database system. Work towards ensuring DataSight is WQX compatible and transferring state data from DataSight to the WQ Portal.

- e. Continue to monitor harmful algal blooms, as resources allow, and make results available to the general public; provide results to public health agencies for potential health advisories.
- f. Identify resource needs and develop strategy for collecting additional data, or using available data, to provide causal assessments and refine listings following initial listing for combined biota/habitat assessment.

### **Schedule**

Field season planning starts in February with advertising for seasonal hires and site selection and continues through June with provisioning and training. Monitoring will take place July through August, and winds down in late fall with data entry and quality assurance/quality control. Timely receipt of semiannual reports prescribed by the terms and conditions of the § 106 monitoring initiative strategy grants is necessary to effectively manage grant funds.

### **Contacts**

Julia Achabal, DEQ, (208) 373-0321  
Dan P. Smith, DEQ (208) 373-0492  
Hanh Shaw, EPA, (206) 553-0171  
Bevin Horn, EPA, (206) 553-1566  
Lisa Kusnierz, EPA, (208) 378-5626

### **1.2b Assess monitoring data for beneficial use status.**

#### **Approach**

Continue to develop and maintain capacity for reporting § 305(b) information in the Integrated Report. Continue electronic reporting of integrated reports using ATTAINS.

#### **Outputs**

- a. Continue to implement outcomes of the October 2018 assessment LEAN event toward developing the 2024 Integrated Report by April 2024.
- b. Continue querying and assessing external data from publicly available databases (e.g., WQP, NWIS) for use in assessments for the 2024 Integrated Report.
- c. Continue to collaborate on developing guidance based on recommended thresholds from the final N-STEPS report (October 2017) to inform potential narrative nutrient criteria exceedances and to inform selection of nutrient targets when developing the Integrated Report, TMDLs, and IPDES permits.
- d. Continue to coordinate with EPA, Montana, and other stakeholders on collecting and assessing data for the Kootenai River, targeting pollutants associated with coal mining in the Elk Valley, British Columbia.
- e. Compile policy memos and guidance documents related to assessments and integrated report development and ensure they are posted on DEQ's website; identify and develop any additional assessment-related policy memos and guidance as necessary and as

resources allow; update index of policy memos and decisions; and provide index as a component of any assessor training.

- f. Provide statewide condition assessment based on probabilistic survey results. Include statewide assessment in the 2024 Integrated Report.
- g. Develop strategy to revise Water Body Assessment Guidance (WBAG).

## **Schedule**

Integrated Report development follows a 2-year cycle. The formal Integrated Report process begins with a call for data, followed by specific water body assessments. A preliminary draft report is produced with the state Basin and Watershed Advisory Group's consultation. After consultation, EPA provides an informal review before the draft report is released for public comment. DEQ considers public comments and completes revisions before submitting the report to EPA for approval.

DEQ will put out a call for data, followed by specific water body assessments, querying and assessing external data and starting the BAG/WAG consultation in 2023.

## **Funding**

DEQ estimates approximately 27,694 person hours (equivalent to 13.32 work years) and \$456,211 in operating funds to support the effort in this PPA cycle. Funding sources are state general fund dollars and EPA § 106 monitoring initiative grants.

## **Contacts**

Julia Achabal, DEQ, (208) 373-0321  
Dan Eardley, DEQ, (208) 373-0147  
Hanh Shaw, EPA, (206) 553-0171  
Michelle Maier, EPA, (503) 326-6994

## **Water Quality Standards**

### **1.3a Develop scientifically-based, functional water quality standards to address program needs and to ensure protection of Idaho water.**

#### **Approach**

DEQ and EPA will work collaboratively to develop revised water quality standards and implementation guidance. DEQ will request applicant status, participate in Endangered Species Act (ESA) consultations, and submit rulemaking dockets approved by the Idaho Legislature for EPA action.

#### **Outputs**

- Rulemaking—DEQ will hold zero-based rules scoping and public meetings in CY 2023. DEQ will complete the triennial review within CY 2023.
- Other Work—DEQ and EPA will collaborate on the following commitments.



## DEQ Commitments

- a. Consistent with the Reasonable and Prudent Measure #1 from the National Marine Fisheries Service Biological Opinion for the Snake River Hells Canyon Site Specific Temperature Criterion (NMFS No: WCRO-2019-00175, September 25, 2019), DEQ will consider designation of Salmonid Spawning for specific segments identified in the BiOp: ID17060103SL004\_08; ID17060103SL003\_08; ID17060103SL002\_08; and ID17060103SL001\_08. DEQ will identify any available data on existing Salmonid Spawning use in these waters and consider initiating rulemaking to designate Salmonid Spawning for these waters. DEQ will share any data with EPA and provide updates of progress during the regular PPA check-ins.
- b. Consistent with the conservation measures identified in the biological evaluation for the proposed approval of Bull Trout spawning and rearing temperature criteria for Idaho, DEQ will identify waters where Bull Trout spawning and rearing is an existing use and will request initiation of rulemaking to designate Bull Trout spawning and rearing for these waters. DEQ will share any data with EPA and provide updates of progress during the regular PPA check-ins.
- c. Engage with EPA and stakeholder groups to develop the arsenic criteria implementation guidance document; include guidance document with the rule submittal to EPA.
- d. Coordinate with EPA on the federal development and promulgation of mercury criteria.
- e. Coordinate with EPA through the ESA consultation process on aquatic life criteria for pesticides (acrolein, carbaryl and diazinon) and temperature provisions bundle.

## EPA Commitments

- a. To the extent possible, participate in the water quality standards stakeholder meetings, guidance development meetings, and workshops hosted by DEQ.
- b. Coordinate with DEQ on the zero-based rulemaking process.
- c. In a timely manner, provide input on draft guidance documents shared by DEQ.
- d. Take timely action on water quality standards submitted by DEQ, including completing ESA and tribal consultations, as needed.
- e. Continue to provide timely updates and information on EPA lawsuits and settlement agreements involving Idaho's water quality standards.

## Schedule

DEQ anticipates the items in Outputs will be completed and submitted to EPA no later than December 2023. DEQ will provide status updates of the items listed in Outputs during the regular bimonthly check-in meetings with EPA.

## Funding

These water quality standards activities will be funded by monies appropriated through the Idaho Legislature. DEQ estimates approximately 6,360 person hours (equivalent to 3.1 work years) and \$7,142 of operating funds to support this effort. Achieving future goals depends on the availability of additional resources and collaborative efforts with other agencies.

## Contacts

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## Component Commitments

### DEQ Commitments

Refer to sections 1.1, 1.2, and 1.3 regarding TMDL, monitoring and assessment, and water quality standards activities.

- a. Continue to coordinate with EPA on current lawsuits and settlement agreements.
- b. Continue dialogue with EPA on including Idaho mercury fish tissue criterion in IPDES permits and TMDLs.
- c. Share prepublic comment period drafts of TMDLs.
- d. Share drafts of each 5-year review with EPA for review and comment. Implement BURP ambient monitoring across the state.
- e. Strengthen working relationship by regularly discussing issues as they arise.
- f. Both EPA and DEQ will make appropriate staff assignments to each TMDL.
- g. Report overall Surface Water Program progress semiannually to EPA, including water quality standards submittal and approval actions, TMDLs, Integrated Report, monitoring, and PPA commitments.
- h. Continue support of the watershed approach, using basin monitoring efforts, state program integration, and stormwater planning to emphasize NPS program results.
- i. Identify priority watersheds for restoration, consistent with EPA's TMDL vision (Water Quality Measure 27 and Bridge Metric).
- j. Participate with EPA on PCB impairments in the Spokane River; Jordan Creek mercury TMDL; Tribal Water Policy; ESA consultation process for AL criteria for pesticides and temperature; and arsenic criteria implementation guidance.
- k. Monitor and report harmful algal bloom data for use in potential health advisories.
- l. Ensure DataSight is compatible with WQX and WQ portal.
- m. Identify resource needs develop strategy for causal assessments and refining combined biota/habitat assessment listings.
- n. Provide statewide condition assessment based on probabilistic survey results.
- o. Develop strategy to revise WBAG.

## EPA Commitments

### TMDL and Assessment Program Commitments

- a. Provide technical support and draft Jordan Creek mercury TMDL.
- b. Approve or disapprove all TMDLs and water quality standards submitted by DEQ on a timely basis.
- c. Act on the 2022 Integrated Report within statutory time frames.
- d. Continue to review and act on DEQ-submitted TMDLs and provide Idaho TMDL Settlement Agreement parties with copies of EPA-approved TMDLs and corresponding action letters on a timely basis.
- e. Participate with DEQ on addressing PCB impairments on the Spokane River

## Component 2. Watershed Protection Program

### Manage § 319 Nonpoint Source Program

#### Approach

Implement the § 319 NPS Program through the most recent EPA-approved Idaho NPS Management Plan and 2004 EPA § 319 guidance. See the [Idaho NPS Management Plan](#).

