



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

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OFFICE OF  
WATER AND WATERSHEDS

APR 13 2011

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

RE: USEPA Actions on the Jordan Creek Subbasin TMDLs

Dear Mr. Burnell:

The U.S. Environmental Protection Agency (EPA) is taking the following actions on the mercury, temperature and sediment Total Maximum Daily Loads (TMDLs), for the Jordan Creek Subbasin, as submitted on June 4, 2010, and amended December 20, 2010. EPA is disapproving the TMDLs submitted for mercury in Jordan Creek, and approving the TMDLs submitted for temperature and sediment.

Disapproval of Mercury TMDLs

EPA is unable to approve the six mercury TMDLs, as listed in the table below, for the Jordan Creek Subbasin. Although the allocations in the TMDLs are protective of human health and will attain the Idaho water quality standard's criteria for fish tissue methylmercury, the allocations neither target nor attain the mercury criterion for protection of aquatic life under conditions of chronic exposure (0.012 ug/l total recoverable mercury), which is included in the Idaho water quality standards as approved by EPA. The waterbodies covered under the state's proposed mercury TMDLs will remain in category 5 of the Integrated Report until EPA issues mercury TMDLs for those waters.

**Table of Disapproved TMDLs**

<b>Name of Creek/Water Segment</b>	<b>Assessment Unit #</b>	<b>Pollutant</b>	<b>Status</b>
Jordan Creek - 3rd Order	ID17050108SW004_03	Mercury	303(d) Listed
Jordan Creek - 1st and 2nd Order	ID17050108SW004_02	Mercury	303(d) Listed
Jordan Creek - 5th order	ID17050108SW004_05	Mercury	303(d) Listed
Jordan Creek - 1st and 2nd Order	ID17050108SW001_02	Mercury	303(d) Listed
Jordan Creek - 4th Order	ID17050108SW004_04	Mercury	Unlisted Impairment
Jordan Creek - 6 <sup>th</sup> Order	ID17050108SW001_05	Mercury	Unlisted Impairment

Approval of Temperature and Sediment TMDLs

EPA is pleased to approve the thirteen temperature and two sediment TMDLs, as listed in the table below, for the Jordan Creek Subbasin. This approval does not include the temperature

TMDL for Assessment Unit ID17050108SW001\_02: "1st and 2nd order tributaries below Williams Creek," which was included in Idaho DEQ's June 4, 2010, submittal letter. The waterbodies in this assessment unit were not addressed in the TMDL, so EPA will be taking no action related to those waters. This approval only includes those waters for which a TMDL was completed. EPA's approval of the fifteen TMDLs does not constitute an approval for de-listing of waters within Hydrologic Unit Code 17050108 from the Idaho's §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.

<b>Name of Creek/Water Segment</b>	<b>Assessment Unit #</b>	<b>Pollutant</b>	<b>Status</b>
Soda Creek - source to mouth	ID17050108SW022_02	Sediment	303(d) Listed
Soda Creek - source to mouth	ID17050108SW022_03	Sediment	303(d) Listed
Rock Creek - 1st and 2nd order	ID17050108SW013_02	Temperature	303(d) Listed
Louisa Creek - source to Triangle Reservoir	ID17050108SW014_02	Temperature	303(d) Listed
Spring/ Meadow Creek - source to mouth	ID17050108SW015_02	Temperature	303(d) Listed
Spring/ Meadow Creek - source to mouth	ID17050108SW015_03	Temperature	303(d) Listed
Cow Creek - 1st and 2nd order	ID17050108SW021_02	Temperature	303(d) Listed
Cow Creek - 3rd order	ID17050108SW021_03	Temperature	303(d) Listed
Jordan Creek - 3rd Order	ID17050108SW004_03	Temperature	303(d) Listed
Jordan Creek - 1st and 2nd Order	ID17050108SW004_02	Temperature	303(d) Listed
Jordan Creek - 5th order	ID17050108SW004_05	Temperature	303(d) Listed
Jordan Creek - 6 <sup>th</sup> order	ID17050108SW001_05	Temperature	303(d) Listed
Soda Creek - source to mouth	ID17050108SW022_03	Temperature	303(d) Listed
Soda Creek - source to mouth	ID17050108SW022_02	Temperature	303(d) Listed
Jordan Creek - 4th Order	ID17050108SW004_04	Temperature	303(d) Listed

Along with the temperature and sediment TMDLs, the state submitted implementation strategies for those TMDLs. The Idaho Department of Environmental Quality (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 its work with responsible parties on implementation of state strategies.

EPA appreciates the cooperation and hard work of Mike Ingham, Marti Bridges, and Craig Shepard, especially 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 sediment and temperature TMDLs are now incorporated into the State's Water Quality Management Plan under §303(e) of the CWA. EPA will publish for public comment draft TMDLs for the mercury impaired waters of Jordan Creek in the near future. If you have any comments or questions, please feel free to call me at (206) 553-4198, or you may call Helen Rueda of my staff at (503) 326-3280.

Sincerely,



Michael A. Bussell, Director  
Office of Water and Watersheds

cc: Doug Conde, IDEQ Attorney General (via email)  
Mike McIntyre, IDEQ Surface Water Program Manager (via email)  
Marti Bridges, IDEQ TMDL Program Manager (via email)  
Pete Wagner, IDEQ, Regional Administrator, Boise Regional Office (via email)  
Laird Lucas, Advocates for the West (via email)  
Kristen Boyles, Earthjustice (via email)  
Steve Smith, Project Manager Kinross-Delamar Mining Company (via email)  
Eugene Foster, Manager, Watershed Management Unit Oregon DEQ (via email)  
Tonya Dombrowski, Oregon DEQ (via email)