

# DRAFT WQS Priorities – Identified by DEQ

## HIGH PRIORITY

### **109-160. Use Designations.**

- ~70 % of state waters are still undesignated. Designate appropriate uses for those water bodies that have been assessed as fully supporting.
- Rulemaking needed to allow UAAs
- Revise current use designations as necessary through UAAs

### **210. Numeric Criteria for Toxic Substances.**

**01. Criteria for Toxic Substances. (a)** Inappropriately applies column C2 criteria (human health organism only basis) to protection of aquatic life. In the Table, the wrong footnote (k, refers to chlorine residual concentrations) on the **asbestos** criterion is used. Remove k footnote from table. **Footnote (b)** should clarify that the **methylmercury** fish tissue criterion is based on fresh weight.

Additional items:

- In the statements about application of toxics criteria (**a, b, and c**) the words “waters designated for” occurs, implying these criteria do not apply to undesignated waters; should be changed to “waters protected for”.
- There is no statement about whether the human health criteria are for dissolved or total analysis of sample. While this likely only applies to metals and the practice has been to use totals, this should be explicitly stated.
- Identify in the table of criteria which of the human health criteria are carcinogens.
- Update aquatic life criteria for copper.

### **250. Surface Water Quality Criteria for Aquatic Life Use Designations.**

#### **02. Cold Water.**

**Salmonid Spawning.** DEQ would like to parallel changes in DO (see section above), and use work done on identification of salmonid spawning when and where to support adoption of EPA’s regionally recommended temperature criterion.

## MEDIUM PRIORITY

### **100. Surface Water Use Designations.**

**02. Recreation.** Simplify to one use, just “contact recreation” (no primary vs. secondary).

Additional items:

- Add a paragraph, or maybe just a sentence to the intro paragraph mirroring federal regulations that says “in no case will waste transport or assimilation be a designated use for any water”, just to be clear. This is already in the definition of beneficial use, but may need to be added here.
- Try to clear up the situation with regard to bull trout and Kootenai River sturgeon, which are not currently recognized as uses but have their own special criteria.
- Revise definition of “seasonal cold” to better describe the use. Reference IDFG fisheries management descriptions.
- Add use categories for intermittent and man-made waters.
- Add language to clarify that most sensitive use is to be protected, and the corresponding criteria apply.

### **101. Nondesignated Surface Waters.**

**02. Man-made Waterways.** Consider additional clarification of what man-made waters are and the possibility of creating a man-made waters beneficial use category; would need to develop criteria to support a man-made water beneficial use.

**03. Private Waters.** Revise to be consistent with federal rule at 40 CFR 131.33(h).

### **250. Surface Water Quality Criteria for Aquatic Life Use Designations.**

#### ***02. Cold Water.***

**Dissolved Oxygen.** Current criteria do not match EPA’s 1986 ‘Gold Book’ recommendations; DEQ has a minimum of 6.0 mg/L at all times, while EPA’s recommendation is for a minimum of 4.0 mg/L coupled with a 30-day mean of 6.5 mg/L. EPA’s recommendations may not work with ESA concerns, but the point is state criteria are out of date, and more importantly lack the sophistication to deal with variable conditions. EPA’s recommendations for DO contain language on natural conditions that Idaho’s current rules lack. This is a problem since Idaho’s elevation leads to lower atmospheric pressure and lower DO saturation concentrations. Alternatively, DEQ could add a statement that DO measurements are to be corrected to sea level pressure before comparison to the criteria.

### **251. Surface WQC for Recreation Use Designations.**

**01. E. Coli Bacteria.** Adopt EPA’s new 304(a) recommendations.

## LOW PRIORITY

### **054. Beneficial Use Support Status.**

**03. Use of Data Regarding pH, Turbidity, Dissolved Oxygen, and Temperature.** Add total dissolved gas to this '10% rule'. May be more fitting to add the applicability of a TDG 10% rule into **Section 300, Gas Supersaturation, 01. Applicability of Gas Supersaturation Standard.**

### **090. Analytical Procedures.**

Needs to be updated or expanded on.

### **070. Application of Standards.**

**06. Application of Standards to Intermittent Waters.** Expand to include ephemeral waters. Optimum flows identified in rule do not make sense for all channel sizes and should be revised. A simple fix for this situation may be to preface sentences about optimum flows with the words "absent information to the contrary", so as to provide flexibility. Another option may be to define a new use category for waters that are seasonal.

### **080. Violation of WQS.**

**01. Discharges Which Result in Water Quality Standards Violation. (a)** downstream waters/protection has become important on a national scale. Language here likely needs to be revised, strengthened, see: <http://water.epa.gov/scitech/swguidance/standards/narrative.cfm>

**02. Short Term Activity Exemption.** Some of the items listed under (b) probably don't fit the requirements of (a) (e.g. dredge and fill activities, not as a broad category, perhaps in a more limited sense of maintaining navigation or flood control). Item (x) under (b) "Activities which result in overall enhancement or maintenance of beneficial uses" would likely fit better under paragraph (a). The STAE provision is intended to apply to individual activities of short duration and unique characteristics where typical permit conditions or nonpoint source Best Management Practices are not applicable. Should clarify that STAEs are not intended for project activities that are considered routine nonpoint source activities, and project activities can otherwise meet the intent of IDAPA 58.01.02.350 with the application of best management practices, monitored for effectiveness and modified if needed.

### **200. General Surface Water Quality Criteria.**

**03. Deleterious Materials.** Take the statements "These materials do not include suspended sediment produced as a result of nonpoint source activities" out and incorporate the idea/limitation instead in definitions of various materials/substances in definition section; these words really are not needed given the separate narrative for sediment.

**03. Applicability. (b)** Low flow design language has caused some confusion, questions about where and when or even if any exceedance of criteria is allowed. Language needs to be very clear that exceeding criteria is expected, and is okay, within the mixing zone, and will even occur outside mixing zone on occasions when receiving water flows are less than design flows.

**06. Excess Nutrients.** Develop numeric nutrient criteria.

## **210. Numeric Criteria for Toxic Substances.**

Update aquatic life criteria for lindane and dieldrin.

## **250. Surface Water Quality Criteria for Aquatic Life Use Designations.**

**Ammonia.** Adopt new 304(a) recommendation for ammonia criteria.

## **252. Surface WQC for Water Supply Use Designations.**

**01(b)i. Table of Designated Small Public Water Supplies.** Add a statement in this section clarifying that the column C1 toxics criteria apply to domestic water supplies.

Add the following water body AUs to the domestic water supplies table:

1. Orofino Creek, City of Pierce. ID17060306CL039\_04
2. Canal Gulch Creek, City of Pierce. ID17060306CL039\_02
3. Big Meadow Creek, City of Troy. ID17060306CL061\_02
4. Elk Creek, City of Elk River. ID17060308CL030\_03

## **276. Dissolved Oxygen Standards for Waters Discharged from Dams, Reservoirs, and Hydroelectric Facilities.**

Add DEQ's expectations for temperature of waters flowing out of lakes and reservoirs to this Section or to the next reserved Section (277). In essence, a stream that is an outlet of a lake or reservoir should initially have similar quality to the water in the lake or reservoir.

## **300. Gas Supersaturation.**

Consider adding a statement that the criteria in this section do not apply during periods of involuntary spill (i.e. flood conditions).