#### Outputs

- a. Coordinate review and selection of NPS projects and activities directed to priority watersheds, considering multiple available funding sources.
- b. Successfully award § 319 project implementation subgrants. These grants are contingent upon approved TMDLs and other water quality priorities based on the amount of funding available and the amount of time it takes before funds are released to the state. The § 319 Idaho NPS Management Plan will be used as a guidance document for this activity.
- c. Administer subgrants according to relevant grant conditions and use the Grant Reporting and Tracking System (GRTS) to report on mandatory program activities, including estimated project load reductions (for nitrogen, phosphorus, and sediment, as applicable). DEQ will enter all GRTS load reduction estimates for all active and recently completed projects by February 15, 2023, and all other mandatory GRTS elements by April 1, 2023, or as otherwise directed by national guidance.
- d. Complete and submit an annual performance and progress report for the NPS Management Program as required by the § 319 NPS Program grant agreement.
- e. Update NPS memoranda of understanding as necessary.
- f. Perform § 319 project evaluations under the guidance of the Idaho NPS Management Plan. DEQ and EPA will continue to work together on the process for using § 319 funds and implementing the nine-element watershed-based plan (including qualifying TMDL implementation plans) for impaired waters.

- g. As requested by EPA, provide information on success stories, per EPA criteria. Success stories document national NPS program measure WQ-10 (if partial or full water body restoration is achieved) or progress toward restoration (non-WQ-10). For stories that qualify and with EPA's support, the Surface Water Program will seek to develop a minimum of two WQ-10 success stories each year (Caribou Creek and Little Sand Creek). DEQ and EPA will continue to work together to assess and acquire monitoring equipment and resources to document water quality improvements under the strategic plan measures.
- h. Continue to ensure that approved § 319-funded project work plans have been evaluated and considered using alternative designs or measures that better address the proposed long-term water quality objectives.
- i. Surface Water and Grants and Loans programs will work together to administer the § 319 NPS Program.
- j. Evaluate DEQ's NPS grants program and identify opportunities that ensure fair treatment and meaningful involvement of all individuals and groups in Idaho.

### **Schedule**

Activities conducted under the § 319 NPS Program will align with milestones and other responsibilities identified in the § 319 NPS grant work plan.

### **Funding**

EPA will continue to fund approximately 60% of the § 319 NPS Program, while 40% will come from eligible state and local sources as matching funds. DEQ estimates that approximately 10,700 person hours (approximately 5.16 work years) and \$561,000 will be needed and funded from the federal § 319 grant to support § 319 DEQ administrative activities. DEQ and EPA agree to partner and work in a timely manner to address any priority funding issues.

### **Contacts**

Julia Achabal, DEQ, (208) 373-0321

Krista Mendelmen, EPA, (206) 553-1571

Cami Grandinetti, EPA (206) 553-8696

### **Program Commitments**

EPA will work with DEQ to identify ways to best use the state's § 319 allocation in a timely manner and minimize the need to request carrying over funds between grants.

## **Component 3. Wastewater Program**

### **Program Goal**

The Wastewater Program’s goal is to ensure wastewater and recycled water is used in a manner that protects surface water, groundwater, and human health.

### **Program Activities**

Process reuse permits; perform compliance oversight of reuse-permitted facilities; develop program guidance materials and ensure statewide consistency; provide annual performance measures report; review engineering documents, including facility plans, preliminary engineering reports, and construction plans and specifications for new and modified public wastewater facilities; assist public health districts in managing the On-Site Wastewater Program; and encourage water reuse as an alternative to discharge to the waters of the United States.

### **Program Contacts**

Mary Anne Nelson, DEQ, (208) 373-0291

Bevin Horn, EPA, (206) 553-1566

Mat Martinson, EPA, (206) 553-6334

Maria Lopez, EPA, (208) 378-5616

### **Program Commitments**

#### **Priorities**

- Ensure compliance of permitted facilities through site inspections and review of annual reports.
- Public wastewater and reuse facilities designed and constructed in a manner that is protective of human health and the environment

#### **Outcomes**

The Wastewater Program’s outcome will ensure wastewater and recycled water are used in a manner that protects human health and the environment with respect to surface water and groundwater and decrease the number of wastewater facilities that discharge to waters of the United States.

**3.1 Draft and issue reuse permits/major permit modifications.**

**Approach**

DEQ will issue new reuse permits and permit renewals on a cycle not to exceed 10 years. Priority will be given to new facilities, facilities undergoing expansion or modification, facilities with administratively extended permits, and facilities with expiring permits.

**Outputs**

- a. Issue 20 reuse permits/major permit modifications.
- b. Transmit to EPA, on a semiannual basis, a list of new permits, permit renewals, and major permit modifications issued.

**Schedule**

DEQ will report on the number of reuse permits/major permit modifications issued from January 1 to June 30, 2023, by July 31, 2023.

DEQ will transmit to EPA a list of all reuse permits/major permit modifications issued in CY 2022 within 30 days of the end of the calendar year.

**Funding**

State monies and federal (EPA) grants, including Surface Water § 106, fund this activity. Surface and Wastewater Division staff in DEQ’s state office and six DEQ regional offices will complete this activity.

Activity	Level of Effort
Reuse Permitting	7.5 FTE

**Contacts**

- Mary Anne Nelson, DEQ, (208) 373-0291
- Bevin Horn, EPA, (206) 553-1566
- Mat Martinson, EPA, (206) 553-6334
- Maria Lopez, EPA, (208) 378-5616

**3.2 Provide compliance oversight of reuse permitted facilities.**

**Approach**

Provide oversight of permits for compliance with permit conditions by conducting field inspections and reviewing annual reports. Facilities will be inspected at a frequency of once per 4 years. Perform enforcement and compliance actions as needed.

**Outputs**

- a. Inspect 25% of permitted facilities; approximately 35 facilities.
- b. Conduct timely review of reuse permit annual reports.

- c. Report progress semiannually on the number of inspections and annual report reviews completed.
- d. Report semiannually on the number of permit compliance activities reviewed.

**Schedule**

All performance measures will be met by the end of the calendar year.

**Funding**

This activity is funded by state funds and federal (EPA) grant monies, including Surface Water § 106 funds. Staff in DEQ’s Technical Services Division, state office Surface and Wastewater Division, and six regional offices will complete this activity.

Activity	Level of Effort
Compliance activities	4.0 FTE

**Contacts**

- Mary Anne Nelson, DEQ, (208) 373-0291
- Bevin Horn, EPA, (206) 553-1566
- Mat Martinson, EPA, (206) 553-6334
- Maria Lopez, EPA, (208) 378-5616

**3.3 Ensure statewide consistency.**

**Approach**

Staff in DEQ’s state office will be responsible for developing program priorities and objectives and providing guidance for regional offices.

**Outputs**

- a. Provide new guidance, update existing guidance, and develop standard operating procedures for reuse program activities
- b. Provide training to new and existing staff as funding is available.
- c. Hold quarterly reuse permit writer workshops.
- d. Sponsor, host, or participate in the DEQ Water Reuse Conference, during odd number years, and in the Water Reuse Conference, in even number years, and related workshops.

**Schedule**

All performance measures will be met by the end of the calendar year.

**Funding**

This activity is funded by state funds and federal (EPA) grant monies, including Surface Water § 106. Primarily staff in DEQ’s state office Surface and Wastewater Division will complete this activity with support from DEQ’s Technical Services Division and the six regional offices.

Activity	Level of Effort
Develop guidance and ensure consistency	1.7 FTE

**Contacts**

Mary Anne Nelson, DEQ, (208) 373-0291

Bevin Horn, EPA, (206) 553-1566

Mat Martinson, EPA, (206) 553-6334

Maria Lopez, EPA, (208) 378-5616

**3.4 Water Quality § 106 grant performance measures—provide annual performance measure report.**

**Approach**

An annual performance measure report will be provided by DEQ to indicate progress in eliminating pollutants from surface water by Reuse Permit Program activities. Overall, surface water is improved by reducing pollutant discharges, which contributes to the goal of the IPDES Program.

**Outputs**

- a. Total gallons annually of wastewater with pollutants eliminated from discharge to surface water by reusing water. Pounds of pollutants removed will also be provided if available for the following constituents: nitrogen, phosphorus, and chemical oxygen demand. A qualitative description will be provided for the various types of reuse permits issued by DEQ to address public health risks.
- b. Total number of facilities that reuse water, reducing the number of new facilities requiring IPDES permits and reducing the backlog of expired and new IPDES permits issued by DEQ.

**Schedule**

The annual performance measure report will be provided within 60 days after the end of the calendar year.

**Funding**

Funding for this activity consists of 208 person hours (0.1 work years) from Water Quality § 106 funds.



**Contacts**

Mary Anne Nelson, DEQ, (208) 373-0291

Bevin Horn, EPA, (206) 553-1566

Mat Martinson, EPA, (206) 553-6334

Maria Lopez, EPA, (208) 378-5616

**3.5 Ensure public wastewater and reuse facilities designed, constructed, and operated in a manner that is protective of human health and the environment.**

**Approach**

Review engineering documents, including facility plans, preliminary engineering reports, and construction plans and specifications for new and modified public wastewater facilities. Provide wastewater operator training.

**Outputs**

Provide timely review of engineering documents submitted to DEQ for new or modified public wastewater facilities.

**Schedule**

Engineering plans and specifications will be reviewed as outlined in IDAPA 58.01.16.400 and 401. Wastewater operator training will be provided throughout the year.

