



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

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Reply to
Attn Of: OWW-134

Department of Environmental Quality
State Water Quality Division

Mr. Barry N. Burnell, Administrator
State Water Quality Programs
Idaho Department of Environmental Quality
1410 North Hilton
Boise, ID 83706

Subject: Approval of Total Maximum Daily Loads for Bear River/Malad River, Idaho

Dear Mr. Burnell:

The U.S. Environmental Protection Agency (EPA) is pleased to approve the below listed Total Maximum Daily Loads (TMDLs) for the Bear River/Malad River Basin (Hydrologic Unit Numbers 16010102, 201, 202, and 204). The TMDLs were submitted by Idaho Department of Environmental Quality (DEQ) for EPA's approval in the document, *Bear River/Malad River Subbasin Assessment and Total Daily Maximum Load Plan*, dated March 2006 via cover letter dated April 28, 2006 and addendum via e-mail dated June 6, 2006. This approval applies to 127 explicit TMDLs for 63 different waterbodies.

This approval addresses 57 waterbodies listed on Idaho's 2002 303(d) list. TMDLs were also completed for four (4) waters within the watershed which were not meeting water quality standards for sediment and nutrients, but had not previously been included on Idaho's 303(d) list. The EPA understands that such waters would have been included on the list had the State been aware of these exceedances at the time the list was compiled. Two additional waterbodies were included as part of these TMDLs which were on Idaho's 1998 303(d) list, but not on the 2002 list. Accordingly, these waters do not need to be included in future 303(d) lists since allocations aimed at achieving water quality standards for these impaired waters are included in these approved TMDLs. The enclosed Table 1 presents each of the waterbodies and the approved TMDLs.

The Subbasin Assessment/TMDL document and cover letter also included a list of recommended changes to Idaho's 303(d) list for the next listing cycle. We appreciate the opportunity to review the basis for the proposed listing changes prior to the official submittal. We understand that Idaho will submit these proposed changes as part of the next 303(d) list. At the time the 303(d) list is submitted, EPA will make a final agency determination regarding these proposed changes under a separate administrative process.

The submittal also included an implementation strategy for the TMDLs, pursuant to the TMDL Settlement Agreement of July 2002. EPA currently has no duty to approve or disapprove implementation strategies under Section 303(d) of the Clean Water Act (CWA). Therefore, EPA is not taking action on this implementation strategy. However, we believe implementation is the critical next step for realizing improvements in water quality called for in the TMDL and encourage IDEQ to continue working with appropriate parties and agencies to ensure that necessary actions are taken to achieve the TMDL reductions. We hope that continued collaboration will result in effective implementation of the TMDL and restoration of water quality in the Bear River and Malad River Basin.

Based on our review and evaluation of the TMDLs, we found that they meet the regulatory and statutory requirements for approval under the Clean Water Act. This approval includes all wasteload and load allocations assigned to sources on the identified waters and their tributaries. Our analysis indicates that these allocations have been established at levels that, when fully implemented, will lead to the attainment of the State water quality criteria addressed by the TMDLs within the Bear River/Malad River Basin. Therefore, the State need not include any of these waterbodies on the next 303(d) list for the pollutants covered by these TMDLs.

We appreciated the opportunity to work with your staff throughout the development of these TMDLs. In particular, Lynn Van Every and Mike Rowe of your staff and Ecosystems Research Institute, Inc. have performed excellent technical analysis and done notable work with the stakeholders in development of these TMDLs. We look forward to our continued work with your staff during the implementation of these TMDLs and the water quality improvements which will be realized in the Bear River and Malad River Basin as a result.

By this approval, these TMDLs are now incorporated into the State's Water Quality Management Plan under section 303(e) of the Clean Water Act. Congratulations on your fine work. If you have any questions regarding this approval please contact me at (206) 553-7151, or Mark Filippini, at (206) 553-6327.

Sincerely,



Michael Gearheard, Director
Office of Water and Watersheds

cc: Marti Bridges, IDEQ Boise
Lynn Van Every, IDEQ Pocatello
Mike Rowe, IDEQ Pocatello
Judy Brower, Advocates for the West
Kristin Boyles, Earthjustice

Enclosure: Table 1

Table 1. Bear River/Malad River TMDLs

Hydrologic Unit Code Number (Subbasin)	Assessment Unit	Segment Name	303(d)-listed (year)	Listed Pollutants 2002 303(d) list ^{1,2}	TMDLs Completed ²
16010102	BR001_05	Bear River - Wyoming border to Railroad bridge (T14N, R45E, Sec 21)	1998, 2002	Unknown	Nut, Sed
	BR003_04	Thomas Fork - ID/WY border to mouth	1998, 2002	Nut, Sed	Nut, Sed
	BR008_02	Sheep Creek - source to mouth	2002	Sed	Nut, Sed
	BR002_05	Bear River - Railroad bridge (T14N, R45E, Sec 21) to Alexander Reservoir (includes Bear R old channel)	1998, 2002	Nut, Sed	Nut, Sed
	BR002_06	Bear River - Railroad bridge (T14N, R45E, Sec 21) to Alexander Reservoir	1998, 2002	Nut, Sed	Nut, Sed
	BR001_0L	Alexander Reservoir	1998, 2002	Nut, Sed	Nut, Sed ³
	BR009_04	Ovid Creek - confluence North & Mill creeks to mouth	1998, 2002	Sed	Nut, Sed
	BR022_03a	lower Georgetown Creek	2002	Path, Sed	Nut, Sed
	BR022_02b	upper Georgetown Creek	2002	Sed, TSS	Nut, Sed
	BR022_02a	Right Hand Fork Georgetown Creek	2002	Unknown	Nut, Sed
16010202	BR006_03	Stauffer Creek			Nut, Sed
	BR007_02	Skinner Creek - source to mouth	2002	Nut, Sed	Nut, Sed
	BR005_02	lower Pearl Creek	1998, 2002	Nut, Sed	Nut, Sed
	BR002_02a	Sulpher Canyon Creek	2002	Unknown	Nut, Sed
	BR004_03	Eightmile Creek	2002	Sed	Nut, Sed
	BR004_02a	South Wilson Creek	2002	Sed	Nut, Sed
	BR003_02	Bailey Creek			Nut, Sed
	BR023_02b	lower Soda Creek	2002	Inorganics, Sed	Nut, Sed
	BR009_06	Bear River - Alexander Reservoir to Oneida Dam	1998		Nut, Sed
	BR006_06	Bear River - Oneida Dam to Utah Border	1998, 2002	Unknown	Nut, Sed
	BR008_0L	Oneida Narrows Reservoir	1998, 2002	Sed	Nut, Sed ³
	BR006_02	Bear River - Oneida Dam to Utah Border tributaries (includes Deep Cr)	1998, 2002	Unknown	Nut, Sed
	BR013_02	Densmore Creek - source to mouth	1998, 2002	Nut, Sed	Nut, Sed
	BR009_02a	Smith Creek	2002	Path	Nut, Sed
	BR009_02b	Alder Creek	2002	Path	Nut, Sed

