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DEPARTMENT OF  
ENVIRONMENTAL QUALITY

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Curt Fransen, Director

October 18, 2013

Ms. Angela Chung  
Water Quality Standards Unit Manager  
US EPA Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

Subject: Idaho Department of Environmental Quality Continuing Planning Process

Dear Ms. Chung:

The Idaho Department of Environmental Quality (DEQ) has updated its Web-based Continuing Planning Process (CPP). The CPP fulfills the requirements of Section 303(e) of the Clean Water Act (CWA).

Idaho's CPP is designed to provide readers a comprehensive overview of how the state's water resources are managed. DEQ's Water Quality Division encompasses programs to protect Idaho's surface, ground, and drinking water; oversee management and disposal of wastewater; and administer federal and state grants and loans for water resource infrastructure and other water quality-related projects. Idaho's CPP demonstrates the scope and complexity of Idaho's water quality programs and the relationships among those programs. DEQ recognizes that a CPP is only required to describe the plans and processes in place which are specific to programs implemented under the CWA. However, Idaho DEQ has again chosen to extend its CPP to include all of its water quality programs, recognizing the interconnectedness of the programs and that the resource itself does not conform to program boundaries.

As the name "Continuing Planning Process" implies, a CPP is not a static document, but an evolving process that grows and changes as circumstances change. Therefore, Idaho's CPP is a web-based resource that demonstrates how the many aspects of the CPP interrelate and provides direct links to a multitude of materials that make up Idaho's Water Quality Management Plan (WQMP). The CPP can be accessed at <http://www.deq.idaho.gov/water-quality/planning.aspx>.

Ms. Angela Chung  
October 18, 2013  
Page 2

This web page describes how Idaho fulfills the requirements of Section 303(e) of the Clean Water Act and includes not only a description of the CPP strategy and requirements, but details the core and components of Idaho's water quality programs: laws, rules, and guidance; program management/overview; monitoring and assessment; implementation; planning; and public involvement. The web page also describes the requirements of the WQMP and provides links to more detailed information on how the nine required elements are achieved.

Enclosed is a short synopsis summarizing how Idaho has fulfilled CPP and WQMP requirements, as well as brief descriptions of the core components listed above.

We look forward to your timely review and approval of Idaho's CPP. If you have questions or comments, I can be reached at 208-373-0194 or via email at [barry.burnell@deq.idaho.gov](mailto:barry.burnell@deq.idaho.gov).

Sincerely,



Barry N. Burnell  
Water Quality Division Administrator

BNB:MA:ls

Enclosure (1)

c: Curt Fransen, Director, Idaho DEQ  
Michael McIntyre, Surface Water Program Manager

# **Water Quality Continuing Planning Process Overview**

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**State of Idaho  
Department of Environmental Quality  
1410 North Hilton  
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Cover photo of Yellowjacket Lake in Lemhi County by the Idaho Department of Environmental Quality.



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## Contents

Continuing Planning Process .....	1
Continuing Planning Process Strategy .....	1
Laws, Rules, and Guidance .....	2
Water Quality Programs .....	3
Monitoring, Assessing, and Reporting .....	4
Implementation and Restoration.....	5
Planning .....	6
Public Involvement.....	6
Fulfillment of Continuing Planning Process Requirements .....	7
1. Effluent Limitations.....	7
2. Waste Treatment and Basin Plans .....	7
3. Total Maximum Daily Loads.....	7
4. Water Quality Management Plans .....	7
5. Adequate Authority .....	8
6. Water Quality Standards.....	8
7. Adequate Controls .....	8
8. Construction of Waste Treatment Works .....	8
9. Permit Issuance.....	9
Water Quality Management Plan.....	9
Fulfillment of Water Quality Management Plan Requirements.....	9
1. Total Maximum Daily Loads.....	9
2. Effluent Limitations.....	9
3. Municipal and Industrial Waste Treatment .....	10
4. Nonpoint Source Management and Control .....	10
5. Management Agencies.....	10
6. Implementation Measures.....	10
7. Dredge and Fill Program .....	11
8. Basin Plans.....	11
9. Ground Water .....	11

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## Continuing Planning Process

The Idaho Department of Environmental Quality (DEQ) is the state agency responsible for implementing environmental protection laws and programs for the state of Idaho. As the agency tasked with implementing the federal Clean Water Act in Idaho, DEQ is required by section 303(e) of the act to develop a continuing planning process (CPP) that describes how water quality is managed in the state.

