



REGION 10

SEATTLE, WA 98101

July 22, 2025

Dr. Mary Anne Nelson
Administrator
Surface and Wastewater Division
Idaho Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
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Dear Dr. Nelson:

The U.S. Environmental Protection Agency has completed its review of Idaho's 2024 Integrated Report, including the Clean Water Act Section 303(d) list of impaired waters, a priority ranking for impaired waters still requiring a Total Maximum Daily Load, and the associated supporting documentation and information. The EPA initially received the 2024 Integrated Report and 303(d) list from the Idaho Department of Environmental Quality on March 12, 2025, through ATTAINS.¹ IDEQ subsequently revised the Integrated Report and resubmitted the 2024 Integrated Report and 303(d) list through ATTAINS on March 14, 2025, and April 1, 2025.

Pursuant to the EPA's authorities under Section 303(d) of the CWA, 33 U.S.C. § 1313(d), and the implementing regulations at 40 CFR Part 130, the EPA is approving the 303(d) list contained in Idaho's 2024 Integrated Report. Although the Integrated Report describes the status of all of Idaho's waters, the EPA only has approval authority for the waters proposed to be listed in Category 5, which constitutes the 303(d) list applicable to the waters within the jurisdiction of the state of Idaho. In taking this action on Idaho's 2024 303(d) list, the EPA considered the information in the project record, including but not limited to, Idaho's Category 5 data and the narrative supporting documents. A summary of the EPA's review of Idaho's compliance with each statutory and regulatory requirement pertaining to the 2024 303(d) list is described in the enclosure to this letter.

In 1994, in response to a federal District Court order, the EPA published a 303(d) list for the state of Idaho which identified all impaired waters within the state, including some waters within Indian Country as defined at 18 U.S.C. § 1151. For the 2024 Integrated Report, consistent with the 2018/2020 and 2022 Integrated Report, IDEQ placed all waters within Indian Country into Category 3t, a state designated sub-category of EPA Category 3. The EPA's approval of Idaho's 2024 Section 303(d) list does

¹ The Assessment, Total Maximum Daily Load (TMDL) Tracking and Implementation System (ATTAINS) is the EPA's electronic system to accept and track CWA Section 303(d) submissions and Agency actions.

not apply to any waters, or portions thereof, that are within Indian Country. The EPA is taking no action to approve or disapprove the state's list with respect to any waters within Indian Country.

We would like to acknowledge the hard work of Dan Eardley and the IDEQ regional office staff in developing the 2024 303(d) list. If you have any questions, please feel free to contact me at (206) 553-0171 or shaw.hanh@epa.gov, or have your staff contact Michelle Maier, EPA Assessment Coordinator, at (503) 326-6994 or maier.michelle@epa.gov.

Sincerely,

Hanh Shaw, Manager
Standards, Assessment and Watershed
Management Branch
Water Division

Enclosure: U.S. EPA Clean Water Act Review and Decision Rationale for Approval of Idaho's 2024 303(d) List

cc: Julia Achabal, Surface Water Bureau Chief, IDEQ; Julia.Achabal@deq.idaho.gov
Dan Eardley, Federal Reporting Lead, IDEQ; Dan.Eardley@deq.idaho.gov

U.S. EPA Clean Water Act Review and Decision Rationale for Approval of Idaho's 2024 303(d) List

July 22, 2025

1. Introduction

This document sets forth the U.S. Environmental Protection Agency's (EPA) reasoning for approving Idaho's 2024 Clean Water Act (CWA) Section 303(d) list (303(d) list). The EPA initially received the 2024 Integrated Report (IR) and 303(d) list, including supporting documentation and information, from the Idaho Department of Environmental Quality (IDEQ) on March 12, 2025, through ATTAINS.¹ IDEQ subsequently revised the IR and resubmitted the 2024 IR and 303(d) list through ATTAINS on March 14, 2025, and April 1, 2025.

The EPA has conducted a complete review of the state's 2024 303(d) list and supporting documentation and information, including changes from the previous 303(d) list. Based on this review, the EPA has determined that the state's 303(d) list of water quality limited segments (WQLSs)² still requiring TMDLs (i.e., Category 5 of the state's IR) satisfies the requirements of Section 303(d) of the CWA and the EPA's implementing regulations. Therefore, the EPA hereby approves Idaho's 2024 303(d) list.

