

Reply To



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

Attn Of: OWW-131

November 29, 2004

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

Dear Mr. Burnell:

This letter responds to the revised water quality standards for Indian, Mason, Sand Hollow, Fivemile, Tenmile, and Fifteenmile Creeks submitted by Idaho Department of Environmental Quality (IDEQ) to the United States Environmental Protection Agency Region 10 (EPA) for approval on March 18, 2002 (Idaho docket 58-0102-0101). EPA has reviewed these revisions to the standards for these water bodies pursuant to our authority under Section 303(c) of the Clean Water Act and the implementing regulations at 40 CFR 131.

We are pleased to inform you that EPA is approving all six of the recreational use designation revisions from primary contact recreation (PCR) to secondary contact recreation (SCR) submitted for these water bodies. Because IDEQ's bacteria criteria to protect primary and secondary contact recreation are essentially the same, and based on the documented safety concerns with swimming in the canals, EPA supports these recreation use designation changes where safety is an issue. In two cases, our approval is based on documented, naturally intermittent or ephemeral flow conditions and a resulting lack of sufficient flow to support primary contact recreation. The basis for these decisions is described in detail in the enclosed "technical justification" document.

EPA is disapproving all eight of the revised aquatic life use designations for these water bodies. To briefly summarize, concerns regarding segmentation of the waters blurring hydrologic boundaries, inconclusive information regarding existing use and current conditions, and lack of attainability analyses resulted in our conclusions to disapprove these aquatic life designated use changes. Again, please refer to the enclosed "technical justification" document for a detailed discussion of the basis for our decisions.

I would like to emphasize that while EPA is unable to approve the aquatic life use designation changes as submitted by IDEQ, we believe that use designation changes likely would be warranted in several cases, and in the attached technical justification document we provide specific recommendations as to how IDEQ's use attainability analyses (UAAs) could be revised to achieve the changes. For example, segmenting some of these water bodies based on distinct hydrologic and physical conditions would allow use designations to be changed where clearly appropriate on some segments, while preserving or continuing to evaluate designated uses where

changes are either clearly inappropriate or questionable. Furthermore, where we have identified attainability analyses required by EPA regulations at 40 CFR 131 but which were not included in the documents submitted by IDEQ in support of the use designation changes, we have identified specific material and approaches for IDEQ to consider. In addition, further communication with Idaho Department of Fish and Game may help clarify current and attainable aquatic life uses in these water bodies.

Overall, should you wish to resubmit any of these use designation changes, my staff and I would be happy to work with you with the goal of developing documentation and analyses that would support a use designation change where warranted.

Sincerely,

/s/

Mike Gearheard
Director
Office of Water & Watersheds

Attachment

cc: Norm Semanko, IWUA
Dan Steenson, Ringert and Clark
Lower Boise WAG