As the name “continuing planning process” implies, a CPP is not captured by a static document but is an evolving process that grows and changes as circumstances change. This CPP overview provides readers with a broad look at how the quality of the state’s water resources is managed through the Water Quality Management Plan (WQMP) and other tools. The WQMP is not a single plan or document but rather a compilation of the guidance and programs DEQ uses to implement Clean Water Act requirements. The WQMP is discussed in more detail below. While the WQMP concerns how the programs are implemented, the CPP encompasses the broader picture: it includes the WQMP but also looks beyond at how decisions are made, how programs relate, and how the public is involved. Information about the CPP is available online at [www.deq.idaho.gov/water-planning](http://www.deq.idaho.gov/water-planning).

This document provides a brief summary of the CPP and WQMP and demonstrates how Idaho has fulfilled the requirements of section 303(e) of the Clean Water Act. It also describes the core components of the CPP: laws, rules, and guidance; water quality programs; monitoring and assessment; implementation; planning; and public information and involvement. The document provides links to other DEQ webpages, providing more detail on all of DEQ’s water quality programs. These pages contain links to numerous documents and reports that fulfill CPP and WQMP requirements, give background and context to water quality issues, and supply water quality data.

## Continuing Planning Process Strategy

As represented in the graphic below, public involvement is at the center of DEQ’s CPP, which involves a continual loop of the interrelated aspects of laws and rules, water quality programs, water quality monitoring and assessment, implementation of water quality maintenance and restoration projects, and ongoing planning. Inherent in these is feedback, public involvement, improvement, and change. The public is primarily involved at three individual points on the circle: creating Idaho laws and rules; monitoring, assessing, and reporting on the quality of Idaho’s waters; and implementing measures to restore and maintain water quality.



## Laws, Rules, and Guidance

The State of Idaho’s commitment to water quality protection is articulated in the “Idaho Environmental Protection and Health Act” of 1972 (Idaho Code 39-101 et seq.) and codified in Idaho’s administrative rules. The act recognizes water as one of the state’s most valuable natural resources, outlines the state’s commitment to protecting its waters, approves the adoption of Idaho’s water quality standards (IDAPA 58.01.02), authorizes the director of DEQ to implement these standards, and expresses the intent of the Idaho Legislature that Idaho fully meets the goals and requirements of the federal Clean Water Act. Funding for DEQ’s water quality program is provided through an annual appropriation from the Idaho Legislature and by the US Environmental Protection Agency (EPA).

Idaho’s administrative rulemaking process is governed by the “Idaho Administrative Procedure Act” (Idaho Code 67-5201 et seq.). Before a rule becomes final, it is open to public comment and must be approved by the Idaho Board of Environmental Quality and the Idaho Legislature. All of DEQ’s administrative rules, including those dealing specifically with water quality, are developed and amended through the state’s rulemaking process.

DEQ also relies on guidance and policy documents to assist agency personnel and the regulated public in understanding and implementing applicable rules. Guidance documents are generally open to public comment during development.

For more information about laws, rules, policies, and guidance applicable to DEQ, visit <http://www.deq.idaho.gov/laws,-rules,-etc.aspx>.

## **Water Quality Programs**

Water is one of Idaho's most important resources. DEQ's Water Quality Division is responsible for ensuring that the state's surface, ground, and drinking water resources meet state water quality standards and federal requirements through the work of six water quality programs.

Idaho has over 95,000 miles of rivers and streams and over 460,000 acres of lakes and reservoirs; DEQ's *Surface Water Program* is responsible for ensuring these streams, rivers, lakes, reservoirs, and wetlands meet Idaho water quality standards. To accomplish this, the program monitors, assesses, and reports on surface water quality and develops and implements plans to restore degraded water quality.

Ground water, which is water found beneath the earth's surface, replenishes streams and rivers; provides freshwater for irrigation, industry, and communities; and is the source of drinking water for 95% of Idahoans. DEQ's *Ground Water Program* and *Source Water Program* coordinate ground water and source water protection activities, implement the Idaho "Ground Water Quality Rule," conduct regional and local ground water quality monitoring, and work with local, state, and federal agencies to facilitate ground water protection strategies.