In light of available data and information and ongoing discussions with the state, the EPA is taking no action on this list submission regarding potential attainment or impairment of the state's approved narrative water quality standards (WQS) for the protection of downstream waters. The EPA and the state will continue to coordinate regarding attainment of the downstream narrative with respect to downstream state and Tribal WQS.

The EPA's action regarding Idaho's 303(d) list does not extend to any waterbodies, or portions of waterbodies, that are within Indian country, as defined in 18 USC § 1151. The EPA is taking no action to approve or disapprove the state's 303(d) list with respect to those waters. The EPA, or eligible Indian Tribes, as appropriate, will retain responsibilities under Section 303(d) for those waters.

Additionally, the EPA's action regarding Idaho's 303(d) list does not extend to any waterbodies that are within lands of exclusive federal jurisdiction. The EPA is taking no action to approve or disapprove the state's 303(d) list with respect to those waters.

2. The EPA's Analysis of Idaho's Submission

Section 303(d)(1) of the CWA and the EPA's implementing regulations at 40 CFR 130.7 require states, territories, and authorized Tribes (herein referred to as "states") to identify waters for which effluent

¹ The Assessment, Total Maximum Daily Load (TMDL) Tracking and Implementation System (ATTAINS) is the EPA's electronic system to accept and track CWA section 303(d) submissions and Agency actions.

² The EPA uses this term to reflect the combination of a water segment and an applicable WQS that is not attained or is threatened. For example, if a segment is not meeting three applicable WQS then there are three WQLSs for that segment.

limitations required by CWA Section 301(b)(1)(A) and (B) are not stringent enough to implement any applicable water quality standard. States need not identify on their lists waters where the following controls are adequate to implement applicable standards: 1) technology-based effluent limitations required by the Act, 2) more stringent effluent limitations required by state or local authority, and 3) other pollution control requirements required by state, local, or federal authority. 40 CFR 130.7(b)(1) and (2). CWA Section 303(d) lists must identify WQLSs still requiring TMDLs. 40 CFR 130.7(b). The definition of “water quality limited segment” in 40 CFR 130.2(j) includes any segment where it is known that water quality does not meet applicable WQS (referred to as “impaired waters”) and any segment that is not expected to meet applicable WQS (referred to as “threatened waters”).³ The term “applicable WQS” refers to those WQS established under Section 303 of the Act, including numeric criteria, narrative criteria, waterbody uses, and antidegradation requirements. 40 CFR 130.7(b)(3). A WQLS must be on the 303(d) list and requires a TMDL unless the state can demonstrate that no pollutant(s) causes or contributes to the impairment.⁴ In addition, in developing their CWA 303(d) lists, states must meet several procedural, submission, and content requirements as described in this decision document.

States must submit their 303(d) lists to the EPA on April 1 of every even-numbered year. 40 CFR 130.7(d)(1). The EPA must approve or disapprove the 303(d) list not later than 30 days after submission. The EPA approves a list only if it meets the requirements at 40 CFR 130.7(b). 40 CFR 130.7(d)(2). If the EPA approves the listing(s), the state must incorporate the listing(s) into its current Water Quality Management (WQM) plan. If the EPA disapproves a listing decision(s), the EPA must, not later than 30 days after the date of such disapproval, identify waters for inclusion on the 303(d) list (i.e., add the waters to the list). The EPA then must promptly issue a public notice seeking comment on the listing(s). After considering public comment and making any revisions the EPA deems appropriate, the EPA must transmit the listing(s) to the state, which must incorporate the listing(s) into its WQM plan. 40 CFR 130.7(d)(2).

The statutory and regulatory requirements, and the EPA’s review of the state’s compliance with the requirements, are described in detail in this document. To the extent that any EPA-approved listing decisions are unchanged from prior approved Section 303(d) list actions, the EPA incorporates the reasoning of those previous list actions unless otherwise noted.

A. Supporting documentation for making listing determinations

The EPA regulations at 40 CFR 130.7(b)(6) require states to include, as part of their submissions to the EPA, documentation to support the state’s determination to list or not to list its waters. Such documentation must include, at a minimum, the information discussed in subsections i through iv, immediately below.

³ See FN 2.

⁴ See CWA Sections 303(d)(1)(A) and 303(d)(1)(C); 40 CFR § 130.7(b)(4); EPA 2006 Integrated Reporting Memorandum, page 60; EPA 2024 Integrated Reporting Memorandum, pages 18-19. EPA Integrated Reporting Memoranda may be found at <https://www.epa.gov/tmdl/integrated-reporting-guidance-under-cwa-sections-303d-305b-and-314>.

i. Description of the methodology used to develop the 303(d) list. 40 CFR 130.7(b)(6)(i).