**Funding**

This activity will be funded by state and federal (EPA) grant monies, including Surface Water § 106 funds and CWSRF funds. DEQ state office staff in the Technical Services Division and Surface and Wastewater Division, and six regional offices will complete these activities. The level of effort projected for this activity is 12,792 person hours (approximately 6.15 work years).

Activity	Level of Effort
Review wastewater plans	5.4 FTE
Wastewater operator training	0.75 FTE
Water reuse action plan	Not budgeted as separate line item

**Contacts**

Mary Anne Nelson, DEQ, (208) 373-0291

Bevin Horn, EPA, (206) 553-1566

Mat Martinson, EPA, (206) 553-6334

Maria Lopez, EPA, (208) 378-5616

### 3.6 Manage the On-Site Wastewater Program.

#### Approach

DEQ’s state office provides guidance materials and overall management activities related to this program through funding of the § 604(b) grant. The state office and regional offices will be responsible for reviewing plans and specifications and groundwater impact studies.

#### Outputs

- a. Revise the Technical Guidance Manual quarterly.
- b. Provide public health district training, seven annual public health district audits, an annual statewide audit, and program reviews.
- c. Review plans and specifications for large soil absorption systems and septic tanks.
- d. Assist in the review of nutrient-pathogen evaluations.
- e. Emerging contaminant monitoring over Sagle Valley aquifer.
- f. Use CWSRF funds specified in component 6 (6.1.d) to provide wastewater operator training and associated operator continuing education units.

#### Schedule

Activities will be completed on an as-needed basis. Plans and specifications and nutrient-pathogen evaluations will be completed within 42 days of submittal if possible.

#### Funding

Funding for this activity includes federal (EPA) § 604(b) grant and state funds.

Activity	Level of Effort
On-site coordination, plan reviews, other guidance, and training	2.22 FTE

#### Contacts

Mary Anne Nelson, DEQ, (208) 373-0291

Bevin Horn, EPA, (206) 553-1566

Maria Lopez, EPA, (208) 378-5616

### Component Commitments

#### EPA Commitment

Encourage water reuse where it is a preferable alternative to wastewater discharge to waters of the United States. Implement the Water Reuse Action Plan that includes clear commitments and accountability for actions that will further water reuse and help ensure the sustainability, security, and resilience of Idaho’s water resources. Work with DEQ to address future water resource challenges through holistic thinking through integrated actions.

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## Component 4. Groundwater Program

### Program Goal

The goals of the DEQ Groundwater Program are to protect and improve the quality of the state’s groundwater and ensure that existing and future beneficial uses including drinking water, agricultural, industrial, and aquaculture water supplies are met. All groundwater must be protected against contamination as a valuable public resource per Idaho's “Ground Water Quality Rule” (IDAPA 58.01.11). The quality of degraded groundwater must be restored where feasible and appropriate to support designated beneficial uses.

Since October 2005, the Groundwater Program also coordinates source water assessment and protection activities to protect public sources of drinking water.

### Program Activities

Coordinate all DEQ groundwater and source water protection-related programs funded by EPA in Idaho. Primary activities include the following:

- Rule interpretation and implementation
- Project and contract management
- Policy development and implementation
- Public education and outreach
- Regional/local groundwater monitoring
- Interagency coordination
- Annual reporting
- Approval of managed aquifer recharge monitoring plans
- Technical and regulatory assistance
- Source water assessments for new sources
- Source water protection plans and projects

Regional offices may also develop and implement Groundwater Quality Improvement Plans (GWQIPs) in priority areas of the state.

The number of staff allocated to the Groundwater Program (including state general funds, federal Groundwater § 106 funds, and federal SRF set-aside funding) during state fiscal year (SFY) 2023 is estimated to be approximately 16.4 FTEs. This is an increase of 0.5 FTEs from SFY 2022. Additional staffing is due to increased source water workload associated with the Bipartisan Infrastructure Law (BIL) funding increase. State general-funded FTEs are estimated to increase slightly from 6.6 FTEs in SFY 2022 to 6.7 FTEs in SFY 2023. FTEs funded with federal Groundwater §106 funding is estimated to decrease from 2.0 FTEs in SFY 2022 to 1.9 FTEs in SFY 2023. The number of FTEs funded by the SRF set aside to fund source water protection increased from 7.3 FTEs in SFY 2022 to 7.8 FTEs in SFY 2023.

## Program Contacts

Ed Hagan, DEQ, (208) 373-0356

Michelle Tucker, EPA, (206) 553-1414

## Program Commitments

### Priorities

- Conduct Idaho’s “Ground Water Quality Rule” (IDAPA 58.01.11) zero-based rulemaking activities.
- Assist local governments with assessing impacts of unsewered subdivisions on groundwater quality and implementing groundwater protection measures.
- Continue groundwater monitoring in nitrate priority areas (NPAs) and other areas of concern throughout the state to determine the nature and extent of contamination, set a baseline for best management practice (BMP) effectiveness, and evaluate groundwater quality improvement activities.
- Implement Idaho’s Ground Water Quality Rule and the Idaho Ground Water Quality Plan with other designated agencies by participating in the Idaho Ground Water Protection Interagency Agreement. Signatory parties to the agreement include DEQ, Idaho Department of Water Resources (IDWR), Idaho State Department of Agriculture (ISDA), Idaho public health districts, and Idaho Soil and Water Conservation Commission (ISWCC).
- Populate DEQ’s groundwater quality database with new groundwater quality data. Continue refinements to DEQ’s online mapping applications for the groundwater quality database and technical reports to increase accessibility for the public.
- Approve groundwater quality monitoring programs at managed aquifer recharge sites according to “Land Application of Wastewater(s) or Recharge Water” (IDAPA 58.01.16.600).
- Coordinate with and fund the Idaho Rural Water Association to provide statewide technical support to communities with developing and implementing source water protection plans.
- Provide subawards directly to local governments and nonprofit organizations to implement source water protection projects.
- Provide education and outreach, including general groundwater education to the public. Promote groundwater BMPs to landowners and stakeholders, educate local governments about the responsibilities for groundwater protection, and assist with developing ordinances for source water and groundwater protection.
- Provide technical hydrogeological support and regulatory assistance to other DEQ programs and state agencies. Develop guidance, as needed, to facilitate consistent implementation of Idaho’s Ground Water Quality Rule.
- Coordinate and integrate development and implementation of GWQIP in NPAs with source water protection plans to more efficiently use limited resources.

## Outcomes

- Reduced population and land area located within an NPA.
- Decreasing nitrate concentration trends in NPAs.
- Minimized risk to public health by implementing measures defined in rules related to groundwater protection, managed aquifer recharge, mining, and oil and gas activities.
- Minimized risk to public health for populations served by community water systems by implementing Idaho’s source water protection strategies.
- Increased availability of source water assessment information and groundwater quality data through online applications and education and outreach to increase public awareness of the source of drinking water and importance of groundwater protection to protect drinking water quality.

## Program Indicators

Program indicators include the number of improvement plans/strategies implemented in areas with degraded groundwater quality, the number of groundwater sampling events, as well as percentages of community water systems and/or populations served by community water systems implementing groundwater/source protection strategies.

### **4.1 Manage, oversee, and provide administrative support for the Groundwater Program.**

#### **Approach**

DEQ will administer Idaho’s Groundwater Program to ensure statewide consistency with the DEQ state and regional offices.

#### **Outputs**

- a. Coordinate Groundwater § 106 grant and PPA activities with regional offices during development of their annual work plans and budgets.
- b. Coordinate with EPA to develop the groundwater tasks and language in the 2023 PPA and annual Groundwater § 106 work plan and budget.
- c. Conduct monthly program conference calls with DEQ’s regional office Groundwater Program and Technical Services Division staff.
- d. Organize and conduct Groundwater Program statewide internal staff training.
- e. Ensure Groundwater Program staff receives training as needed.
- f. Prepare midyear and annual Groundwater § 106 grant and PPA reports.
- g. Provide input into the groundwater portion of DEQ’s strategic plan.
- h. Provide content for DEQ website.

#### **Schedule**

DEQ will submit semiannual grant reports to EPA. DEQ will contact EPA’s project officer to discuss any issues that will affect the successful completion of the grant commitments as soon as DEQ becomes aware of issues.

## **Funding**

This activity will be funded with EPA Groundwater § 106 and state funds. DEQ's Groundwater Bureau Chief, regional office managers, regional office technical leads, and administrative support will work on this activity. The projected level of annual effort for this activity is estimated to be 1.6 work years (approximately 0.4 work years funded annually from the federal Groundwater § 106 grant). State general funds will fund 1.2 work years of effort in CY 2023. This is a decrease of 0.2 FTEs from the previous year due to improved efficiency associated with less staff turnover.

## **Contacts**

Ed Hagan, DEQ, (208) 373-0356

Michelle Tucker, EPA, (206) 553-1414

## **4.2 Coordinate groundwater implementation strategies for a comprehensive program with other DEQ programs/divisions and state and federal agency partners.**

### **Approach**

DEQ will coordinate activities with other agencies for protecting groundwater.