DEQ's *Drinking Water Program* protects public health by ensuring drinking water from public water systems in Idaho is safe. DEQ is authorized to administer Idaho's Drinking Water Program through the federal Safe Drinking Water Act and the "Idaho Rules for Public Drinking Water Systems."

Wastewater (used water that contains enough harmful material to impair water quality) can cause serious harm to the environment and threaten human health if not properly managed and disposed of. DEQ's *Wastewater Program* protects public health and helps ensure water quality standards are met by reviewing plans for wastewater treatment and disposal facilities, issuing water reuse permits, providing guidance on managing stormwater and other wastewater, and establishing standards for on-site wastewater systems (e.g., septic systems).

DEQ's *Grants and Loans Program* administers federal- and state-funded grants and low-interest loans to eligible entities to conduct specific activities designed to improve the quality of Idaho's water resources.

For more information about DEQ's Water Quality Division and its various programs, visit <http://www.deq.idaho.gov/water-quality.aspx>. To access water quality standards and other rules relating to water quality management, visit <http://adminrules.idaho.gov/rules/current/58/index.html>.

## Monitoring, Assessing, and Reporting

DEQ continually monitors and assesses the quality of the state's rivers, streams, lakes, ground water, and sources of drinking water. This information is used to comply with federal reporting requirements and to make decisions regarding water quality management.

### **Surface Water**

Monitoring and assessment is a continual process. Idaho's *Surface Water Ambient Monitoring Plan* outlines DEQ's approach to collecting and integrating ambient water quality monitoring data from a variety of monitoring programs. DEQ uses its *Water Body Assessment Guidance* to determine if each of Idaho's water bodies meets water quality standards. Both the monitoring plan and assessment guidance are available at <http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment.aspx>. The results of these determinations are reported in DEQ's biennial Integrated Report.

DEQ applies its *antidegradation policy* to all waters of the state. When water bodies do not meet water quality standards ("impaired waters"), DEQ develops total maximum daily loads (TMDLs); implementation plans to improve water quality are subsequently developed and implemented. Success of these plans and of DEQ's antidegradation policy is evaluated through additional monitoring and assessment.

For more information about surface water monitoring and assessment, visit <http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment.aspx>.

### **Drinking Water**

DEQ conducts sanitary surveys to review sources, facilities, equipment, and operation and maintenance of public water systems to evaluate their ability to produce and distribute safe drinking water. These reviews are conducted every three to five years on Idaho's public drinking water systems, in accordance with the Safe Drinking Water Act. If a system does not pass the review, it must correct the deficiency and provide DEQ with documentation of the correction. If the deficiency is not corrected, enforcement action may be taken.

Information on violations of federal and state drinking water regulations by public water systems is summarized in DEQ's annual compliance reports. Every three years, DEQ is required to submit a capacity development report to the governor, summarizing how public water systems are maintaining and improving their ability to deliver safe water to Idahoans.

For more information about drinking water monitoring and reporting, see <http://www.deq.idaho.gov/water-quality/drinking-water/pws-monitoring-reporting.aspx>.

### **Ground Water**

DEQ conducts regional and local ground water quality monitoring projects to follow up on information indicating ground water quality issues may exist. DEQ also initiates its own evaluations and conducts regional and local monitoring in conjunction with other agencies. In addition, DEQ chairs the Idaho Ground Water Monitoring Technical Committee.

For more information about ground water monitoring, see <http://www.deq.idaho.gov/water-quality/ground-water/monitoring.aspx>.

### **Source Water**

DEQ's Source Water Program assesses the likelihood of public drinking water sources becoming contaminated and provides information on potential contaminant threats. Each assessment is summarized in a report, and each public water system is provided copies of its final assessment report. These reports are also available to the public online. In May 2003, Idaho completed delineations for all public water systems that were active in Idaho as of August 1999 (more than 2,100). Source water assessments for new public drinking water systems are developed as those systems come online.

For more information about source water assessments, visit <http://www.deq.idaho.gov/water-quality/source-water/assessments.aspx>.

### **Implementation and Restoration**

DEQ uses a variety of tools to preserve and enhance (where necessary) the quality of Idaho's waters. These tools generally fall into three categories: permitting, preservation and restoration, and compliance and enforcement.