The EPA regulations at 40 CFR 130.7(b)(6) require states to include a description of the methodology used to develop the 303(d) list.⁵ The EPA does not approve or disapprove assessment methodologies. Instead, in acting on CWA 303(d) lists, the EPA evaluates whether the state, territory, or authorized Tribe met listing requirements in determining whether applicable WQS are met and included waters requiring TMDLs on its 303(d) list. 2024 Integrated Reporting Memorandum (IR Memo) at 15.

The EPA finds that Idaho has provided a description of its methodologies used for determining whether its waters are achieving the state's WQS, satisfying the regulatory requirement to provide a "description of the methodology used to develop the list." 40 CFR 130.7(b)(6)(i). Section 3.2 of the IR references the listing methodology used by IDEQ to develop the 2024 303(d) list. The listing methodology is found in the document, Waterbody Assessment Guidance III (IDEQ 2016),⁶ and is included as a supplementary document in ATTAINS. The Waterbody Assessment Guidance III contains a standardized approach for developing the 303(d) list and was subject to a public participation process. IDEQ used the assessment category decision factors identified in the Waterbody Assessment III as the basis for the 2024 listing decisions. The EPA has considered the state's methodology as part of its review of the state's 303(d) list.

ii. Description of the data and information used to identify waters. 40 CFR 130.7(b)(6)(ii).

The EPA regulations at 40 CFR 130.7(b)(6)(ii) require states to provide a description of the data and information used to identify waters, including a description of the data and information used by the state as required by 40 CFR 130.7(b)(5). The EPA finds that Idaho has provided a description of the data and information that it assembled and evaluated. 40 CFR 130.7(b)(6)(ii). Sections 3.1 and 3.2.2 of the IR describe the monitoring data that were collected by the state in addition to external data that were assembled and evaluated to identify waters for the list. A summary of the data and information that were either received during the call for data or queried from public databases is included in Appendix K of the IR. The EPA has considered the state's description as part of its review of the state's 303(d) list.

iii. A rationale for any decision to not use any existing and readily available data and information for any one of the categories of waters as described in 40 CFR 130.7(b)(5). 40 CFR 130.7(b)(6)(iii).

The EPA regulations at 40 CFR 130.7(b)(6)(iii) require states to provide a rationale for any decision to not use any existing and readily available data and information for any one of the categories of waters as described in 40 CFR 130.7(b)(5). 40 CFR 130.7(b)(6)(iii). The EPA evaluates whether a state provides a technical, science-based rationale for decisions not to use data or information in developing the list.⁷ The EPA finds Idaho provided a rationale for not using certain data it assembled and evaluated to develop its list. 40 CFR 130.7(b)(6)(iii). Appendix K of the IR includes a rationale for any of the data and

⁵ The EPA's Integrated Reporting Memoranda provide more information on assessment methods. See 2006 Integrated Reporting Memorandum at 29.

⁶ Idaho Department of Environmental Quality. 2016. Water body Assessment Guidance 3rd Edition; <https://www2.deq.idaho.gov/admin/LEIA/api/document/download/14844>.

⁷ 2024 IR Memo at FN 15 (citing court cases); 2006 IR Memo at 37 (EPA evaluates whether there is a "reasonable technical rationale").

information that IDEQ did not use to develop the list. The EPA has considered the state's rationale as part of its review of the state's 303(d) list.

iv. Other reasonable information requested by the Region. 40 CFR 130.7(b)(6)(iv).

The EPA regulations at 40 CFR 130.7(b)(6)(iv) require states to provide any other reasonable information requested by the EPA. Upon request by the EPA, each state must demonstrate good cause for not including a water or waters on the list. Consistent with 40 CFR 130.7(b)(6)(iv), good cause includes, but is not limited to:

- assessment and interpretation of more recent or accurate data in the record demonstrate that the applicable WQS is met;
- more sophisticated water quality modeling;
- flaws in the original analysis that led to the water being listed;
- changes in conditions.

Good cause may also include, for example (see, e.g., 2006 IR Memo at 58-59):

- EPA approved or established TMDL;
- demonstration that the impairment is being addressed through more stringent effluent limits or other pollution control requirements; or
- demonstration that the impairment is not caused by a pollutant.

