



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
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Department of Environmental Quality  
State Water Quality Programs

DEC 28 2010

OFFICE OF  
WATER AND WATERSHEDS

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

Re: Approval of the Hatwai Creek Subbasin Assessment and TMDL(s) (Lower Clearwater HUC 17060306)

Dear Mr. Burnell:

Idaho Department of Environmental Quality (IDEQ) submitted the Hatwai Creek Subbasin Assessment and TMDL(s) (Lower Clearwater HUC 107060306) to the U.S. Environmental Protection Agency (EPA) on October 26, 2010. Following our review, EPA is pleased to approve 8 TMDLs for the waters and pollutants listed in the tables below.

The four TMDLs in assessment units in the table below were included in Idaho's 2008 list of impaired waters.

**Table 1: EPA-Approved TMDLs for §303(d) Listed waters**

Water Body Segment/ Assessment Units (AUs)	Pollutant
Hatwai Creek ID17060306CL067_02	Total Phosphorus
Hatwai Creek ID17060306CL067_02	Nitrate + Nitrite
Hatwai Creek ID17060306CL067_02	E. coli bacteria
Hatwai Creek ID17060306CL067_02	Temperature

IDEQ also completed TMDLs for waterbodies which were not meeting water quality standards for temperature, e-coli bacteria and nutrients, 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 impairments at the time the List was completed.

Table 2: EPA-Approved TMDLs on Unlisted Waters

Water Body Segment/ Assessment Units (AUs)	Pollutant
Hatwai Creek ID17060306CL067_03	Total Phosphorus
Hatwai Creek ID17060306CL067_03	Nitrate + Nitrite
Hatwai Creek ID17060306CL067_03	E. coli bacteria
Hatwai Creek ID17060306CL067_03	Temperature

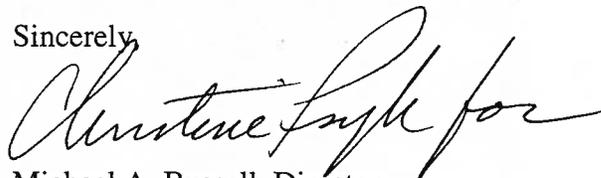
Our review indicates that these allocations have been established at a level that, when fully implemented, will lead to the attainment of the water quality criteria addressed by these TMDLs.

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 Code 17060306 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.

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 Bill Stewart of my staff at 208-378-5753.

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. John Cardwell, Regional Administrator, Lewiston Regional Office, IDEQ  
Mr. Laird Lucas, Advocates for the West  
Ms. Kristen Boyles, Earthjustice