### **Outputs**

- a. Chair the Groundwater Monitoring Technical Committee and education workgroup.
- b. Participate in the Groundwater Education Committee.
- c. Implement the 2020 Idaho Groundwater Protection Interagency Cooperative Agreement and other existing cooperative agreements. Signatory parties to the Idaho Groundwater Protection Interagency Cooperative Agreement include DEQ, IDWR, ISDA, ISWCC, Idaho Department of Health & Welfare, and Idaho public health districts. Participate in interagency coordination efforts with agencies not included in the agreement such as the Idaho Department of Lands.
- d. Participate in the concentrated animal feeding operation (CAFO) site advisory team comprised of members from DEQ, ISDA, and IDWR. The CAFO site advisory team provides suitability determinations for counties to use when considering conditional use or livestock confinement operation permits.

### **Schedule**

Groundwater Monitoring Technical Committee meetings are held approximately every 6 months. Groundwater Education Committee meetings are anticipated to be held on a quarterly basis. Other interagency meetings do not occur on a regular basis.

## **Funding**

This activity will be funded with EPA Groundwater § 106 grant. DEQ's Groundwater Bureau Chief and staff, regional office managers, and regional office technical leads will work on this activity. The projected level of annual effort for this activity in CY 2023 is estimated to be 0.5

work years (0.4 work years funded from the federal Groundwater § 106 grant and 0.1 work years funded from state general funds). This proposed level of effort is identical to the previous year.

### **Contacts**

Kathryn Elliott, DEQ, (208) 373-0191

Michelle Tucker, EPA, (206) 553-1414

### **4.3. Interpret and implement Idaho’s Ground Water Quality Rule, develop guidance, and develop policy. Provide hydrogeological support to other DEQ programs and agencies as needed. Provide support for DEQ Quality Management Plan implementation.**

#### **Approach**

Continue implementing the Idaho Ground Water Quality Plan. Coordinate Ground Water Quality Rule interpretation and implementation with DEQ’s state office and regional offices.

#### **Outputs**

- a. Conduct Idaho’s “Ground Water Quality Rule” (IDAPA 58.01.11) zero-based rulemaking activities.
- b. Assist local governments with assessing impacts of unsewered subdivisions on groundwater quality and implementing groundwater protection measures.
- c. Continue to provide hydrogeological support for implementing and enforcing the Ground Water Quality Rule to DEQ staff in other programs and in the regional offices. Assist other state agencies, the general public, and the regulated community as needed. Activities may include setting mining points of compliance and reviewing permit applications, UIC Class II permit applications, and freshwater protection plans for oil and gas activities.
- d. Continue to provide revisions to DEQ’s Quality Management Plan, data validation forms, and assist with developing and revising statewide generic quality assurance project plan and project-specific field sampling plans. This proposed level of effort is identical to the previous year.

#### **Schedule**

Activities are ongoing and may be subject to change, depending on allocation of state resources and priorities.

#### **Funding**

This activity will be funded with EPA Groundwater § 106 and state general funds. DEQ’s Groundwater Bureau Chief and staff and, to a lesser extent, regional office technical leads will work on this activity. The projected level of annual effort for this activity is estimated to be 1.4 work years (approximately 0.3 work years funded annually from the federal Groundwater § 106

grant). State general funds will fund 1.1 work years of effort annually. This proposed level of effort is an increase of 0.4 FTEs from the previous year.

### **Contacts**

Ed Hagan, DEQ, (208) 373-0356

Michelle Tucker, EPA, (206) 553-1414

## **4.4 Implement groundwater quality improvement activities, including improvement plans, in priority areas of the state.**

### **Approach**

DEQ continues to focus on combining GWQIPs with source water protection efforts at the county level. By developing county-level information, multiple NPAs within a county can be addressed. DEQ will continue to work with the public and relevant agencies in the area to develop groundwater quality improvement strategies. DEQ is educating local governments about their authorities and responsibilities for implementing source water and groundwater protection activities.

### **Outputs**

Implement GWQIPs that are consistent with the Idaho Ground Water Quality Plan, Ground Water Quality Rule, and DEQ's "Policy for Addressing Degraded Ground Water Quality Areas" (PM-004) and contain effective strategies for restoring degraded areas. Implementation efforts will be directed toward more populous counties containing many source water protection areas and NPAs. Counties exhibiting a desire to implement protection activities will also be prioritized for assistance. Efforts will be directed toward areas where public water systems with high susceptibility scores are clustered.

### **Schedule**

Activities are ongoing and may be subject to change, depending on allocation of state resources and priorities.

### **Funding**

This activity will be funded with state funds. DEQ regional office managers and regional office technical leads will work on this activity. The projected level of effort for this activity is estimated to be 0.4 work years of effort. This proposed level of effort is a decrease of 0.1 FTE from the previous year.

### **Contacts**

Ed Hagan, DEQ, (208) 373-0356

Michelle Tucker, EPA, (206) 553-1414



## **4.5 Conduct groundwater quality monitoring projects and manage groundwater quality data.**

### **Approach**

DEQ will work with the public and coordinate with relevant agencies in the area to develop and implement groundwater quality monitoring studies. Groundwater quality monitoring projects will be coordinated with existing projects underway by other agencies.

### **Outputs**

- a. Develop and conduct local or regional monitoring projects to determine baseline groundwater quality, follow up on detections of concern or complaints, or evaluate impacts of BMPs or land-use changes on groundwater quality.
- b. If funding is provided by EPA, conduct sampling of domestic wells not located within delineated source water assessment areas for emerging contaminants, including PFAS compounds, as well as potentially for common ions, nutrients, and bacteria.
- c. Continue to populate the DEQ groundwater quality database with new groundwater quality data. Implement improvements to the database to increase efficiency of data entry. Continue improvements for DEQ's online mapping application to include greater constituent query capabilities and increased data download features. Continue to provide data to the IDWR environmental data management system.
- d. Prepare annual reports of groundwater quality data collected by DEQ or DEQ contractors with public funds during CY 2021 and 2022.
- e. Maintain and update spreadsheet containing ISDA dairy inspection groundwater monitoring results of samples with nitrate at or above 10 milligrams per liter.

### **Schedule**

The annual summary report for data collected during CY 2021 is anticipated to be complete by May 31, 2022, with the goal for completion of the CY 2022 report by December 31, 2023.

### **Funding**

This activity will be funded with EPA Groundwater § 106 and state funds. DEQ state office program staff, regional office staff, and technical services staff will work on this activity. The projected level of annual effort for this activity in CY 2023 is estimated to be 2.5 work years (approximately 0.5 work years funded annually from the federal Groundwater § 106 grant). State general funds will fund 2.0 work years of effort on an annual basis. This level of effort is identical to the previous year. If additional funding is provided by EPA for emerging contaminant sampling, then additional resources will be acquired through contracting with other state agencies or private contractors.

### **Contacts**

Kathryn Elliott, DEQ, (208) 373-0191

Michelle Tucker, EPA, (206) 553-1414

#### **4.6 Manage and implement groundwater quality protection strategies for managed aquifer recharge.**

##### **Approach**

Continue oversight of groundwater quality monitoring activities at managed aquifer recharge sites. Coordinate with DEQ regional offices and other agencies to interpret the Ground Water Quality Rule and authorities under the “Wastewater Rules” (IDAPA 58.01.16.600) for land application of recharge water. Recharge activities are uncertain due to low reservoir carryover into water year 2023 due to drought conditions during the last couple of years.

##### **Outputs**

- a. Continue to work with IDWR to improve coordination and ensure managed aquifer recharge activities are conducted according to state water quality regulations.
- b. Review groundwater quality monitoring plans for managed aquifer recharge projects submitted for approval. DEQ reviews approximately 15 monitoring plans or annual reports each year from proposed or existing managed aquifer recharge sites.
- c. Review and provide comments to the IDWR UIC Program on injection well permits related to aquifer recharge and tracer tests as requested. Work with the IDWR UIC Program to encourage using monitoring requirements that are consistent with DEQ requirements.

##### **Schedule**

Activities are ongoing and are subject to change depending on allocation of state resources and priorities.

##### **Funding**

This activity will be funded with EPA Groundwater § 106 and state funds. DEQ state office program staff and regional office staff will work on this activity. The projected level of annual effort for this activity in CY 2023 is estimated to be 1.3 work years (approximately 0.1 work years funded annually from the federal Groundwater § 106 grant). State general funds will fund 1.2 work years of effort annually. This level of effort is identical to the previous year.

##### **Contacts**

Kathryn Elliott, DEQ, (208) 373-0191

Michelle Tucker, EPA, (206) 553-1414

#### **4.7 Implement program and conduct public education and outreach activities.**

##### **Approach**

Continue education and outreach activities to encourage voluntary implementation of groundwater protection activities.

**Outputs**

- a. Provide informational presentations and technical assistance to elected officials and the public. Story maps or online presentations may be developed if staff availability permits.
- b. Participate in fairs, open houses, and other community events.
- c. Participate in groundwater quality education activities geared toward schoolteachers and students.
- d. Promote adoption of BMPs for groundwater and continue to work closely with the ISWCC to provide information to the agricultural community.
- e. Promote use of online mapping applications for groundwater quality database, technical reports, and NPAs. Direct public records requests for such data to online applications.

**Schedule**

Final outputs will be reported for the calendar year ending December 31, 2023 and are dependent on allocation of state resources and number of requests for DEQ participation.