The EPA finds Idaho provided additional reasonable information requested by the EPA. IDEQ has provided good cause for each of the WQLSs that were delisted from Category 5 in Appendix C or Appendix D of the IR and/or in ATTAINS. The EPA has considered this information as part of its review of the state's 303(d) list.

B. Public participation

The EPA regulations require states to provide for public participation in the development of their 303(d) lists, including describing their process for involving the public and other stakeholders in their Continuing Planning Processes (CPPs). 40 CFR 130.7(a). States are expected to demonstrate how they considered public comments in their final decisions. The EPA considers the public comments and state responses as appropriate in its actions on 303(d) lists in determining whether a state has provided reasoned support for its submission. See 2006 IR Memo at 25-26.

The state's 2024 303(d) list submission to the EPA included a full list of public comments and the state's responses to comments. The draft 2024 IR and list of WQLSs were available on the IDEQ website for a 30-day public comment period from October 15, 2024, to November 14, 2024. IDEQ also shared a web map of the draft assessment results during the public comment period. IDEQ received eight comment letters and provided responses in Appendix J of the IR. In addition, to better inform the draft 2024 IR, IDEQ conducted a 60-day call for data from December 5, 2022, to February 6, 2023, as described below.

The EPA concludes Idaho provided an opportunity for public comment on its 303(d) list consistent with 40 CFR 130.7(a). In addition, the state demonstrated how it considered public comments in its final decision.

C. Assembling, evaluating, and using data and information

i. Assemble and evaluate data and information

States must assemble and evaluate all existing and readily available water quality-related data and information to develop the CWA 303(d) list. 40 CFR 130.7(b)(5). In reviewing a state's 303(d) list submission, the EPA considers whether the state has satisfied the requirements under 40 CFR 130.7(b)(5) to assemble and evaluate all existing and readily available water quality-related data and information when developing their CWA 303(d) lists. This includes, at a minimum, all existing and readily available data and information about the following categories of waters: (1) waters identified as partially meeting or not meeting designated uses, or as threatened, in the state's most recent CWA Section 305(b) report; (2) waters for which dilution calculations or predictive modeling indicate non-attainment of applicable WQS; (3) waters for which water quality problems have been reported by local, state, and federal agencies; members of the public; academic institutions (these organizations and groups should be actively solicited for research they may be conducting or reporting); and (4) waters identified as impaired or threatened in any CWA Section 319 nonpoint source assessment submitted to the EPA. In addition to these minimum categories, states are required to assemble and evaluate any other water quality-related data and information that is existing and readily available. 40 CFR 130.7(b)(5).

The EPA has reviewed the state's submission, including the state's description of the data and information that it assembled and evaluated and finds that the state satisfied the requirement to assemble and evaluate all existing and readily available water quality-related data and information to develop its list under 40 CFR 130.7(b)(5). Sections 3.1 and 3.2.2 of the IR describe the monitoring data that were collected by the state in addition to external data that were assembled and evaluated to identify waters for the list. As noted above, IDEQ actively sought data and information collected by federal agencies, other state agencies, Tribes, local governments, watershed councils and private and public organizations and individuals through a 60-day call for data that was conducted from December 5, 2022 to February 6, 2023. IDEQ also queried data from external public databases. IDEQ then evaluated the data and information and prepared the statewide assessment and list of impaired waters. The data and information were used according to the data tiering process outlined in Table 4 and Section 3.2.2 of the IR. A summary of the data and information that were either received during the call for data or queried from public databases is included in Appendix K of the IR.

ii. Use of data and information

States must use existing and readily available water quality-related data and information in developing the CWA 303(d) list, 40 CFR 130.7(b)(5), unless they provide a rationale not to use them, 40 CFR 130.7(b)(6)(iii). The EPA evaluates whether a state provides a technical, science-based rationale for decisions not to use data or information in developing the list.⁸

⁸ See FN 7.

The EPA evaluated whether Idaho provided a technical, science-based rationale for any decisions not to use existing and readily available water quality-related data or information to make a WQS attainment status determination and concluded the state provided such a rationale for the purposes of 40 CFR 130.7(b)(6)(iii). Appendix K of the IR includes a rationale for any of the data and information that IDEQ did not use to develop the list.

