STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED
22

1410 North Hilton • Boise, Idaho 83706-1255 • (208) 373-0502

Dirk Kempthorne, Governor
Toni Hardesty, Director

December 19, 2005

Ms. Jannine Jennings
Water Quality Standards Unit Manager
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Subject: Idaho Department of Environmental Quality Continuing Planning Process available on-line

Dear Ms. Jennings:

The Idaho Department of Environmental Quality (DEQ) has developed a Web-based Continuing Planning Process (CPP) that fulfills the requirements of Section 303(e) of the Clean Water Act as well as the commitment DEQ made in Idaho's 2005 Performance Partnership Agreement with EPA. Idaho's CPP is designed to provide readers a broad overview of how the quality of the state's water resources is managed.

DEQ's Water Quality Division encompasses programs to protect Idaho's surface, ground, and drinking water; oversee management and disposal of wastewater; and administer federal and state grants and loans for water resource infrastructure and other water quality-related projects. Idaho's CPP demonstrates the breadth and depth of Idaho's water quality programs and the relationships among those programs. DEQ recognizes that a CPP is only required to describe the plans and processes in place specific to programs implemented under the Clean Water Act. However, Idaho DEQ has chosen to expand its CPP to encompass all of its water quality programs, recognizing the interconnectedness of the programs and that the resource itself does not conform to program boundaries.

As the name "Continuing Planning Process" implies, a CPP is not a static document, but an evolving process that grows and changes as circumstances change. Therefore, Idaho's CPP is a living, Web-based "document" that demonstrates how the many aspects of the CPP interrelate and provides direct access to a multitude of materials that make up Idaho's Water Quality Management Plan (WQMP). The CPP can be accessed at http://www.deq.idaho.gov/water/prog_issues/surface_water/cpp/cpprepresentation.cfm.

Idaho's CPP consists of eight primary Web pages that describe how Idaho fulfills the requirements of Section 303(e) of the Clean Water Act. These Web pages describe the CPP, Idaho's WQMP, and the core components of Idaho's water quality programs: laws/rules/guidance; program management/overview; monitoring and assessment; implementation; planning; and public

information and involvement. From these eight Web pages, the CPP links throughout DEQ's Web site, providing more detail on all of DEQ's water quality programs and access to numerous documents and reports that fulfill CPP and WQMP requirements, give background and context to water quality issues, and supply water quality data. Enclosed is a short synopsis summarizing how Idaho has fulfilled CPP and WQMP requirements, as well as brief descriptions of the core components listed above.

We look forward to your timely review and approval of Idaho's CPP. If you have questions or comments, I can be reached at 208-373-0570 or at michael.mcintyre@deq.idaho.gov.

