



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

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AUG 20 2010

Department of Environmental Quality  
State Water Quality Programs

OFFICE OF  
WATER AND WATERSHEDS

AUG 17 2010

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

Re: Approval of the Upper and Lower Henry's Fork TMDLs (HUC: 17040202 and 17040203)

Dear Mr. Burnell:

The Idaho Department of Environmental Quality (IDEQ) submitted the Upper and Lower Henry's Fork Total Maximum Daily Loads (TMDLs) Addendum to the U.S. Environmental Protection Agency (EPA) on June 22, 2010. Following our review, EPA is pleased to approve 16 TMDLs for the waters and pollutants listed in the tables below. Twelve of these waters were included in Idaho's 2002 303(d) list (List) of impaired waters, as identified in Table 1.

**Table 1: EPA-Approved TMDLs on Impaired Waters**

Name of Creek/Water Segment	Assessment Unit #	Pollutant
Warm Water	ID17040202SK002_05	Temperature
Warm Water	ID17040202SK005_02	Temperature
Buffalo River	ID17040202SK018_03	Sediment
Howard Creek	ID17040202SK033_02	Temperature
Targhee Creek	ID17040202SK034_02	Temperature
Duck Creek	ID17040202SK036_03	Temperature
Timber Creek	ID17040202SK035_02	Temperature
Timber Creek	ID17040202SK035_03	Temperature
Duck Creek	ID17040202SK036_03	Sediment
Sheridan Creek	ID17040202SK045_03	Sediment
Conant Creek	ID17040203SK007_02	E-coli
Conant Creek	ID17040203SK007_03	E-coli

IDEQ also completed TMDLs for waterbodies which were not meeting water quality standards for temperature but had not previously been included on Idaho's List. These TMDLs and waterbodies are identified in Table 2 below. EPA understands that these waters would have been included on the List had the State been aware of the impairment at the time the List was completed.

**Table 2: EPA-Approved TMDLs on Unlisted Waters**

<b>Name of Creek/Water Segment</b>	<b>Assessment Unit #</b>	<b>TMDL Pollutant</b>
Warm River	ID17040202SK002_04	Temperature
Warm River	ID17040202SK005_03	Temperature
Warm River	ID17040202SK005_04	Temperature
Targhee Creek	ID17040202SK034_03	Temperature

Our review indicates that these allocations have been established at a level that, when fully implemented, will lead to the attainment of the water quality standards addressed by these TMDLs. Therefore the IDEQ does not need to include these waters on the next 303(d) list of impaired waters for the pollutant(s) covered by these TMDLs.

This approval only includes those waters for which a TMDL was completed and does not constitute approval for the proposed de-listing of waters within Hydrologic Unit Codes ID17040202 and ID17040203 from the Idaho §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.

This submittal also includes implementation strategies for the TMDLs. IDEQ developed and submitted these strategies pursuant to the TMDL Settlement Agreement of July 2002. EPA 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 would also like to commend Aaron Swift, IDEQ Project Manager for his thoroughness and hard work in bringing these TMDLs to completion.

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) 553-4198, or you may call Martha Turvey of my staff at (206) 553-1354.

Sincerely,



Michael A. Bussell, Director  
Office of Water and Watersheds

cc: Mr. Doug Conde, Attorney General, Idaho  
Mr. Mike McIntyre, Surface Water Program Manager, IDEQ  
Ms. Marti Bridges, TMDL Program Manager, IDEQ  
Mr. Troy Saffle, Water Quality Manager, Idaho Falls Regional Office, IDEQ  
Mr. Aaron Swift, Idaho Falls Regional Office, IDEQ  
Mr. Laird Lucas, Advocates for the West  
Ms. Kristen Boyles, Earthjustice