D. Identification of waters for inclusion on the Section 303(d) list

As noted above, the EPA regulations at 40 CFR 130.7(b)(6) require states to provide documentation to support the state's determination to list or not to list its waters. The EPA has reviewed the state's submission, including its assessment methodology and additional supporting documentation for its listing determinations.

i. Approval of Identification of waters for inclusion on the 303(d) list

The EPA determined that Idaho's 2024 303(d) list encompasses waters consistent with the CWA 303(d) and 40 CFR 130.7 requirements, and the EPA is approving all waters the state included on the 303(d) list. The EPA's approval of the waters on the 303(d) list is based on the EPA's review of the state's submission including the description of the data and information concerning individual waters, documentation to support decisions to rely or not rely on particular data and information, and a description of how data and information were applied to make WQS attainment status determinations. The EPA also considered applicable public comments and responses. The list of WQLSs on the 303(d) list can be found in Appendix A of the IR and in ATTAINS. In the 2024 cycle, 105 WQLSs were added to the 303(d) list and 53 were removed from the 303(d) list, resulting in a total of 1000 WQLSs on the 2024 303(d) list.

ii. Approval of exclusion of waters identified on previous 303(d) lists

Idaho's 2024 303(d) list submission delists 53 WQLSs. In reviewing the state's 2024 303(d) list, the EPA carefully considered the state's decision to remove WQLSs from the 303(d) list submission, its justification for those removals, any applicable comments and responses, and the methodology used in making those decisions. IDEQ has provided justification and documentation for each of the 53 delistings in Appendix C or Appendix D of the IR and/or in ATTAINS. The EPA finds that Idaho has provided an adequate basis, including good cause consistent with 40 CFR 130.7(b)(6)(iv), for not including these previously listed WQLSs on its 2024 303(d) list for the following reasons.

- Consistent with the EPA regulations at 40 CFR 130.7(b), one assessment unit (ID17060108CL021_02) was delisted for Combined Biota/Habitat Bioassessments because the assessment and interpretation of more recent data in the record demonstrate that the applicable WQS is met.
- Consistent with the EPA regulations at 40 CFR 130.7(b), one assessment unit (ID17040221SK020_02A) was delisted for Combined Biota/Habitat Bioassessments because there were flaws in the original analysis that led to the water being listed.
- Consistent with the EPA's regulations at 40 CFR 130.7(b), the state appropriately moved 12 previously listed WQLSs to Category 4a of the IR where an EPA-approved TMDL is now in place. The 12 WQLSs shown in Table 1 below are included either in the Beaver-Camas Subbasin TMDLs

that were approved by the EPA on September 8, 2022⁹ or the Willow Creek TMDLs that were approved by the EPA on February 6, 2025.¹⁰

Table 1. WQLSs moving from Category 5 to Category 4a

Assessment Unit ID	Assessment Unit Name	Parameter	Approved TMDL
ID17040214SK010_03	East Camas Creek	ESCHERICHIA COLI (E. COLI)	Beaver-Camas Subbasin (9/8/2022)
ID17040214SK023_02	Pleasant Valley Creek - source to mouth	ESCHERICHIA COLI (E. COLI)	Beaver-Camas Subbasin (9/8/2022)
ID17040214SK018_04	Beaver Creek - Miners Creek to Rattlesnake Creek	ESCHERICHIA COLI (E. COLI)	Beaver-Camas Subbasin (9/8/2022)
ID17040214SK006_03	Ching Creek - source to mouth	ESCHERICHIA COLI (E. COLI)	Beaver-Camas Subbasin (9/8/2022)
ID17040214SK021_02	Beaver Creek - source to Idaho Creek	ESCHERICHIA COLI (E. COLI)	Beaver-Camas Subbasin (9/8/2022)
ID17040214SK013_03	West Camas Creek -source to Targhee National Forest Boundary	ESCHERICHIA COLI (E. COLI)	Beaver-Camas Subbasin (9/8/2022)
ID17040214SK017_03	Threemile Creek - source to mouth	FECAL COLIFORM ¹¹	Beaver-Camas Subbasin (9/8/2022)
ID17040205SK023_02	Gravel Creek - source to mouth	ESCHERICHIA COLI (E. COLI)	Willow Creek (2/6/2025)
ID17040205SK024_02	Brockman Creek - Corral Creek to mouth	ESCHERICHIA COLI (E. COLI)	Willow Creek (2/6/2025)
ID17040205SK008_02	Willow Creek - Mud Creek to Birch Creek	ESCHERICHIA COLI (E. COLI)	Willow Creek (2/6/2025)
ID17040205SK008_02	Willow Creek - Mud Creek to Birch Creek	TEMPERATURE	Willow Creek (2/6/2025)
ID17040205SK021_02	Grays Lake - Order 1 & 2 tributaries	TEMPERATURE	Willow Creek (2/6/2025)