**Funding**

This activity will be funded with EPA Groundwater § 106 and state funds. DEQ state office program staff, regional office managers, regional technical leads, and administrative support will work on this activity. The projected level of annual effort for this activity in CY 2023 is estimated to be 0.8 work years (approximately 0.2 work years funded annually from the federal Groundwater § 106 grant). State general funds will fund 0.6 work years of effort annually. This level of effort is identical to the previous year.

**Contacts**

Hailey Shingler, DEQ, (208) 373-0186

Michelle Tucker, EPA, (206) 553-1414

**4.8 Conduct source water protection activities.****Approach**

As part of the FFY 2023 Source Water Protection Program Work Plan, DEQ will continue to assess public drinking water sources to determine their susceptibility to contamination; provide assistance to public water systems to develop source water protection plans; develop source water protection partnerships and integrate source water protection into existing state and federal programs; implement source water protection projects and develop tools and resources to facilitate source water protection implementation efforts; provide source water protection education, outreach, training, and technical assistance to public water systems, local governments, schools, businesses, and the public; and manage and administer Idaho's Source Water Program.

Approximately 25 source water protection subawards are anticipated to be awarded to local governments or nonprofit organizations in SFY 2023.

**Outputs**

- a. Number of source water assessments completed for new sources.
- b. Number of source water protection plans completed and/or recertified.
- c. Number of source water protection projects completed.
- d. Number of outreach or educational events.

A comprehensive list of outputs is included in the FY 2021 Source Water Protection Program Work Plan submitted to EPA. DEQ will annually provide EPA with a list of completed tasks identified in the work plan including the number of source water assessments and certified and recertified source water protection plans, examples of outreach events, and a list of projects completed by DEQ staff or awarded through subgrants or contracts.

**Schedule**

Final outputs scheduled for June 30, 2023.

**Funding**

This activity will be funded by the EPA SRF wellhead 10% set aside (1452(k)(1))(D). DEQ state office program staff and regional office staff (approximately 7.8 FTEs) will work on this activity. Increased funding for subawards will be provided by additional BIL funds.

**Contacts**

Curtis Cooper, DEQ, (208) 373-0249

Michelle Tucker, EPA, (206) 553-1414

**4.9 Component commitments.****DEQ and EPA Commitments**

- a. Review Groundwater Program progress on a semiannual basis. DEQ will contact the EPA project officer to discuss any issues affecting the successful completion of the grant commitments as soon as DEQ becomes aware of issues.
- b. Continue to improve, maintain, and protect the quality of groundwater in Idaho and seek additional resources to implement actions to accomplish that goal.
- c. Continue coordination and communication across program boundaries.
- d. Focus resources in prioritized areas with significant groundwater quality degradation and in areas with a high density of public water system wells with high source water assessment susceptibility scores. If additional funding is received from EPA, sample domestic wells hydraulically downgradient of PWS wells with detections of PFAS to assess extent of PFAS impacts.
- e. Continue to share strategies on successful BMP implementation to reduce nitrate concentrations in areas with degraded groundwater.

## Component 5. NPDES Program

### Program Goal

The goal of the National Pollutant Discharge Elimination System (NPDES) Program is to restore and maintain the waters of the United States, including surface waters of the state. During CY 2023, DEQ will implement the Idaho Pollutant Discharge Elimination System (IPDES) program, approved state biosolids, and pretreatment, including issuing and enforcing all permits in Idaho outside of Indian Country. EPA can enforce IPDES permits and retains primacy for issuing and enforcing NPDES permits for all facilities operating in Indian Country. DEQ will continue conducting IPDES inspections according to Compliance Monitoring Strategy (CMS) goals and will continue to maintain the capacity to perform tasks identified in the PPA.

### Program Activities

- Implement the IPDES Bureau.
- Issue IPDES permits.
- Perform IPDES compliance inspections.
- Track and communicate IPDES-related enforcement actions with EPA.
- Maintain DEQ capacity to perform IPDES compliance inspections.
- Implement a DEQ inspector credentialing process consistent with the federal Clean Water Act.

### Program Contacts

Troy Smith, DEQ, (208) 373-0488

Amy Williams, DEQ, (208) 373-0115

Brynn M. Lacabanne, DEQ, (208) 373-0289

IPDES Individual Permit Supervisor (vacant)

IPDES General Permit Supervisor (vacant)

Jeff Kenknight, EPA, (206) 553-6641

Mickey Jencius, EPA, (206) 553-1648

Susan Poulosom, EPA, (206) 553-6258

Brian Levo, EPA, (206) 553-1816

Bevin Horn, EPA, (206) 553-1566

### Program Commitments

#### Priorities

- Develop and maintain the IPDES Bureau.
- Develop and post the IPDES permit issuance plan.

- Draft and issue IPDES permits according to Idaho’s permit issuance plan.
- Submit the DEQ-approved postinspection follow-up letters to IPDES-permitted facilities after inspection reports have followed the quality assurance (QA) process and are finalized.
- Review and complete QA complaint response inspections.
- Implement the DEQ inspector credentialing process.
- Complete IPDES compliance evaluation inspections in according to Idaho’s CMS.
- Follow the recommendations in EPA’s final CY 2020 SRF report.

## **5.1 IPDES activities—implement the Idaho Pollutant Discharge Elimination System Bureau rules, guidance, and information management.**

### **Approach**

DEQ will continue implementing the IPDES Bureau consistent with the requirements of the Clean Water Act, federal regulations, federal guidance, and state authority.

### **Commitments**

#### ***DEQ***

- a. Coordinate a technical advisory committee to develop guidance documents, as necessary, for implementing the IPDES Bureau.
- b. DEQ will continue to develop standard operating procedures for internal processes to assist in program implementation.
- c. Continue to obtain from EPA relevant information that was previously submitted to EPA by applicants/permittees. After receiving the information from EPA, DEQ will complete the following:
  - 1) Archive the information in DEQ’s electronic data management system, as appropriate, and/or
  - 2) Ask applicants/permittees to enter information into the IPDES E-Permitting System, as appropriate.

#### ***EPA***

- a. Provide development support for the work products cited above by reviewing draft documents for consistency with national regulations and policy, providing examples of work products used in Region 10 and nationally as necessary, and providing other input as requested by DEQ.
- b. Provide requested information in an electronic format as possible.

### **Schedule**

IPDES scoping and negotiated rulemaking will begin in 2022 and continue through 2023. IPDES rules and guidance development will continue through 2022 and beyond, as necessary.

### **Contacts**

Troy Smith, DEQ, (208) 373-0488

Amy Williams, DEQ, (208) 373-0115

Susan Poulosom, EPA, (206) 553-6258

## **5.2 IPDES activities—draft and issue IPDES permits.**

### **Approach**

As a delegated program, DEQ's IPDES-permitting activities are subject to EPA oversight. Effective implementation of the program is required for continued delegation. DEQ will focus on maintaining and implementing all sectors.

### **Commitments**

#### ***DEQ***

- a. Develop and transmit a permit issuance plan to EPA by October 31 of each year that identifies specific IPDES permits intended to be issued in the upcoming calendar year.
- b. Continue to reduce the backlog of administratively extended permits.
- c. Participate in EPA's Permit Quality Review (PQR) of the IPDES Program.

#### ***EPA***

- a. Work with DEQ staff on implementing EPA's Oversight Policy and tracking permit metrics.
- b. Review draft DEQ IPDES permits. EPA review may occur during the public notice process and proposed final permits consistent with the memorandum of agreement. EPA's goal is to average two permit reviews per month during this period.
- c. EPA will complete public notice of revised CAFO general permit and issue the CAFO general permit. EPA will coordinate with DEQ on the CWA 401 certification.

### **Schedule**

DEQ will develop and process IPDES permits through public comment period and issue the permits. DEQ will develop permits as prioritized in the permit issuance plan.

DEQ and EPA will meet regularly to discuss substantive permitting issues and coordinate review of IPDES permits.

### **Contacts**

Troy Smith, DEQ, (208) 373-0488

IPDES Individual Permit Supervisor (vacant)

IPDES General Permit Supervisor (vacant)

Susan Poulosom, EPA, (206) 553-6258

## **5.3 NPDES activities—perform NPDES inspections.**

### **Approach**

EPA will perform compliance inspections, as needed.

## **Commitments**

### ***DEQ***

Participate in monthly coordination calls with EPA on compliance and enforcement topics for IPDES and NPDES permittees in Idaho. Brynn Lacabanne will represent DEQ, and Brian Levo will be the point of contact for EPA during these calls. Other key EPA and DEQ staff may be invited depending on the agenda for the monthly call.

### ***EPA***

EPA will notify DEQ (Brynn Lacabanne) of NPDES/IPDES inspections it intends to conduct. EPA will not only provide a list of any targeted (planned in advance) inspections but also provide notification for any extemporaneous inspections.

## **Contacts**

Troy Smith, DEQ, (208) 373-0488

Brynn M. Lacabanne, DEQ, (208) 373-0289

Brian Levo, EPA, (206) 553-1816

Maria Lopez, EPA, (208) 378-5616

Mickey Jencius, EPA, (206) 553-1648

Jeff Kenknight, EPA, (206) 553-6641

## **5.4 IPDES activities—compliance monitoring and enforcement.**

### **Approach**

EPA and DEQ agree that DEQ's primary responsibility is to administer the IPDES Bureau and state regulations on a day-to-day basis. DEQ is the primary agency conducting inspections and initiating enforcement under Idaho laws and policies to deter noncompliance through appropriate compliance evaluations and consistent enforcement. Targeting major and nonmajor facilities for compliance inspections is consistent with DEQ's CMS.

