



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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1200 Sixth Avenue  
Seattle, Washington 98101

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DIV. OF ENVIRONMENTAL QUALITY  
COMMUNITY PROGRAMS

Reply To  
Attn Of: OW-135

Larry L. Koenig, Assistant Administrator  
Water Quality and Remediation  
Idaho Division of Environmental Quality  
1410 North Hilton  
Boise, ID 83706-1255

Dear Mr. Koenig:

I want to take this opportunity to commend you and your staff for the effort that you put into the Paradise Creek Total Maximum Daily Load (TMDL). I am pleased to inform you that we approve the Paradise Creek phased TMDL for sediment, temperature, total phosphorus, fecal coliform and ammonia. We view the TMDL as a major component to the overall strategy for improved water quality in Paradise Creek, and look forward to working with you until all of the elements of the strategy are complete.

We must clarify a few matters. First, EPA has not reached a resolution regarding habitat modification and flow alteration as pollutants under §303(d) of the Clean Water Act. If it were determined that habitat modification and flow alteration are considered pollutants under §303(d), EPA would require that a TMDL be developed to cover these parameters.

Second, we believe that the Paradise Creek TMDL includes point source waste load allocations that are dependent upon reductions of the nonpoint source loads and consequently, reasonable assurance is applicable. In the case of temperature, bacteria and phosphorus, both point and nonpoint source reductions will be necessary in order to achieve water quality standards. Although the point source waste load allocations are set to meet the standard or target at the end of the pipe, reductions in nonpoint source loading are still necessary to meet the standards. Therefore, it is necessary to have reasonable assurance to ensure that these nonpoint source reductions will be achieved. Based on our review of the Paradise Creek Watershed Plan (1997), previously completed projects, currently funded projects, Idaho Code 39-3616, and commitments by IDEQ and the Paradise Creek Watershed Advisory Group to complete an implementation plan, we believe there is reasonable assurance that nonpoint source controls will be implemented.

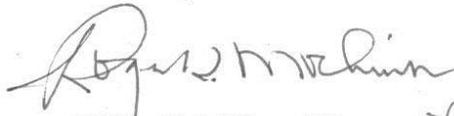
The TMDL acknowledges that additional monitoring will be required to determine the extent that shade, flow, and channel characteristic influence temperature in Paradise Creek. We believe that this information is critical for developing an effective control strategy for the creek. Therefore, we strongly encourage you to perform the necessary monitoring to obtain this information. We also believe that the roles these parameters play on temperatures should be accurately defined in the implementation phase of the TMDL and appropriately incorporated into the control strategy for Paradise Creek. Even though the nonpoint source allocation of temperature is somewhat imprecise, the waste load allocation adequately compensates for the absence of greater specificity in nonpoint source allocations

Finally, we feel that additional information is needed to confirm the relationship between sediment and nutrient reductions, and the extent to which nutrient loading during the fall and winter contribute to elevated nutrient levels in the spring and summer. We feel that this information is necessary to develop a comprehensive control strategy that will address all of the nutrient issues in Paradise Creek. We are hopeful that this information will also be obtained during the implementation phase of the TMDL and incorporated into the control strategy or revisions of the TMDL.

It appears that these outstanding temperature and nutrient issues will be addressed and resolved in the implementation phase. The effort that has been invested into the development of this TMDL, its overall quality, and the commitment to implement its measures gives us reason to believe that Paradise Creek will achieve water quality standards. Although we believe it is very unlikely, should the current TMDL allocations not be achieved, or not prove adequate to meet water quality standards, our understanding is that the TMDL will be revised or the water body relisted under §303(d).

We look forward to working with you to ensure Paradise Creek meets water quality standards.

Sincerely,

  
Philip G. Millam, Director   
Office of Water

cc: J. Bellatty, IDEQ-Lewiston