- The state’s decision to move 39 WQLSs from its 303(d) list to Category 4b of the IR due to other pollution control requirements in place is consistent with the EPA’s regulations at 40 CFR 130.7(b)(1). The state’s justification is provided in a 4b demonstration addressing metals (lead, zinc, and cadmium) in the South Fork Coeur d’Alene River in Appendix C of the IR. The

⁹ September 8, 2022, letter from Kathryn Cerise, USEPA Region 10, to Mary Anne Nelson, IDEQ regarding approval of the Beaver-Camas Subbasin Temperature, Sediment and Bacteria TMDLs; https://attains.epa.gov/attains-public/api/documents/actions/IDEQ/ID_BeaverCamas_2022/208692.

¹⁰ February 6, 2025, letter from Hanh Shaw, USEPA Region 10, to Mary Anne Nelson, IDEQ regarding approval of the Willow Creek Total Maximum Daily Loads for temperature, *Escherichia coli*, and total phosphorus; <https://attains.epa.gov/attains-public/api/documents/actions/IDEQ/Willow%20Creek%202024/223208>.

¹¹ Due to the change in the bacteria WQS on February 1, 2022, (<https://www.epa.gov/system/files/documents/2022-05/idwqs-recreational.pdf>), the 2022 Beaver Camas TMDL was written for *E. coli* which addresses the Fecal Coliform impairment listing.

justification includes 1) identification of the segments and statement of problem causing the impairment; 2) a description of pollution controls and how they will achieve WQS; 3) an estimate or projection of the time when WQS will be met; 4) a schedule for implementing pollution controls; 5) a monitoring plan to track effectiveness of pollution controls; and 6) a commitment to revise pollution controls, as necessary.¹²

The EPA accepts the state’s decision to move the 39 WQLs included in the 4b demonstration (see Table 2 below) from Category 5 to Category 4b; thus, removing them from the 303(d) list. In reviewing the 4b demonstration, the EPA notes there are three administratively continued Idaho Pollutant Discharge Elimination System (IPDES) permits (i.e., ID0000167, ID0000060, and ID0025429) for mining facilities with inactive operations that are identified as a 2025 Priority in the IPDES Permit Issuance Plan. Through communication and coordination with IDEQ staff, we understand that the IPDES program will prioritize these permits for reissuance if and when operations resume.¹³ To ensure consistency with the priorities of the 4b demonstration, IDEQ must make progress towards reissuing the permit(s) prior to resumed activities at each site and ensure the permits comply with all applicable WQS, including the current site-specific water quality criteria for lead, zinc, and cadmium. If progress is not made, then either IDEQ or the EPA may determine that circumstances have changed such that the original 4b demonstration can no longer be supported and the WQLs will be moved back to Category 5.¹⁴

Table 2. WQLs moving from Category 5 to Category 4b

Assessment Unit ID	Assessment Unit Name	Parameter
ID17010302PN001_02	South Fork Coeur d'Alene River - Tributaries below Placer Cr	ZINC
ID17010302PN001_02	South Fork Coeur d'Alene River - Tributaries below Placer Cr	CADMIUM
ID17010302PN001_02	South Fork Coeur d'Alene River - Tributaries below Placer Cr	LEAD
ID17010302PN001_03	South Fork Coeur d' Alene River-btw Placer Cr. and Big Cr.	ZINC
ID17010302PN001_03	South Fork Coeur d' Alene River-btw Placer Cr. and Big Cr.	CADMIUM
ID17010302PN001_03	South Fork Coeur d' Alene River-btw Placer Cr. and Big Cr.	LEAD
ID17010302PN001_03a	South Fork Coeur d'Alene River-Canyon Creek to Placer Creek	LEAD
ID17010302PN001_03a	South Fork Coeur d'Alene River-Canyon Creek to Placer Creek	CADMIUM
ID17010302PN001_03a	South Fork Coeur d'Alene River-Canyon Creek to Placer Creek	ZINC
ID17010302PN001_04	South Fork Coeur d'Alene River - btw Big Cr and Pine Cr	ZINC
ID17010302PN001_04	South Fork Coeur d'Alene River - btw Big Cr and Pine Cr	CADMIUM
ID17010302PN001_04	South Fork Coeur d'Alene River - btw Big Cr and Pine Cr	LEAD
ID17010302PN001_05	South Fork Coeur d'Alene River - btw Pine Cr and CdA River	ZINC
ID17010302PN001_05	South Fork Coeur d'Alene River - btw Pine Cr and CdA River	CADMIUM

¹² 2006 Integrated Reporting Memorandum at 54; <https://www.epa.gov/sites/default/files/2015-10/documents/2006irg-report.pdf#page=57>; and 2008 Integrated Reporting Memorandum at 7; https://www.epa.gov/sites/default/files/2015-10/documents/2006_10_27_tmdl_2008_ir_memorandum.pdf.

