

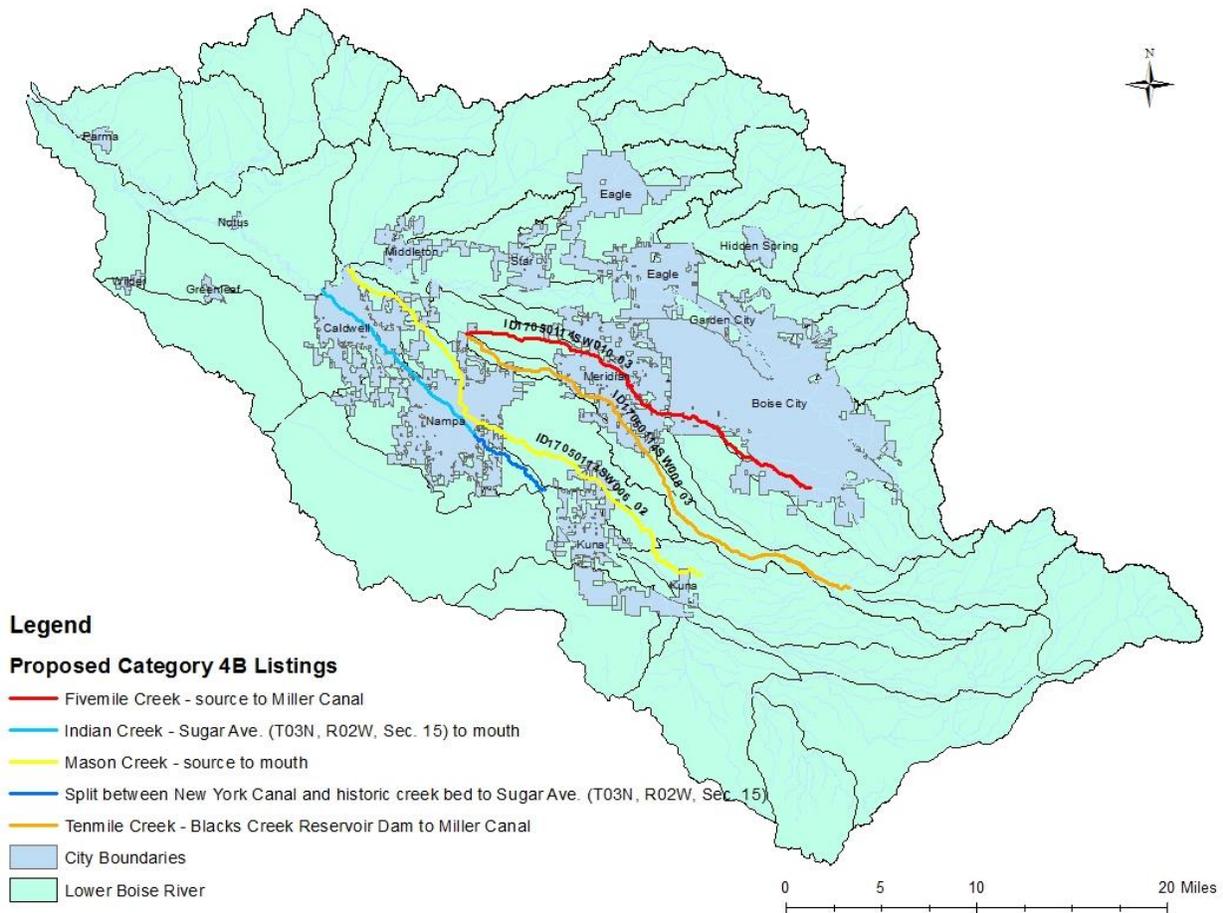
## Category 4b Summary for the Nutrient Impaired Tributaries in the Lower Boise River

### Watershed

The United States Environmental Protection Agency (USEPA) recognizes that alternative pollution control requirements may obviate the need for Total Maximum Daily Load (TMDL) analysis. Impaired Assessment Units (AUs) are not required to be included in the Section 303(d) if “technology-based effluent limitations required by the Clean Water Act (CWA), more stringent effluent limitations required by state, local, or federal authority, or “other pollution control requirements (e.g., best management practices) required by local, state or federal authority” are stringent enough to implement applicable water quality standards (see 40 CFR 130.7(b)(1)) within a reasonable period of time. These alternatives to TMDLs are commonly referred to as “Category 4b” waters, as described in the USEPA’s Integrated Reporting Guidance (IRG) for Sections 303(d), 305(b), and 314 of the CWA (USEPA 2005, 2006). The Idaho Department of Environmental Quality (IDEQ) is proposing to pursue Category 4b listings on five nutrient impaired AUs in the Lower Boise River watershed. Table 1 lists the AUs and cause of impairments for proposed Category 4b listings. Figure 1 shows the location of the proposed Category 4b waters.