EPA and DEQ agree that EPA's primary responsibility is to ensure compliance with and enforcement of federal statutes and regulations and federally approved state regulations. EPA and DEQ further agree that DEQ's compliance and enforcement efforts must remain consistent with federal laws and regulations and provide adequate compliance monitoring and timely and appropriate enforcement actions. Overseeing DEQ's Compliance and Enforcement Program may include direct compliance monitoring and enforcement by EPA. EPA is also responsible for addressing environmental issues in Indian Country according to federal laws, regulations, and executive orders and a trust relationship between the United States and Indian tribes.

DEQ and EPA will work together to meet EPA's strategic measures regarding environmental law compliance rates. EPA's significant noncompliance (SNC) initiative over the next year is to maintain a 10.1% rate of national percentage of permittees in significant noncompliance based on a single quarter of SNC data; DEQ's single quarter SNC rate has ranged from being at or below the 10.1% rate.



EPA and the Environmental Council of States (ECOS) have developed a process and method, called the State Review Framework (SRF), for evaluating state compliance and enforcement programs for air, water, and hazardous waste. Each year, EPA reviews DEQ's enforcement programs under the SRF using data metrics. Full SRF reviews, with both data metric analysis and file reviews, occur about every 4 to 5 years. EPA works with DEQ to develop plans to address any necessary improvements to compliance assurance programs. DEQ will address areas needing improvement based on the information EPA identified in their 2020 final report.

## **Commitments**

### ***DEQ***

- a. Provide EPA with a CMS schedule by November 15 of each year. The enforcement confidential list will include the facility name and permit number. For construction sites, DEQ will provide an estimate of the number of inspections required to meet the CMS. DEQ will benchmark the universe of construction sites on January 1 and provide an updated targeting list by January 15 that includes the facility name and permit number.
- b. Include a completed Office of Enforcement and Compliance Assurance (OECA)/Office of Compliance Annual CMS Plan and End of Year Report Chart.
- c. Perform IPDES inspections and audits, including pretreatment, consistent with the annual inspection list and CMS.
- d. Perform complaint response by qualified DEQ staff.
- e. Follow QA process for all IPDES inspection reports, including complaint response, by DEQ-credentialed inspectors located in DEQ's state office.
- f. DEQ will request to maintain access to FedTalent's training courses and will provide additional or substitute resources and processes for IPDES compliance officers to maintain DEQ IPDES inspector credentials, in lieu of EPA credentials.
- g. Finalize and transmit postinspection follow-up letters and inspection reports to permitted facilities. Postinspection follow-up letters and inspection reports will be sent to IPDES facilities after completing the QA review process. Upon EPA's request, provide copies of postinspection follow-up letters and inspection reports.
- h. Depending on available EPA-sponsored training, implement and improve inspection capabilities for all sectors.
- i. DEQ will continue to review all relevant reports submitted by permittees.
- j. Participate in quarterly discussions with EPA Region 10 staff and others regarding the SNC initiative.
- k. Follow the recommendations in EPA's final 2020 SRF report.

### ***EPA***

- a. Notify DEQ of shadowing opportunities as far in advance of the inspection as possible.
- b. Provide training to DEQ inspectors as resources allow.

- c. Complete the enforcement action for permits where EPA has pending or ongoing enforcement action under active federal enforcement cases. Resolution may be accomplished by the following:
- 1) The permittee's compliance with the requirements of the compliance order, consent agreement, or court order
  - 2) Withdrawal of the EPA action
  - 3) Court decision dismissing the action
  - 4) If agreed to by EPA, impose an equivalent state enforcement action by DEQ

### **Schedule**

All performance measures will be met by the end of the calendar year. IPDES compliance evaluation inspection reports will be completed within 30 days of a nonsampling inspection, and within 45 days of a sampling inspection, if possible.

### **Contacts**

Troy Smith, DEQ, (208) 373-0488

Brynn M. Lacabanne, DEQ, (208) 373-0289

Brian Levo, EPA, (206) 553-1816

Maria Lopez, EPA, (208) 378-5616

Mickey Jencius, EPA, (206) 553-1648

Jeff Kenknight, EPA, (206) 553-6641

### **Outcomes**

- Rules, guidance, and standard operating procedures for implementing the IPDES Bureau (see 5.1.a and b).
- DEQ permit issuance plan completed by October 31 of each year (see 5.2).
- Annual IPDES CMS schedule by November 15 of each year (see 5.4.a).
- End-of-year report chart and annual CMS plan by December 31 of each year (see 5.4.b).
- IPDES compliance evaluation inspections consistent with Idaho's CMS (see 5.4.c).
- DEQ inspector credentialing as specified in the IPDES Compliance Officer Training Manual see (5.4.f).
- Final postinspection follow-up letters and inspection reports (see 5.4.g).
- Follow the recommendations in EPA's final 2020 SRF report (see 5.4.k).

### **Funding**

These activities will be funded by state general fund, state and federal (EPA) grant monies, including Surface Water § 106 funds, and when implemented, dedicated fees. Staff in DEQ's state office Surface and Wastewater Division and six regional offices will complete these activities.

Program Element	State 106	State General	Dedicated Fee	Level of Effort Hours (FTEs)
5.1 IPDES Activities—implementation	—	5	—	10,400 (5.5)
5.2 IPDES Activities—permitting	—	7	1	16,640 (14)
5.3 NPDES Activities—inspections	2	—	—	4,160 (2)
5.4 IPDES Activities—compliance monitoring and enforcement	—	4	10	29,120 (14)
Total	2	16	11	60,320 (29)

## Component 6. Drinking Water and Wastewater Loan Programs

### Program Goal

The goal of the Drinking Water and Wastewater Loan Programs is to improve environmental protection and public health through construction, operation, maintenance, and management of drinking water, NPS, and point source treatment facilities.

### Program Activities

- Manage the Drinking Water and Water Pollution Control Loan Programs.
- Manage the new Bipartisan Infrastructure Law (BIL) SRF funding programs that provide additional resources for the SRFs, as well as targeted funding to address Emerging Contaminants and Lead Service Lines.
- Increase and/or refine program marketing and outreach efforts to reach previously unserved communities, such as disadvantaged/hardship/Environmental Justice communities.
- Manage the state grant programs for drinking water and wastewater projects.

### Program Contacts

MaryAnna Peavey, DEQ, (208) 373-0122

Karen Burgess, EPA, (206) 553-1644

EPA SRF Project Officer (vacant)

### Program Commitments

#### Priorities

- Fully use capacity development set-aside resources made available to issue drinking water planning grants and loan funds to improve drinking water system infrastructure.

- Fully examine the need for BIL Drinking Water State Revolving Fund (DWSRF) Lead Service Line (LSL) funding by conducting thorough lead service lines inventories, as well as the need for BIL SRF Emerging Contaminant funding by conducting sampling and/or using existing water quality data.
- Carry out the BIL mandate of providing additional subsidy to disadvantaged/economically challenged/Environmental Justice communities by using or modifying (as necessary) existing subsidy policies.
- Fully use wastewater loan fee resources made available to issue planning grants and loan funds to improve wastewater system infrastructure.
- Coordinate with the § 319 NPS Program and TMDL Program if funding is available.
- Report on environmental and public health outcomes by completing an environmental or public health benefits evaluation for each project in EPA’s environmental benefits system for the Clean Water State Revolving Fund (CWSRF) or public health benefits system for the DWSRF.
- Implement, monitor, and control procedural frameworks to achieve the following:
  - Provide facility planning grants that allow optional environmental assessments.
  - Develop and implement, to the extent that Intended Use Plan and legislative scheduling allows, necessary legal, policy, guidance, and procedural changes to meet new Safe Drinking Water Act requirements.
  - Develop outreach and assistance to systems challenged by lead risks in particular focusing on how funding from the DWSRF BIL LSL may be utilized.
  - Continue developing conduit relationship with Rural Community Assistance Corporation to provide funding assistance to individuals with failing septic systems.

## **6.1 Manage the Drinking Water and Wastewater Loan Programs.**

### **Approach**

For each loan program, execute loan commitments for at least an amount equal to that required and defined in federal statute. Maintain correct federal and state funding ratios by drawing federal funds for each loan program in the proper proportional amounts. DEQ and EPA recognize that the American Rescue Plan Act (ARPA) and the Infrastructure Investment and Jobs Act (IIJA) funding will likely impact priorities and outputs, as well as the ability to produce deliverables in a timely manner, for the next several years. DEQ and EPA will continue to communicate and strive to meet the program commitments.

### **Outputs**

- a. Negotiate loan agreements for projects listed on the Intended Use Plans in a timely manner for amounts consistent with federal requirements.
- b. Prepare annual reports for CWSRF and DWSRF. Report fee use in the annual reports.
- c. Gather and assess comments relating to web-based loan handbooks. Make minor corrections to the handbooks on an ad hoc basis, while collecting substantive comments for a follow-up public comment period.

