



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

Reply To
Attn Of: OWW-134

FEB 13 2006

Barry Burnell, Administrator
State Water Quality Program
Department of Environmental Quality
1410 North Hilton
Boise, ID 83706-1255

RE: Approval of Cow Creek Subbasin TMDL (Hydrologic Unit Code (HUC) 17060108)

Dear Mr. Burnell: *Barry*

The U.S. Environmental Protection Agency (EPA) is pleased to approve the Nutrient Total Maximum Daily Load (TMDL), as listed in the attached table, for the Cow Creek Subbasin, as submitted on December 27, 2005. This approval only includes those waters for which a TMDL was completed and does not constitute approval for de-listing of waters within HUC 17060108 from the Idaho 1998 §303(d) list. Any proposed de-listing of waters will be considered at the time of submission of the next §303(d) list of impaired waters.

EPA appreciates the cooperation and work of John Cardwell on this TMDL, especially the coordination prior to the public comment period and the sharing of a pre-public comment draft with EPA staff. We support this sort of early involvement and believe it results in a better understanding of the approaches used to develop the TMDL and enables meaningful discussions to occur between Idaho and EPA staff that can later expedite EPA's review of the final document.

The December 27, 2005, submittal also includes the Implementation Strategies for the TMDLs. The strategies were developed and submitted 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) and therefore, EPA is not taking action on them. However, we believe implementation is the critical next step for realizing improvements in water quality called for in the TMDL and encourages IDEQ to continue their work with Responsible Parties on implementation.

By EPA's approval, these TMDLs are now incorporated into the State's Water Quality Management Plan under §303(e) of the Clean Water Act. If you have any comments or questions, please feel free to call me at (206)553-1751, or you may call Bill Stewart of my staff at (208)378-5753.

Sincerely,

Michael F. Gearheard, Director
Office of Water & Watersheds

cc: Toni Hardesty, IDEQ Director
Doug Conde, IDEQ Attorney General
Mike McIntyre, IDEQ Surface Water Program Manager
Marti Bridges, IDEQ TMDL Program Manager
John Cardwell, IDEQ, Idaho Falls Regional Office Water Quality Manager