¹³ Letter from Dan Eardley, Federal Reporting Lead, IDEQ, to Michelle Maier, EPA Water Quality Assessment Coordinator, dated April 7, 2025.

¹⁴ 2006 Integrated Reporting Memorandum at 55. “EPA may determine that a segment that has been placed into Category 4b must go back into Category 5, if the circumstances have changed such that the state can no longer support its original 4b demonstration.” <https://www.epa.gov/sites/default/files/2015-10/documents/2006irg-report.pdf#page=57>.

ID17010302PN001_05	South Fork Coeur d'Alene River - btw Pine Cr and CdA River	LEAD
ID17010302PN002_04	Pine Creek - East Fork Pine Creek to South Fork CdA River	CADMIUM
ID17010302PN002_04	Pine Creek - East Fork Pine Creek to South Fork CdA River	LEAD
ID17010302PN002_04	Pine Creek - East Fork Pine Creek to South Fork CdA River	ZINC
ID17010302PN004_02	East Fork Pine Creek headwaters and tributaries	LEAD
ID17010302PN004_02	East Fork Pine Creek headwaters and tributaries	ZINC
ID17010302PN004_02	East Fork Pine Creek headwaters and tributaries	CADMIUM
ID17010302PN004_03	East Fork Pine Creek below Douglas Creek	LEAD
ID17010302PN004_03	East Fork Pine Creek below Douglas Creek	ZINC
ID17010302PN004_03	East Fork Pine Creek below Douglas Creek	CADMIUM
ID17010302PN006_02	Government Gulch	CADMIUM
ID17010302PN006_02	Government Gulch	LEAD
ID17010302PN006_02	Government Gulch	ZINC
ID17010302PN014_02	Canyon Creek - from Gorge Gulch to South Fork CdA R.	ZINC
ID17010302PN014_02	Canyon Creek - from Gorge Gulch to South Fork CdA R.	CADMIUM
ID17010302PN014_02	Canyon Creek - from Gorge Gulch to South Fork CdA R.	LEAD
ID17010302PN016_02	Ninemile Creek and tribs except Ninemile Cr above East Fork	LEAD
ID17010302PN016_02	Ninemile Creek and tribs except Ninemile Cr above East Fork	CADMIUM
ID17010302PN016_02	Ninemile Creek and tribs except Ninemile Cr above East Fork	ZINC
ID17010302PN018_02	Moon Creek headwaters and tribs except West Fork Moon Cr	CADMIUM
ID17010302PN018_02	Moon Creek headwaters and tribs except West Fork Moon Cr	ZINC
ID17010302PN018_02	Moon Creek headwaters and tribs except West Fork Moon Cr	LEAD
ID17010302PN018_03	Moon Creek btw West Fork Moon and South Fork CDA River	CADMIUM
ID17010302PN018_03	Moon Creek btw West Fork Moon and South Fork CDA River	ZINC
ID17010302PN018_03	Moon Creek btw West Fork Moon and South Fork CDA River	LEAD

The EPA concludes that the decisions to remove 53 WQLSs identified as part of the 303(d) list are reasonable, based on all existing and readily available water quality-related data and information, applicable WQS, and sound science, and the removal decisions are properly justified.

E. Identification of pollutants causing or expected to cause a violation of applicable WQS (130.7(b)(4))

As part of their CWA 303(d) lists, states are required to identify the pollutants causing or expected to cause violations of the applicable WQS. 40 CFR 130.7(b)(4). This includes a pollutant that by itself or in combination with other pollutants causes or is expected to cause violations of applicable WQS. For listed waters, if the available data and information do not support identification of pollutants causing or expected to cause the exceedance, list submissions would identify the pollutant as “unknown.”

