



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10  
1200 Sixth Avenue  
Seattle, WA 98101

RECEIVED

Reply To  
Attn Of: OWW-134

NOV 30 2007

DEC 05 2007

Department of Environmental Quality  
State Water Quality Division

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

RE: Approval of the Brush Creek TMDLs

Dear Mr. Burnell:

The U.S. Environmental Protection Agency (EPA) is pleased to approve the temperature Total Maximum Daily Loads (TMDLs), as listed in the table below, for Brush Creek, as submitted on November 7, 2007. This approval only includes those waters for which a TMDL was completed and does not constitute approval for de-listing of waters within Hydrologic Unit Code 17040207 from the Idaho 2002 §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. Brush Creek is also impaired for bacteria and is not being addressed in this TMDL. EPA looks forward to a future TMDL which addresses bacteria.

Table 1. Table of Approved TMDLs

Name of Creek/Water Segment	Assessment Unit #	Pollutant
Brush Creek	ID17040207SK026_02	Temperature
Brush Creek	ID17040207SK026_03	Temperature

This submittal also includes implementation strategies for the TMDLs. Idaho Department of Environmental Quality (IDEQ) developed and submitted these strategies 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); therefore, EPA is not taking action on these strategies. Implementation is the critical next step to realize improvements in water quality, and we encourage IDEQ to continue their work with responsible parties on implementation of these strategies.

We commend Melissa Thompson on her work to develop the TMDL. EPA appreciates the coordination prior to the public comment period and the sharing of a pre-public comment draft with EPA staff. We support this early involvement and believe it results in a better understanding of the approaches used to develop the TMDL, and enables meaningful discussion to occur between IDEQ and EPA staff, that can later expedite EPA's review of the final TMDL document.

By EPA's approval, these TMDLs are now incorporated into the State's Water Quality Management Plan under §303(e) of the CWA. If you have any comments or questions, please feel free to call me at (206) 553-7151, or you may call Jennifer Wu of my staff at 206-553-6328.

Sincerely,

A handwritten signature in black ink, appearing to read "M. F. Gearheard", written in a cursive style.

Michael F. Gearheard, Director  
Office of Water and Watersheds

cc: Doug Conde, IDEQ Attorney General  
Mike McIntyre, IDEQ Surface Water Program Manager  
Marti Bridges, IDEQ TMDL Program Manager  
Lynn VanEvery, IDEQ, Water Quality Manager, Pocatello Regional Office  
Melissa Thompson, IDEQ, Pocatello Regional Office  
Laird Lucas, Advocates for the West  
Kristen Boyles, Earthjustice