#### **Permitting**

Point sources of pollution that discharge wastewater directly to surface waters in Idaho are required to obtain National Pollutant Discharge Elimination System (NPDES) permits from EPA. NPDES permits limit the amount of pollution that point sources may discharge into surface waters. DEQ's role in this process is to certify through its §401 Certification Program that NPDES-permitted projects comply with state water quality standards. DEQ also provides §401 certification for other projects requiring federal permits or licenses under the Clean Water Act, such as a license to operate a hydroelectric dam and a Clean Water Act §404 dredge and fill permit.

To learn more about DEQ's §401 Certification Program, visit <http://www.deq.idaho.gov/water-quality/surface-water/standards/401-certification.aspx>.

#### **Preservation and Restoration**

DEQ's antidegradation policy is the primary mechanism by which surface water quality is preserved or restored. This policy applies to all waters of the state, whether or not they are currently meeting Idaho's surface water quality standards. When water bodies do not meet standards, calculating TMDLs is a first step toward restoring water quality. Once TMDLs have been established and approved by EPA, implementation plans are developed by on-the-ground stakeholders with DEQ's assistance. Implementation projects outlined in the plans may be eligible for §319 grant money through DEQ's *Nonpoint Source Program*. DEQ's antidegradation policy also preserves waters that have water quality above minimum water quality standards (high quality waters). Water bodies in this situation require a review and evaluation of proposed federally permitted activities that may degrade their water quality. If that determination finds that

the activity will degrade water quality, there must be a public process before that activity can move forward.

DEQ assists communities in protecting their drinking water sources through its Source Water Program. Communities may create source water protection plans and/or implement best management practices. Preventing contaminants from entering a public water system supply greatly benefits the community by minimizing the problems that can occur from contaminants in the water supply.

Idaho's *Ground Water Quality Plan* describes the state's overall approach to protecting its ground water. It is DEQ's job to protect the quality of ground water in Idaho, or, when ground water is already contaminated, to help restore ground water quality and prevent further degradation. In coordination with other agencies, DEQ assists local ground water quality advisory groups in developing ground water quality improvement strategies (compiled into ground water quality improvement plans) for high priority areas.

### ***Compliance and Enforcement***

DEQ is authorized by state law to require compliance with certain environmental laws, federal regulations, and state rules. Compliance activities include inspections, public complaint response, technical assistance, education, and outreach. If a violation occurs, DEQ determines the appropriate enforcement actions, such as a warning letter or notice of violation. For more about compliance and enforcement efforts, see <http://www.deq.idaho.gov/assistance-resources/compliance-enforcement.aspx>.

### **Planning**

Proper planning produces a road map that guides DEQ in fulfilling its mission of protecting human health and preserving the quality of Idaho's air, land, and water. Since circumstances constantly change, planning is a constant and dynamic process. While some plans or planning processes are required by state (e.g., DEQ's *five-year strategic plan*) or federal (e.g., WQMP, triennial review, CPP) law, DEQ's ongoing planning is more a matter of good policy than simply fulfilling legal obligations.

Good planning also involves coordinating actions with other government agencies and private organizations to avoid duplication and efficiently and effectively protect Idaho's water resources. These arrangements are often formalized in *memoranda of understanding or agreement*.

### **Public Involvement**

As a state agency, DEQ serves the people of Idaho and encourages Idaho citizens to be informed about environmental issues and involved to make a positive difference for Idaho's environment. The public can become involved in DEQ's water quality management process in many ways, from simply keeping informed to serving on a committee, such as a watershed or basin advisory group, a ground water advisory committee, or a negotiated rulemaking committee. Public involvement is actively sought during rulemaking, monitoring and assessing water bodies, and water body improvement and restoration activities such as creating and implementing TMDLs.

For information about recent news, public comment opportunities, and events, visit <http://www.deq.idaho.gov/news-public-comments-events.aspx>.

## **Fulfillment of Continuing Planning Process Requirements**

Federal regulations (40 CFR 130.5) describe a minimum of nine CPP requirements. The list below identifies each requirement and describes how DEQ fulfills that requirement.

### **1. Effluent Limitations**

The CPP must describe the process for developing effluent limitations and schedules of compliance that are at least as stringent as those required by sections 301(b)(1) and (2), 306, and 307 of the Clean Water Act and at least as stringent as any requirements contained in applicable water quality standards. These sections refer to limits placed on pollutants that are discharged to water from point sources such as industrial sites and publicly owned treatment works.

These limitations and schedules are covered under the NPDES program, which is administered in Idaho by EPA.