Consistent with 40 CFR 130.7(b)(4), Idaho appropriately identified the pollutants that were causing or expected to cause a violation of the applicable WQS. For waters where the available data and information did not support identification of pollutants causing or expected to cause the exceedance, the state appropriately included the water on the 2024 303(d) list and identified the pollutant as “unknown.” The EPA encourages the state to reassess and potentially refine that determination when additional data and information become available. See 2024 IR memo.

F. Priority ranking and two-year TMDL development (130.7(b)(4))

The CWA and the EPA’s regulations require states to establish a priority ranking for the waters on their CWA 303(d) list “taking into account the severity of the pollution and the uses to be made of such waters.” CWA Section 303(d)(1)(A); 40 CFR 130.7(b)(4). The regulations at 40 CFR 130.7(b)(4) provide that this priority ranking must include “all listed water quality limited segments still requiring TMDLs” and further require that states submit their priority rankings to the EPA as a component of their biennial CWA 303(d) lists. Additionally, the regulations require that the priority ranking identify the waters targeted for TMDL development in the next two years. 40 CFR 130.7(b)(4).

Idaho’s description of how all listed WQLSs are prioritized for TMDL development is included within Idaho’s 303(d) list submission in Section 3.3.2.3 and Appendix F of the IR. Appendix F includes the priority ranking for each subbasin and the waters targeted for TMDL development in the next two years. The priority ranking for each WQLS is included in ATTAINS. Section 3.3.2.3 and Appendix F of the IR state that the TMDL priority ranking took into account the severity of pollution and the uses to be made of such waters, among other factors including the severity of concern, complexity of analysis, availability of resources, funding, consultation with the Basin and Watershed Advisory Groups, and executive or legislative direction. In addition, IDEQ described how its priority ranking took into account the severity of pollution and the uses to be made of such waters to the EPA in a meeting on April 7, 2025.

The EPA’s review of Idaho’s submission finds that the state established a priority ranking for all waters on the CWA 303(d) list, taking into account the severity of the pollution and the uses to be made of such waters.¹⁵ In addition, the state identified the waters targeted for TMDL development in the next two years.

G. Tribal Consultation by the EPA

The EPA’s policy is to consult on a government-to-government basis with federally recognized Tribal governments when EPA actions and decisions may affect Tribes. To promote coordination and consultation, all Tribes that may be affected by the EPA’s upcoming action on the state’s CWA 303(d) list were identified, notified of the upcoming state’s list submission for EPA action, and offered the opportunity to engage in consultation with the EPA. During Idaho’s public comment period on the draft 303(d) list, the EPA sent letters to the following federally recognized Tribal governments to participate in a government-to-government consultation with the EPA on the pending CWA action: Coeur d’Alene Tribe, Kootenai Tribe of Idaho, Nez Perce Tribe, Shoshone-Bannock Tribes of the Fort Hall Reservation, Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, Spokane Tribe of the Spokane Reservation, and Kalispel Indian Community of the Kalispel Reservation. Letters were also sent to the Upper Snake River Tribal Federation, Columbia River Intertribal Fish Commission, and Upper Columbia United Tribes. The EPA held an informational webinar for interested Tribes on November 4, 2024, about the draft 2024 IR and the EPA’s pending CWA action. Representatives from four Tribes and one Tribal consortium attended the informational webinar.

¹⁵ In addition to these two statutory factors, states may also consider other factors when prioritizing TMDLs. See 57 Fed. Reg. 33040, 33,044-45 (July 24, 1992).

The EPA coordinated with Tribes to be responsive to requests for information, receive input, and discuss whether and how to engage in government-to-government consultation. Consultation and coordination were concluded after the EPA received Idaho's final 2024 303(d) list and no Tribes requested consultation or additional coordination, consistent with EPA's policy.¹⁶

3. Summary of the EPA's decision on the 2024 CWA 303(d) list

After careful review of Idaho's final CWA 303(d) list submission package, the EPA has determined that Idaho's 2024 303(d) list meets the requirements of Section 303(d) of the CWA and EPA's implementing regulations. Therefore, the EPA approves Idaho's 2024 303(d) list.

In light of available data and information and ongoing discussions with the state, the EPA is taking no action on this list submission regarding potential attainment or impairment of the state's approved narrative WQS for the protection of downstream waters. The EPA and the state will continue to coordinate regarding attainment of the downstream narrative with respect to downstream state and Tribal WQS.

¹⁶ www.epa.gov/system/files/documents/2023-12/epa-policy-on-consultation-with-indian-tribes-2023.pdf