<b>Water Body</b>	<b>AU</b>	<b>Cause of Impairment</b>
Indian Creek - 4th order below Sugar Ave. in Nampa	SW002_04	Cause Unknown -Nutrient Suspected
Indian Creek - New York Canal to Sugar Ave.	SW003a_04	Cause Unknown -Nutrient Suspected
Mason Creek - Entire Watershed	SW006_02	Cause Unknown -Nutrient Suspected
Five Mile Creek - 3rd Order	SW010_03	Cause Unknown -Nutrient Suspected
Tenmile Creek - 3rd Order Below Blacks Creek Reservoir	SW008_03	Cause Unknown -Nutrient Suspected

**Table 1. Lower Boise River Proposed Category 4b listings.**



**Figure 1: Location of proposed Lower Boise River Category 4b listings.**

The USEPA has approved alternative pollution control types to support the Category 4b listing including the following, ranked ordered (high to low) by the number of impaired waters that have been assigned to each control type (USEPA, 2009):

- Point source permits limits (e.g., NPDES permit limits)
- Short-and long-term remediation activities for hazardous substances (e.g., CERCLA and RCRA remedial actions)

- Watershed restoration plans, including plans based on voluntary/incentive based controls
- Local ordinances for addressing nonpoint sources
- CSO consent orders
- Point source permit limits combined with natural attenuation
- Chemical bans combined with natural attenuation
- FERC license and 401 certification
- Permanent or temporary removal of the original source of impairment
- Remediation activities combined with point source permit limits
- State water right licenses for flow regulation/modification
- State regulations and local ordinances for nonpoint sources.

IDEQ is proposing to support the Category 4b listing in the Lower Boise River (LBR) through a combination of alternative pollution control types. The Lower Boise River Total Phosphorus TMDL (IDEQ 2015) developed Waste Load Allocations (WLAs) for point source dischargers and Load Allocations (LAs) for tributaries. The LBR TP TMDL developed WLAs for all point sources discharging to the impaired AUs listed in Table 1. The total phosphorus load entering the impaired tributaries will be reduced when the TMDL's WLAs are incorporated into the point source's National Pollution Discharge Elimination System (NPDES) permits. Additionally, the LBR Watershed Advisory Group is currently in the process of developing the LBR TMDL Implementation Plan which will outline the methods needed to meet the load reduction goals of the TMDL. Since there are no regulatory requirements for non-point source pollutants, a large portion of the Implementation Plan will focus on strategies to meet the TMDL's LA through voluntary adoption of Best Management Practices (BMPs). The Implementation Plan will describe what types of BMPs should be used, the expected load reductions from the different types of BMPs, and potential sources of public funding to help develop new BMPs. A portion of the Implementation Plan will include a timeline for BMP implementation and a detailed monitoring plan to

document water quality improvements in the LBR watershed as well as the watersheds of the impaired AU's in Table 1.

To justify the Category 4b listing in the 2016 Integrated Report IDEQ will develop a "Lower Boise River 4b Justification" document that demonstrates how new NPDES effluent limits and a watershed based Implementation Plan are stringent enough to implement applicable water quality standards. The USEPA's IRG for Sections 303(d), 305(b), and 314 of the CWA (USEPA 2005, 2006) recommend addressing the following six categories in a Category 4b justification document:

1. Identification of impaired assessment unit and statement of problem causing the impairment;
2. Description of pollution controls and how they will achieve water quality standards;
3. An estimate or projection of the time when water quality standards will be met;
4. Schedule of implementing pollution controls;
5. Monitoring plan to track effectiveness of pollution controls; and
6. Commitment to revise pollution controls, as necessary.

IDEQ is proposing to pursue the Category 4b listing for the impaired tributaries in Idaho's 2016 integrated Report. To accomplish this goal a final version of the LBR Implementation Plan will be needed by the fall of 2016. After the Implementation Plan has been finalized IDEQ will develop the Category 4b Justification document that will be submitted to USEPA alongside the 2016 Integrated Report.

## References Cited

USEPA. 2005. Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act. July 29, 2005. URL:  
<http://www.epa.gov/owow/tmdl>.

USEPA. 2006. Recommended Structure for Category 4b Demonstrations. *Information Concerning 2008 Clean Water Act Sections 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions*. October 12, 2006. URL: <http://www.epa.gov/owow/tmdl>.

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