### **2. Waste Treatment and Basin Plans**

The CPP must describe the process for incorporating elements of any area-wide waste treatment plans under section 208 and applicable basin plans under section 209 of the Clean Water Act.

DEQ implements basin-wide and statewide planning with its Integrated Report and related data-gathering processes. This report helps DEQ set priorities and is the basis for writing TMDLs, which are subbasin-specific. TMDLs establish maximum loads for nonpoint and point sources of pollution. Point sources are required to obtain NPDES permits from EPA. DEQ reviews these and other federal permits and certifies they comply with water quality standards (through its §401 Certification Program) and TMDLs. Idaho's six water basins each have a basin advisory group whose role is to advise DEQ on water quality objectives in that basin. Each basin also has several watershed advisory groups that are involved in the TMDL and implementation plan processes.

### **3. Total Maximum Daily Loads**

The CPP must describe the process for developing TMDLs and individual water quality based effluent limitations in accordance with section 303(d) of the Clean Water Act.

TMDLs are developed for water bodies that do not meet Idaho water quality standards, in accordance with State of Idaho guidance. Point source effluent limitations are covered under the NPDES program, administered by EPA.

### **4. Water Quality Management Plans**

The CPP must describe the process for updating and maintaining Water Quality Management Plans, including schedules for revision.

Idaho's WQMP is comprised of various programs and guidance documents, each of which is continually maintained and updated. The WQMP is discussed in more detail below.

## **5. Adequate Authority**

The CPP must describe the process for ensuring adequate authority for intergovernmental cooperation in implementing the state water quality management program.

DEQ is granted authority to implement Idaho's water quality management program through state laws and regulations and through primacy from EPA. DEQ enters into many interagency agreements (mainly memoranda of understanding/agreement) to ensure intergovernmental cooperation in Idaho's water quality management program.

## **6. Water Quality Standards**

The CPP must describe the process for establishing and ensuring adequate implementation of new or revised water quality standards for surface waters.

Idaho has adopted water quality standards to protect the public and the quality of Idaho's surface waters. The standards are the benchmarks to which waters are compared to determine the need for TMDLs or antidegradation measures. DEQ's §401 Certification Program ensures federally permitted or licensed activities meet water quality standards, while continual monitoring and assessment provide feedback on achieving standards. DEQ reviews its water quality standards at least once every three years to ensure that standards meet public concerns, reflect new scientific and technical information, and follow EPA guidelines. New standards are codified in Idaho's "Water Quality Standards" (IDAPA 58.01.02) through the state rulemaking process.

## **7. Adequate Controls**

The CPP must describe the process for ensuring adequate controls for the disposition of all residual waste from water treatment processing.

To control residual waste from water treatment processing, DEQ approves or disapproves plans for wastewater treatment and disposal facilities, issues water reuse permits, and provides §401 certification of federal NPDES permits (issued by EPA).

## **8. Construction of Waste Treatment Works**

The CPP must describe the process for developing an inventory and priority ranking of needs for construction of waste treatment works under Clean Water Act sections 301 and 302.

DEQ queries wastewater treatment systems regularly to obtain information on projects for which construction loan funds could be used. Potential projects must be listed on the state's annual priority list, which is developed through a rating and ranking process based on public health concerns. Fundable projects on the priority list are placed on the annual Intended Use Plan, which outlines the purpose and goals of the state's wastewater loan program, explains how projects are selected for funding, and identifies priority projects eligible for state assistance.

## 9. Permit Issuance

The CPP must describe the process for determining the priority of permit issuance.

This process is covered under the NPDES program, which is administered in Idaho by EPA.

## Water Quality Management Plan

One tool DEQ uses to implement its water quality programs is its WQMP, which is the state management plan developed and updated by DEQ in accordance with sections 205, 208, and 303 of the federal Clean Water Act. In essence, it is a compilation of the guidance and programs DEQ uses to implement the Clean Water Act—the nuts and bolts of implementing DEQ’s water quality program.

Each component of the WQMP is updated individually. The updating processes vary in their triggers, participants, and timeframes, and the majority include public comment periods. In addition, the WQMP list of component documents is periodically inspected by the Water Quality Division as part of the CPP and is appropriately updated. Any update to a component of the WQMP is automatically considered an update of the WQMP itself.