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16010202	BR012_02	Whiskey Creek - source to mouth	1998, 2002	Nut, Sed	Nut, Sed
	BR009_02	Burton Creek			Nut, Sed
	BR011_03	Trout Creek			Nut, Sed
	BR010_02	Williams Creek - source to mouth	1998, 2002	Nut, Sed	Nut, Sed
	BR014_04	Cottonwood Creek: - source to Oneida Narrows	1998, 2002	Sed	Nut, Sed
	BR007_02	Mink Creek - source to mouth (includes Strawberry Cr)	1998, 2002	Unknown	Nut, Sed
	BR015_02	Battle Creek - source to mouth	1998, 2002	Nut, Sed	Nut, Sed
	BR015_03	Battle Creek - source to mouth	1998, 2002	Nut, Sed	Nut, Sed
	BR015_04	Battle Creek - source to mouth	1998, 2002	Nut, Sed	Nut, Sed
	BR019_02	Fivemile Creek - source to mouth	1998, 2002	Unknown	Nut, Sed
	BR019_02a	Fivemile Creek	1998, 2002	Sed	Nut, Sed
	BR020_02	Weston Creek - source to mouth	1998, 2002	Nut, Sed	Nut, Sed
	BR020_03	Weston Creek - source to mouth	1998, 2002	Nut, Sed	Nut, Sed
	BR020_04	Weston Creek - source to mouth	1998, 2002	Nut, Sed	Nut, Sed
	BR020_02c	upper Weston Creek	1998, 2002	Sed	Nut, Sed
	BR020_02a	Black Canyon	2002	Sed	Nut, Sed
	BR020_02d	Trail Hollow	2002	Sed	Nut, Sed
	BR005_02	Worm Creek - source to Utah border	1998, 2002	Unknown	Nut, Sed
	BR002_04	Cub River - Hwy 91 bridge to Utah border	1998, 2002	Nut, Sed	Nut, Sed
	BR003_02	Cub River - from and including Sugar Creek to Hwy 91 bridge (includes Maple Cr)	1998, 2002	Bact, Unknown	Bact, Nut, Sed
16010204	BR003_03	Cub River - from Sugar Creek to Hwy 91 bridge (includes Maple Cr)	1998, 2002	Nut, Sed	Nut, Sed
	BR012_02	Malad River - source to Little Malad R	1998, 2002	Sed	Nut, Sed
	BR001_04	Malad River - Little Malad R to Utah border	1998, 2002	Path, Sed	Nut, Sed
	BR008_04	Little Malad River - Daniels Res dam to mouth	1998, 2002	Path, Sed	Nut, Sed
	BR008_02	Little Malad River - Daniels Res dam to mouth tributaries (includes Elkhorn Cr)	1998, 2002	Unknown	Nut, Sed
	BR010_03	middle Wright Creek	1998, 2002	Path, Sed	Nut, Sed
	BR010_04	Wright Creek - source to Daniels Res	1998, 2002	Sed	Nut, Sed

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16010204	BR010_02a	Indian Mill Creek	2002	Unknown	Nut, Sed
	BR002_02	Devil Creek - Devil Cr Res dam to mouth	1998, 2002	Nut, Sed	Nut, Sed
	BR002_03	Devil Creek - Devil Cr Res dam to mouth	1998, 2002	Path, Sed	Nut, Sed
	BR002_02a	Campbell Creek	2002	Path, Sed	Nut, Sed
	BR002_02c	Evans Creek	2002	Sed	Nut, Sed
	BR007_02	Deep Creek - source to Deep Cr Res	1998, 2002	Unknown	Nut, Sed
	BR007_03	Deep Creek - source to Deep Cr Res	1998, 2002	Unknown	Nut, Sed
	BR005_03	Deep Creek - Deep Cr Res dam to mouth	1998, 2002	Unknown	Nut, Sed
	BR006L_0L	Deep Creek Reservoir	2002	Unknown	Nut, Sed ³
	BR006_03	Deep Creek Reservoir	1998, 2002	Unknown	Nut, Sed
	BR006_02	Susan Hollow	2002	Sed	Nut, Sed
	¹ Refers to a list of water bodies in Idaho that did not fully support at least one beneficial use. This list is required under section 303(d) of the CWA				
	² Bact: bacteria; Nut: nutrients; Path: pathogens; Sed: sediment; TSS: total suspended solids				
	³ TMDLs written for mainstem Bear River and/or tributaries entering the reservoir; not for the reservoir itself				