



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

RECEIVED

DEC 0 4 2007

DEC 0 7 2007

Reply To:
Attn Off: OWW-134

Department of Environmental Quality
State Water Quality Division

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

Re: Approval of the Middle Fork Payette River Temperature TMDLs

Dear Mr. Burnell:

Following our review and evaluation of the Middle Fork Payette River Temperature Total Maximum Daily Loads (TMDLs) by Idaho Department of Environmental Quality (IDEQ), the U.S. Environmental Protection Agency (EPA) is pleased to approve the TMDLs for the waters listed in the table below. These TMDLs were submitted to EPA by IDEQ on November 12, 2007.

Table of Approved TMDLs

<i>Name of Creek/Water Segment</i>	<i>Assessment Unit #</i>	<i>Pollutant</i>
Middle Fork Payette River	ID17050121SW001_04	Temperature
Middle Fork Payette River	ID17050121SW005_03	Temperature
Middle Fork Payette River	ID17050121SW005_02	Temperature
Middle Fork Payette River	ID17050121SW005_04	Temperature

This approval includes all load allocations established in these waters since all these allocations are required to attain applicable water quality criteria. Our review indicates that these allocations have been established at levels that, when fully implemented, will lead to the attainment of the criteria addressed by these TMDLs.

TMDLs were also completed for waterbodies which were not meeting water quality standards for temperature, but had not previously been included on Idaho's 303(d) List (List) for temperature. EPA understands that these waters would have been included on the List had the State been aware of the exceedances at the time the List was completed.

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 Code 17050121 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.

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 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.

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 Jayne Carlin of my staff at (206) 553-8512.

Sincerely,



Michael F. Gearheard, Director
Office of Water and Watersheds

cc: Doug Conde, Attorney General, Idaho
Mike McIntyre, Surface Water Program Manager, IDEQ
Marti Bridges, TMDL Program Manager, IDEQ
Craig Shepard, Boise Regional Office Water Quality Manager
Leslie Freeman, IDEQ, Boise Regional Office
Laird Lucas, Advocates for the West
Kristen Boyles, Earthjustice