## Fulfillment of Water Quality Management Plan Requirements

Federal regulations (40 CFR 130.6) require that the plan address nine elements. The list below identifies each required element and provides a list of DEQ water quality program components (with links to DEQ webpages) and documents that fulfill each requirement. Most documents can be viewed online at DEQ’s website.

### 1. Total Maximum Daily Loads

The WQMP must address development of TMDLs in accordance with sections 303(d) and 303(e)(3)(C) of the Clean Water Act.

**Program Components:** [Integrated Report](#), [TMDL Implementation Plans](#), [TMDLs](#)

**Program Documents:** [Integrated Report](#), subbasin assessments, TMDLs, implementation plans, and five-year reviews

### 2. Effluent Limitations

The WQMP must address development of effluent limitations and schedules of compliance in accordance with section 303(e)(3)(A) of the Clean Water Act.

**Program Components:** [NPDES Overview](#) (administered by EPA in Idaho)

**Program Documents:** [Wastewater Rules](#)

### 3. Municipal and Industrial Waste Treatment

The WQMP must address identification of anticipated municipal and industrial waste treatment works, including facilities for treatment of stormwater-induced combined sewer overflows; programs to provide necessary financial arrangements for such works; and establishment of construction priorities and schedules for initiation and completion of such treatment works, including identifying open space and recreation opportunities from improved water quality.

**Program Components:** *Water Quality Grants and Loans*

**Program Documents:** *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties, Compendium of Best Management Practices to Control Polluted Runoff, Environmental Planning Tools and Techniques, Idaho Waste Management Guidelines for Aquaculture Operations, Water Quality Pollutant Trading Guidance, Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems, and Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater*

### 4. Nonpoint Source Management and Control

The WQMP must address regulatory and nonregulatory programs, activities, and best management practices that the agency has selected to control nonpoint source pollution where necessary to protect or achieve approved water uses.

**Program Components:** *Nonpoint Source Management Program, Operating Swine Facilities in Idaho, Waste Management and Remediation, Preliminary Assessment Program*

**Program Documents:** *Idaho Nonpoint Source Management Plan, Catalog of Stormwater Best Management Practices for Idaho Cities and Counties, Compendium of Best Management Practices to Control Polluted Runoff, Environmental Planning Tools and Techniques, “Idaho Forest Practices Act,” “Idaho Solid Waste Facilities Act,” “Answers to Frequently Asked Questions about Municipal Solid Waste Landfills,” Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems, and Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater*

### 5. Management Agencies

The WQMP must identify agencies necessary to carry out the plan and provisions for adequate authority for intergovernmental cooperation.

**Program Components:** *Table of Authorities, Memoranda of Understanding*

**Program Documents:** Various memoranda of agreement/understanding

### 6. Implementation Measures

The WQMP must identify implementation measures necessary to carry out the plan, including financing, the time needed to carry out the plan, and the economic, social, and environmental impact of carrying out the plan.

**Program Components:** *Water Quality Grants and Loans, Nonpoint Source Management §319 Subgrants*

**Program Documents:** DEQ's strategic plans and annual Performance Partnership Agreement (PPA) with EPA

## **7. Dredge and Fill Program**

The WQMP must address identification and development of programs for the control of dredge or fill material. The US Army Corps of Engineers administers the Dredge and Fill Program in Idaho, but DEQ certifies §404 dredge and fill permits through its §401 Certification Program.

**Program Components:** *§401 Certification*

**Program Documents:** *Idaho Section 401 Certification Guidance*

## **8. Basin Plans**

The WQMP must address identification of any relationship to applicable basin plans developed under section 209 of the Clean Water Act.

**Program Components:** *Basin Advisory Groups, Watershed Advisory Groups, Integrated Report, TMDL Implementation Plans, TMDLs*

**Program Documents:** Integrated Report, subbasin assessments and TMDLs, and implementation plans

## **9. Ground Water**

The WQMP must address identification and development of programs for control of ground water pollution. DEQ is designated as the primary agency to coordinate and administer ground water quality protection programs for the state.

**Program Components:** *Ground Water Monitoring and Protection, Source Water Protection*

**Program Documents:** "Ground Water Quality Protection Act of 1989," "Ground Water Quality Rule," ground water quality reports, "Idaho Ground Water Protection Interagency Cooperative Agreement," *Idaho Ground Water Quality Plan*, "Priority One Nitrate Area Ranking Process," and *Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems*