



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3188

WATER
DIVISION

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

Re: Approval of the Upper and Lower Henrys Fork Subbasin 2021 Sediment and Bacteria TMDLs (HUCs: 17040202 and 17040203)

Dear Dr. Nelson:

The Idaho Department of Environmental Quality (IDEQ) submitted the Upper and Lower Henrys Fork Subbasin Total Maximum Daily Loads (TMDLs) to the U.S. Environmental Protection Agency (EPA) on February 12, 2021. Following our review, the EPA is pleased to approve three TMDLs for the waters and pollutants listed in the tables below.

All three of these waters were included in 2018/2020 Idaho’s 303(d) list (List) of impaired waters, as identified in Table 1.

Table 1: EPA-Approved TMDLs on Impaired Waters

Name of Creek/Water Segment	Assessment Unit #	Pollutant
Twin Creek – USFS boundary to mouth*	ID17040202SK030_02	Sediment
Sand Creek – Pine Creek to mouth	ID17040203SK013_04	Sediment
Timber Creek – source to mouth	ID17040202SK035_03	<i>Escherichia coli</i>

*This reflects the newly revised AU boundary

Our review indicates that these allocations have been established at a level that, when fully implemented, will lead to the attainment of the water quality standards in the waters addressed by these TMDLs. Therefore, the IDEQ does not need to include these waters on the next 303(d) list of impaired waters for the pollutant(s) covered by these TMDLs.

Your submittal also includes implementation strategies for the TMDLs. IDEQ developed and submitted these strategies pursuant to the TMDL Settlement Agreement of July 2002. As you know, the EPA has no duty to approve or disapprove implementation strategies under Section 303(d) of the Clean Water Act (CWA); therefore, the EPA is not taking action on these strategies. Implementation is the critical next step to realize improvements in water quality, and we encourage IDEQ to continue their work with responsible parties on implementation of these strategies.

By the EPA’s approval, these TMDLs are now incorporated into the State’s Water Quality Management Plan under §303(e) of the CWA.

If you have any comments or questions, please feel free to call me at (206) 553-1855, or you may call Lisa Kusnierz of my staff at (208) 378-5626.

Sincerely,

Daniel D. Opalski
Director

cc: Mr. Mark Cecchini-Beaver, Deputy Attorney General, Idaho
Mr. Jason Pappani, Surface Water Program Manager, IDEQ
Mr. Graham Freeman, TMDL Program Manager, IDEQ
Mr. Troy Saffle, Water Quality Manager, Idaho Falls Regional Office, IDEQ
Mr. Laird Lucas, Advocates for the West
Ms. Kristen Boyles, Earthjustice