- d. Support CWSRF and DWSRF administrative costs, planning efforts, and wastewater operator training efforts with CWSRF and DWSRF loan fee revenues.
- e. Transfer excess DWSRF set-aside funds into the loan fund.
- f. Negotiate changes to State Environmental Review Process and Operating Agreements to incorporate changes in the National Environmental Policy Act environment that have occurred since the State Environmental Review Process was originally crafted.

### **Schedule**

Loans are negotiated throughout the SFY, which ends June 30. The CWSRF annual report is due 90 days after the end of the SFY, and the DWSRF annual report is due 120 days after the end of the SFY.

### **Funding**

This activity will be funded by the administrative set-aside portion of SRFs, loan fees, one-time state funds, and potentially the new Small System Technical Assistance allowance in the CWSRF. Eight work years will be budgeted to the SRFs and will include DEQ's state office, Technical Services Division, and regional office staff.

### **Contacts**

MaryAnna Peavey, DEQ, (208) 373-0122

EPA SRF Project Officer (vacant)

## **6.2 Fund nonpoint source projects.**

### **Approach**

In conjunction with the Surface Water Program, fund nonpoint source sponsorship projects and direct loans to improve surface water quality in areas where TMDLs have been developed and approved, and fund groundwater quality improvement projects in areas where groundwater is degraded when funding is available.

### **Outputs**

A priority list for SFY 2023 was prepared and issued for public comment.

### **Schedule**

The Board of Environmental Quality will act upon the proposed SFY 2023 Intended Use Plan, June 2022.

### **Funding**

DEQ staff time used for making NPS project loans will be charged against the CWSRF set-aside portion for administration and state appropriation when projects and funding are available.

### **Contacts**

MaryAnna Peavey, DEQ, (208) 373-0122

EPA SRF Project Officer (vacant)

### **6.3 Conduct planning grant programs for drinking water and wastewater projects.**

#### **Approach**

Develop an annual wastewater and drinking water grant project priority list.

#### **Outputs**

- a. Compile priority lists of grant projects in June 2022.
- b. Review applications from potential applicants expected to submit grant applications during SFY 2023.
- c. Report DWSRF set-aside expenditures for this activity via the DWSRF program annual report.

#### **Schedule**

Grants are negotiated throughout the SFY, which ends June 30.

#### **Funding**

Funding for grant program's staff is provided through the CWSRF and DWSRF fee revenues and DWSRF set asides. Approximately 4.5 work years statewide is typically budgeted.

#### **Contacts**

MaryAnna Peavey, DEQ, (208) 373-0122

EPA SRF Project Officer (vacant)

### **6.4 Component commitments**

#### **DEQ**

- a. Follow all terms and conditions outlined in the operating agreements, yearly capitalization grant agreements, federal statutes, regulations, and published national guidance and policies for both SRF loan programs.
- b. Submit annual SRF reports to EPA as required.
- c. Complete annual development, review, and modification of the Intended Use Plans for both SRF loan programs.
- d. Coordinate with EPA Region 10 on delivery of targeted technical assistance to water and wastewater systems

#### **EPA**

- a. Conduct timely annual reviews and written reports of both SRF loan programs.
- b. Provide DEQ with advice and consultation as requested and updated program guidance from EPA headquarters as it becomes available.

- c. Provide DEQ with assistance in implementing specific federal requirements where direct EPA involvement may be required, such as AIS, BABA, Davis-Bacon, and SERP/NEPA.
- d. Provide DEQ with timely, informative, and accurate advice about SRF program implementation and development.
- e. Provide targeted technical assistance, in partnership with DEQ, to drinking water or wastewater systems that need additional help in preparing for water infrastructure projects.

## **Component 7. Safe Drinking Water Program**

### **Program Goal**

The goal of DEQ’s Safe Drinking Water Program is to assist and support public water systems to ensure the reliable delivery of safe drinking water.

### **Program Activities**

Implement all DEQ drinking water-related programs funded by EPA in Idaho. Primary activities include the following: rule interpretation and implementation; compliance and enforcement oversight; policy development and implementation; education and outreach for public water systems, public water system operators, and the general public; capacity development and operator certification implementation; interagency coordination; annual reporting; approval of public water system engineering plans and specifications; compliance and technical assistance; monitoring and engineering waiver review; drinking water database management.

### **Program Contacts**

Tyler Fortunati, DEQ, (208) 373-0140

Karen Burgess, EPA, (206) 553-1644

Michelle Tucker, EPA, (206) 553-1414

Peter Contreras, EPA, (206) 553-6708

Stephen Fitzner, EPA, (208) 378-5764

### **Program Commitments**

#### **Priorities**

- Public water systems located, designed, constructed, operated, maintained, and protected to reliably meet drinking water health-based standards.
- Public water systems serving drinking water that meets all health-based standards.
- Provide compliance and enforcement oversight of the Drinking Water Program.
- Provide compliance and technical assistance to public water systems.

- Provide capacity development and operator certification assistance to public water systems.
- Provide engineering design review of new public water systems and public water systems undergoing material modifications.

## Outcomes

- Successfully address statewide compliance issues according to EPA’s 2009 Drinking Water Enforcement Response Policy (ERP)
- Absence of reported waterborne disease outbreaks
- Reduce the number of community water systems in continuous noncompliance with health-based standards from five systems in the fourth quarter of federal FY 2022, to four systems by the end of CY 2024.
  - Reduce the number of systems out of compliance with the Lead and Copper Rule in Idaho by 25% by the end of CY 2024 using January 2023 as the baseline.
  - Increase the percent of community water systems with current sanitary surveys. Idaho target is 95% by the end of CY 2024.
- Ensure *timely* and *appropriate* response (2009 ERP) to 40 public water systems based on the Enforcement Targeting Tool (ETT) (2009 ERP) list of July 2022 for the period covered by this PPA.
- Work to identify and address emerging contaminants through December 31, 2024, funding dependent.
  - Conduct per- and polyfluoroalkyl substance (PFAS) sampling from public water system sources and other identified monitoring locations that represent source water used by public water systems.
  - Provide training, education/outreach, and technical assistance to help public water systems develop harmful algal bloom (HAB) response plan and cyanotoxin monitoring response capabilities for public water systems using surface water.

## Program Indicators

### 7.1 Public water systems serving drinking water that meets all health-based drinking water standards.

#### Approach

DEQ will administer Idaho’s Drinking Water Program with a goal of ensuring all public water systems serve drinking water that meets all health-based drinking water standards.

#### Outputs

- a. Coordinate at least quarterly with EPA’s Water Division to discuss Drinking Water Program performance.
- b. Coordinate and determine the best method for tracking and reporting on the EPA health-based violation reduction effort. Establish a baseline and tracking method for this effort.



- c. Consult in situations concerning imminent and substantial endangerment to public health as outlined in 7.6.h.
- d. Maintain and monitor DEQ's health-based violation QA/QC reports to assist with proactive compliance assistance and timely resolution of health-based violations.
- e. Maintain and monitor DEQ's drinking water exceedance notifications to provide timely response to systems in noncompliance with health-based standards.
- f. Count of CWSs with health-based violations.
- g. Percentage of public water systems in significant compliance with health-based drinking water standards.
- h. Percentage of systems with enforcement orders in compliance with the terms of their schedules.
- i. Number of systems out of compliance with the Lead and Copper Rule.
- j. Cooperate and coordinate on issues related to the Unregulated Contaminant Monitoring Rule.

### **Schedule**

DEQ will submit annual grant reports to EPA.

### **Funding**

Funding for this indicator is provided through the Public Water System Supervision grant and associated state match funding provided by fees and will support 5 FTEs.

## **7.2 Public water systems that are located, designed, constructed, operated, maintained, and protected to reliably meet drinking water health-based standards.**

### **Approach**

DEQ will conduct engineering review for new public water systems or existing public water systems undergoing material modification. Additionally, DEQ will conduct sanitary surveys on a frequency set by federal regulations.

### **Outputs**

- a. Number of sanitary surveys completed
- b. Percentage of public water systems with current sanitary surveys
- c. Percentage of community water systems (CWS) that have current sanitary surveys (3-year frequency, except 5-year frequency for outstanding performers)
- d. Number of engineering projects completed

### **Schedule**

DEQ will submit annual grant reports to EPA.

## Funding

Funding for this indicator will come from multiple sources depending upon the activity:

- Engineering review and assistance will be funded in-part through the 2% Technical Assistance set-aside funding for public water systems serving less than 10,000 and will provide support for 2.25 FTEs. Remaining engineering review and assistance for all public water systems will be funded through the Public Water System Supervision grant and associated state match funding provided by fees that will provide support for 7.22 FTEs. Sixty-three percent of the Capacity Development set-aside funding will be used for engineering planning grants and will support 0 FTEs.
- Sanitary surveys will be funded through the Public Water System Supervision grant and associated state match funding provided by fees that will provide support for 3.22 FTEs.

### 7.3 Capacity development, operator certification, technical and compliance assistance for public water systems.

#### Approach

DEQ will maintain an EPA-approved capacity development and operator certification program that can assist these program areas and provide additional technical and compliance assistance tools for public water systems.

#### Outputs

- a. Maintain collaboration on state laboratory certification.
- b. Maintain DEQ's SDWIS database, report data to EPA using SDWIS/state, and cooperate to resolve data quality issues.
- c. Cooperate to resolve data quality issues.
- d. Coordinate with third-party service providers, such as Idaho Rural Water Association and the Rural Community Assistance Corp, to provide operator training support and referrals of preliminary inspection finding forms and requests for third-party assistance from public water systems.
- e. Implement the Drinking Water Program's Capacity Development strategy.
- f. Maintain collaboration on drinking water operator licensure with the Idaho Division of Occupational and Professional Licenses.

#### Schedule

DEQ will submit annual capacity development and operator certification reports to EPA.

#### Funding

Funding for this indicator will come from multiple sources depending upon the activity:

- Capacity development-related work will be funded through the Capacity Development set-aside funding and will support 0.75 FTEs.

- Laboratory certification and operator licensure is funded through the Public Water System Supervision grant and associated state match funding provided by fees and will support 0.85 FTEs.
- SDWIS data entry and reporting will be funded through the State Program Management (SDWIS) set-aside funding and will support 7.63 FTEs.
- Provide compliance and enforcement oversight of the Drinking Water Program.

### **Approach**

DEQ will provide compliance oversight for drinking water rules under DEQ’s primacy and engage in enforcement actions when noncompliance with drinking water rules cannot be resolved through technical and compliance assistance.

### **Outputs**

- a. Cooperate and coordinate on issues related to new rule implementation.
- b. Collaborate on requests for rule implementation such as *deep dives* and improve rule implementation. Follow most recent or most current guidance.
- c. EPA will provide a 30-day notice to DEQ prior to communicating with or conducting a PWS inspection for which DEQ is the primary enforcement authority. EPA-led inspections will be coordinated with DEQ in advance to allow for DEQ participation in the inspection. EPA and DEQ will follow preestablished coordination and notification processes to reduce confusion and promote consistent interactions with each PWS. Coordination will be initiated by EPA through DEQ’s Drinking Water Bureau Chief.
- d. Coordinate quarterly with EPA’s Enforcement and Compliance Assurance Division (ECAD) to discuss the ETT/ETTA (enforcement targeting tool assistant) and compliance issues.
- e. Provide timely enforcement response when and where DEQ determines formal enforcement actions are necessary.
- f. Respond to MCL violations and appropriately manage public water system monitoring schedules.

### **Schedule**

DEQ will submit annual grant reports to EPA.

### **Funding**

Funding for this indicator is provided through the Public Water System Supervision grant and associated state match funding provided by fees and will support 10.13 FTEs.

## **7.4 Unregulated and emerging contaminants.**

### **Approach**

DEQ will conduct activities to help address and prepare public water systems to respond to emerging contaminants in their source water.

**Outputs**

- a. Conduct sampling of specific emerging contaminants through appropriate field sampling plans.
- b. Develop resources for public water systems, operators, and the general public to help educate and to respond to emerging contaminants.
- c. Conduct operator training on emerging contaminants.
- d. Facilitate the development of emerging contaminant response plans for public water systems where necessary.
- e. Provide resources for the provision of alternative water for public water system users impacted by emerging contaminants above the EPA's approved health advisory levels.
- f. Provide competitive grants through emerging contaminant-specific funding provided by EPA to fund public water system activities and actions to address emerging contaminants impacting the water system.

**Schedule**

DEQ will submit annual grant reports to EPA.

**Funding**

Funding for this indicator is provided through the supplemental Emerging Contaminant Funding provided through the Public Water System Supervision grant. This funding is leveraged to support operational costs associated with emerging contaminants such as sample analysis, training expenses, and associated physical resources. There are no FTEs supported by this funding.

**7.5 DEQ agrees to the following:**

- a. Enforce the Safe Drinking Water Act and associated regulations through approval of state regulations, acceptance of state programs, and formal delegation of authority from EPA.
- b. Timely upload the Safe Drinking Water Information System (SDWIS/state) data to EPA.
- c. Provide EPA with performance measure reports for the EPA health-based violation reduction effort quarterly.
- d. Implement new rules on schedule unless formal extension agreements are made according to 40 CFR 142.12.
- e. Take timely and appropriate enforcement actions to address Safe Drinking Water Act violations using the 2009 Enforcement Response Policy (ERP). Provide quarterly report on the status of public water systems identified as a priority for returning to compliance or an enforcement response. Provide copies of enforcement orders upon EPA's request.
- f. Respond to findings in the EPA annual program evaluation by addressing recommendations and implementing necessary actions as DEQ deems appropriate.

- g. Utilize the ETTA within the context of the ERP to assess real-time compliance issues in quarterly coordination meetings with ECAD due to the ETTA's ability to provide current compliance status versus the data lag associated with the ETT.
- h. Meet all PWSS grant reporting requirements.

#### **7.6 EPA agrees to the following:**

- a. ECAD will consult with DEQ through the Drinking Water Bureau Chief before issuing any information request or taking any enforcement action against any public water system under the jurisdiction of DEQ's primacy program. After consulting DEQ, if ECAD has determined additional information is needed or ECAD will be taking an enforcement action, ECAD will contact the owner or operator of the public water system and copy DEQ on the action taken.
- b. ECAD will provide DEQ quarterly ETT performance measure results for Idaho, although ECAD recognizes that DEQ leverages ETTA data for all national compliance efforts.
- c. Both the Drinking Water Program and ECAD will submit Drinking Water Program requests for information and work tasks through the DEQ state program office only.
- d. Both the Drinking Water Program and ECAD will reduce administrative demands on the state by limiting reporting requirements to annual reports, unless noted otherwise in this PPA, and obtaining necessary reports and information from SDWIS/Fed when possible.
- e. All complaints or requests for information must be routed from EPA to DEQ's Drinking Water Bureau Chief.
- f. EPA will assist Idaho's zero-based rulemaking efforts by providing timely reviews of draft rule revisions with a focus on primacy-related requirements and participate in DEQ's negotiated rulemaking during CY 2023.
- g. EPA will precoordinate with DEQ on UCMR 5-related contaminants with health advisories regarding sample result notification to the state, public water system, and communication regarding health advisory response for detections.
- h. The Drinking Water Program will provide rule interpretation and assistance, advance notification of training opportunities, and updates of Unregulated Contaminant Monitoring Rule implementation and other relevant issues.
- i. The Drinking Water Program will attend Idaho Drinking Water Advisory Committee meetings via teleconference or in person as time permits.
- j. Both the Drinking Water Program and ECAD will annually review and evaluate Idaho's progress in implementing the provisions and requirements of this agreement and other agreements documenting delegations of responsibility from EPA to the state.
- k. ECAD may become involved in SDWA enforcement at public water systems when an imminent and substantial endangerment to public health exists (SDWA Section 1431); the state requests EPA's enforcement support; or EPA deems that the state's response to addressing a noncompliant public water system has not been timely or appropriate. After consultation with the state, EPA also reserves its right to consider enforcement

against public water systems that are not identified as a *priority* for enforcement under the ERP where the state has not taken timely or appropriate action.

## 7.7 Safe Drinking Water Program contacts.

<b>Idaho DEQ Contact</b>	<b>Phone Number</b>
Tyler Fortunati, Drinking Water Bureau Chief	(208) 373-0140
Curtis Stoehr, Decision Support & Field Services Supervisor OpCert, SDWIS, Cap Dev	(208) 373-0542
Cassandra Lemmons, Compliance & Enforcement Supervisor	(208) 737-3871
Matt McGlynn, Drinking Water Analyst; IOC, SOC, VOC, Lead and Copper Rule, Radionuclides Rule, Public Notification	(208) 373-0475
Jami Delmore, Drinking Water Analyst; Surface Water Treatment Rules and Disinfection Byproduct Rules, Consumer Confidence Rule, RTCR, GWR	(208) 373-0174
TBD, Decision Support Analyst (SDWIS)	
Barbara Jones, Capacity Development Analyst	(208) 373-0186
Elisha Fawkes, Administrative Assistant	(208) 373-0409

<b>EPA Region 10 Contact</b>	<b>Phone Number</b>
Karen Burgess, Office of Water Unit Drinking Water Manager	(206) 553-1644
Peter Contreras, Section Chief, Drinking Water Enforcement, ECAD, EPA	(206) 553-6708
Stephen Fitzner, Compliance and Enforcement Measures and ETT List, ECAD	(208) 378-5764
TBD, Idaho SRF Project Officer	
Ricardi Duvil, SWTRs including Filter Backwash, Disinfection Byproduct Rules, Lead and Copper Rule, Operator Certification, Capacity Development	(206) 553-2578
Joe Knapik, SDWIS/Federal, Public Notification Rule, Consumer Confidence Report	(206) 553-5113
Chris Affeldt, Arsenic, Unregulated Contaminant Monitoring Regulations, Contaminant Candidate List	(206) 553-6068
Michelle Tucker, Groundwater Rule, PWSS State Coordinator, Source Water Protection Coordinator	(206) 553-1414
Sam Perry, Groundwater Rule, PFAS, HABs	(206) 553-2851
Christine Ghetu, Revised Total Coliform Rule	(206) 553-6118
Neverley Wake, R10 PWSS Grant Project Officer	(907) 271-3206