Sincerely,

Michael J. McIntyre
Surface Water Program Manager

MM:AL

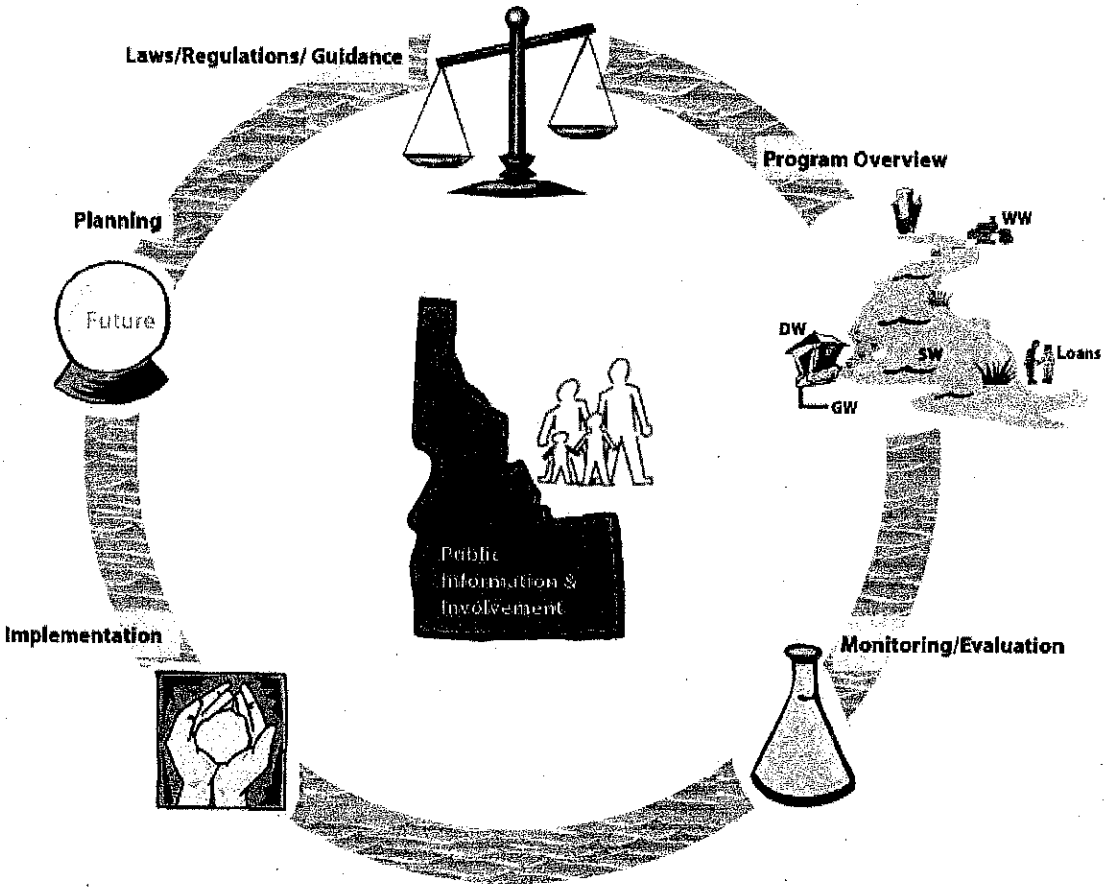
Enclosure (1)

c: Toni Hardesty, Director, Idaho DEQ
Barry Burnell, Administrator, Water Quality Division, Idaho DEQ

Water Quality Continuing Planning Process
Overview

Idaho Department of Environmental Quality

2005



Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

December 2005

http://www.deq.idaho.gov/water/prog_issues/surface_water/cpp/cpprepresentation.cfm

THIS PAGE LEFT BLANK INTENTIONALLY

Contents

Contents i
Continuing Planning Process 1
Continuing Planning Process Organization 1
Fulfillment of Continuing Planning Process Requirements 1
Water Quality Management Plan 3
Fulfillment of Water Quality Management Plan Requirements 4
Laws, Rules, and Guidance 6
Water Quality Division Program Management and Overview 6
Monitoring, Assessing, and Reporting 7
Surface Water 7
Drinking Water 8
Ground Water 8
Source Water 8
Implementation and Restoration 8
Permitting 8
Preservation/Restoration 9
Compliance and Enforcement 9
Planning 9
Public Involvement 9

THIS PAGE LEFT BLANK INTENTIONALLY

Continuing Planning Process

The Department of Environmental Quality (DEQ) is the agency responsible for implementing environmental protection laws and programs for the state of Idaho. As the agency tasked with implementing the federal Clean Water Act in Idaho, DEQ is required by Section 303(e) of the act to develop a Continuing Planning Process (CPP) that describes how water quality is managed in the state. The graphic on the cover of this document summarizes the core elements of Idaho's CPP.

As the name "Continuing Planning Process" implies, a CPP is not a static document, but an evolving process that grows and changes as circumstances change. Therefore, Idaho's CPP is a living, Web-based "document" that demonstrates how the many aspects of the CPP interrelate and provides direct access to supporting materials and the many documents that make up Idaho's Water Quality Management Plan (WQMP). Idaho's CPP is designed to provide readers a broad overview of how the quality of the state's water resources is managed. DEQ's Web-based CPP can be accessed at http://www.deq.idaho.gov/water/prog_issues/surface_water/cpp/cpprepresentation.cfm.

This document provides a brief summary of the CPP and WQMP and demonstrates how Idaho has fulfilled the requirements of Section 303(e) of the Clean Water Act. It also describes the core components of Idaho's water quality programs: laws/rules/guidance, program management/overview, monitoring and assessment, implementation, planning, and public information and involvement. From eight primary Web pages, the CPP links throughout DEQ's Web site, providing more detail on all of DEQ's water quality programs and links to numerous documents and reports that fulfill CPP and WQMP requirements, give background and context to water quality issues, and supply water quality data.

Continuing Planning Process Organization

As represented in the cover graphic, public involvement is at the center of DEQ's activities and programs. DEQ's water quality planning activities comprise a continual loop of the interrelated aspects of laws and rules, water quality programs, water quality monitoring and assessment, implementation of water quality maintenance and restoration projects, and ongoing planning. Inherent in these is continual feedback, public involvement, improvement, and change. The public is primarily involved at three individual points on DEQ's water quality loop: creating Idaho laws and rules; monitoring, assessing, and reporting on the quality of Idaho's waters; and implementing measures to restore and maintain water quality.

Fulfillment of Continuing Planning Process Requirements

Federal regulations (40 CFR §130.5) describe a minimum of nine CPP requirements. The list below identifies each requirement and describes how DEQ has fulfilled that requirement. The Web-based CPP provides links to the documents and programs described below.

1. Effluent Limitations

The process for developing effluent limitations and schedules of compliance that are at least as stringent as those required by Sections 301(b)(1) and (2), 306, and 307 of the Clean Water Act and at least as stringent as any requirements contained in applicable water quality standards.

These sections refer to limits placed on pollutants that are discharged to water from point sources such as industrial sites and publicly owned treatment works.

These limitations and schedules are covered under the National Pollutant Discharge Elimination System (NPDES), which in Idaho is operated by the U.S. Environmental Protection Agency (EPA).

2. Waste Treatment and Basin Plans
The process for incorporating elements of any area wide waste treatment plans under Section 208, and applicable basin plans under Section 209 of the Clean Water Act.

DEQ implements basinwide and statewide planning with its integrated report and related data-gathering processes. This report helps DEQ set priorities and is the basis for writing total maximum daily loads (TMDLs), which are subbasin-specific. TMDLs establish maximum loads for nonpoint and point sources of pollution. Point sources are required to obtain NPDES permits from EPA. DEQ reviews these and other federal permits and certifies that they comply with TMDLs and do not violate water quality standards (§401 certification). Idaho's water basins each have a "basin advisory group" whose role is to advise DEQ on water quality objectives in that basin. Each basin also has several "watershed advisory groups" that are involved in the TMDL and implementation plan processes.

3. Total Maximum Daily Loads
The process for developing total maximum daily loads (TMDLs) and individual water quality based effluent limitations in accordance with section 303(d) of the Clean Water Act.

TMDLs are developed for water bodies that do not meet Idaho water quality standards, in accordance with state of Idaho guidance. Point source effluent limitations are covered under the NPDES program, operated by EPA.

4. Water Quality Management Plans
The process for updating and maintaining Water Quality Management Plans, including schedules for revision.

Idaho's WQMP is comprised of various programs and guidance documents, each of which is continually maintained and updated.

5. Adequate Authority
The process for assuring adequate authority for intergovernmental cooperation in the implementation of the state water quality management program.

DEQ is granted authority to implement Idaho's water quality management program through state laws and regulations and through primacy from EPA. DEQ enters into many interagency agreements (mainly memoranda of understanding/agreement) to assure intergovernmental cooperation in Idaho's water quality management program.

6. Water Quality Standards
The process for establishing and assuring adequate implementation of new or revised water quality standards [for surface waters].

Idaho has adopted water quality standards to protect the public and restore the quality of Idaho's surface waters. The standards are the benchmarks that waters are compared to, to determine the need for TMDLs or antidegradation measures. DEQ's §401 certification program ensures federally permitted or licensed activities meet water quality standards, while continual monitoring and assessment provide feedback on the achievement of water quality standards. DEQ reviews its water quality standards at least once every three years to ensure that standards meet public concerns, reflect new scientific and technical information, and follow EPA guidelines. New standards are codified in Idaho's Water Quality Standards and Wastewater Treatment Requirements through the state rulemaking process.

7. Adequate Controls
The process for ensuring adequate controls for the disposition of all residual waste from water treatment processing.

To control residual waste from water treatment processing, DEQ approves or disapproves plans for wastewater treatment and disposal facilities, issues wastewater-land application permits, and provides §401 certification of federal NPDES permits (issued by EPA).

8. Construction of Waste Treatment Works
The process for developing an inventory and ranking in priority order of needs for construction of waste treatment works under Clean Water Act Sections 301 and 302.

DEQ queries wastewater treatment systems regularly to obtain information on projects for which construction loan funds could be used. Potential projects must be listed on the state's annual priority list, which is developed through a rating and ranking process based upon public health concerns. Fundable projects on the priority list are placed on the Intended Use Plan, which outlines the purpose and goals of the state's wastewater loan program, explains how projects are selected for funding, and identifies priority projects eligible for state assistance.

9. Permit Issuance
The process for determining the priority of permit issuance.

This process is covered under NPDES, which in Idaho is operated by EPA.

Water Quality Management Plans

One tool DEQ uses to implement its water quality program is its WQMP. A "water quality management plan" is the state management plan developed and updated by DEQ in accordance with Sections 205, 208, and 303 of the federal Clean Water Act. In essence, it is a compilation of the guidance and programs DEQ uses to implement the Clean Water Act—the nuts and bolts of implementing DEQ's water quality program.

Each component of the WQMP is updated individually. The updating processes vary in their triggers, participants, and time frames, and the majority include public comment periods. In addition, the WQMP list of component documents is periodically inspected by the Water Quality Division as part of the CPP and is appropriately updated. Any update to a component of the WQMP is automatically considered an update of the WQMP itself.

Fulfillment of Water Quality Management Plan Requirements

Federal regulations (40 CFR §130.6) describe a minimum of nine WQMP elements. The list below identifies each required element and provides a list of DEQ water quality program components (program overviews and documents) that fulfill each requirement. These components are listed below can be viewed from DEQ's Web site (see http://www.deq.idaho.gov /water/ prog_issues/surface_water /cpp/wqmp.cfm).

1. Total Maximum Daily Loads (TMDLs)

Development of TMDLs in accordance with Sections 303(d) and 303(e)(3)(C) of the Clean Water Act.

Program Overviews: Integrated Report Overview, TMDL Implementation Plans Overview, TMDL Overview
Program Documents: Integrated Report; Subbasin Assessments, TMDLs, and Implementation Plans; State of Idaho Guidance for the Development of TMDLs

2. Effluent Limitations

Development of effluent limitations and schedules of compliance in accordance with Section 303(e)(3)(A) of the Clean Water Act.

Program Overviews: NPDES Overview (operated by EPA in Idaho)

3. Municipal and Industrial Waste Treatment

Identification of anticipated municipal and industrial waste treatment works, including facilities for treatment of stormwater-induced combined sewer overflows; programs to provide necessary financial arrangements for such works; establishment of construction priorities and schedules for initiation and completion of such treatment works including an identification of open space and recreation opportunities from improved water quality.

Program Overviews: Grants and Loans Programs Overview
Program Documents: Catalog of Storm Water BMPs for Idaho Cities and Counties, Compendium of BMPs to Control Polluted Runoff, Environmental Planning Tools and Techniques, Idaho Waste Management Guidelines for Aquaculture Operations, Pollutant Trading Guidance, Septic System Guidance, Wastewater-Land Application Permit Program Guidance

4. Nonpoint Source Management and Control
Regulatory and non-regulatory programs, activities, and best management practices (BMPs) that the agency has selected as the means to control nonpoint source pollution where necessary to protect or achieve approved water uses.

Program Overviews: DEQ's Nonpoint Source Management Program Overview, Operating Swine and Poultry Facilities in Idaho Overview, Waste Management and Remediation Programs and Issues Overview
Program Documents: 1999 Idaho Nonpoint Source Management Plan, Catalog of Storm Water BMPs for Idaho Cities and Counties, Cattle Feeding Operations Interagency Cooperative Agreement, Compendium of BMPs to Control Polluted Runoff, DEQ-ISDA Agriculture Pollution Abatement Plan Memorandum of Understanding, Environmental Planning Tools and Techniques, Idaho Dairy Pollution Prevention Initiative Memorandum of Understanding, Idaho Forest Practices Act, Idaho Solid Waste Facilities Act, Mines and Mine Waste in Idaho: DEQ's Preliminary Assessment Program, Municipal Solid Waste Landfill Frequently Asked Questions, Septic System Guidance, and Wastewater-Land Application Permit Program Guidance

5. Management Agencies
Identification of agencies necessary to carry out the plan and provision for adequate authority for intergovernmental cooperation.

Program Overviews: Table of Authorities
Program Documents: Memoranda of Agreement/Understanding, Responsible Agencies in Idaho

6. Implementation Measures
Identification of implementation measures necessary to carry out the plan, including financing, the time needed to carry out the plan, and the economic, social and environmental impact of carrying out the plan.

Program Overviews: Grants and Loans Programs Overview
Program Documents: DEQ's Strategic Plans and Annual Reports, Intended Use Plan, Nonpoint Source Management §319 Subgrants, Performance Partnership Agreement with EPA

7. Dredge or Fill Program
Identification and development of programs for the control of dredge or fill material.

Program Overviews: Clean Water Act § 401 Certification Process Overview
Program Documents: Idaho 401 Guidance

8. Basin Plans
Identification of any relationship to applicable basin plans developed under Section 209 of the Clean Water Act.

Program Overviews: Basin and Watershed Advisory Groups Overview, Integrated Report Overview, TMDL Implementation Plans Overview, TMDL Overview
Program Documents: Integrated Report; Subbasin Assessments, TMDLs, and Implementation Plans

9. Ground Water
Identification and development of programs for control of ground water pollution.

Program Overviews: Ground Water Monitoring and Protection Overview, Sole Source Aquifer Protection Overview

Program Documents: Ground Water Quality Act, Ground Water Quality Rule, Ground Water Quality Reports, Idaho Ground Water Protection Interagency Cooperative Agreement, Idaho Ground Water Quality Plan, Priority One Nitrate Area Ranking Process, Septic System Guidance

Laws, Rules, and Guidance

The state of Idaho's commitment to water quality protection is articulated in Title 39 of the Environmental Protection and Health Act of 1972 and codified in Idaho's Administrative Rules. The act recognizes water as one of the state's most valuable natural resources, outlines the state's commitment to protecting its waters, approves the adoption of Idaho's water quality standards, authorizes the director of DEQ to implement these standards, and expresses the intent of the Idaho Legislature that Idaho fully meet the goals and requirements of the federal Clean Water Act. Funding for DEQ's water quality program is provided through an annual appropriation from the Idaho Legislature and by EPA.

Idaho's administrative rulemaking process is governed by the Idaho Administrative Procedure Act, Idaho Code §§67-5201 *et seq.* Before a rule becomes final, it is open to public comment and must be approved by the Idaho Board of Environmental Quality and the Idaho Legislature. All of DEQ's administrative rules, including those dealing specifically with water quality, are developed and amended through the state's rule promulgation process.

DEQ also relies on guidance documents to assist agency personnel and the regulated public in understanding and implementing applicable rules. Guidance documents are generally open to public comment during development.

Water Quality Division Program Management and Overview

Water is one of Idaho's most important resources. DEQ is responsible for assuring that the state's surface, ground, and drinking water resources meet state water quality standards and federal requirements.

Idaho has over 92,000 miles of rivers and streams and over 100 lakes and reservoirs; DEQ's Surface Water Program is responsible for assuring these streams, rivers, lakes, reservoirs, and wetlands meet Idaho water quality standards. To accomplish this, the program monitors, assesses, and reports on surface water quality and develops and implements plans to restore degraded water quality.

Ground water, which is water found beneath the earth's surface, replenishes streams and rivers; provides fresh water for irrigation, industry, and communities; and supplies 95% of the state's drinking water. DEQ's Ground Water Program is responsible for protecting the quality of ground water in Idaho and relies on a combination of programs to protect ground water from pollution, clean up degraded ground water, and monitor and assess ground water quality.

DEQ's Drinking Water Program protects public health by ensuring drinking water from public water systems in Idaho is safe. DEQ is authorized to administer Idaho's Drinking Water Program through the federal Safe Drinking Water Act and the Idaho Rules for Public Drinking Water Systems.

Wastewater (used water that contains enough harmful material to impair water quality) can cause serious harm to the environment and threaten human health if not properly managed and disposed of. DEQ's Wastewater Program protects public health and helps ensure water quality standards are met by reviewing plans for wastewater treatment and disposal facilities, issuing wastewater-land application permits, providing guidance on managing storm water and other wastewater, and establishing standards for on-site wastewater systems (septic systems).

DEQ's Grants and Loans Program administers federal and state funds used to provide grants and low-interest loans to eligible entities to conduct specific activities designed to improve the quality of Idaho's water resources.

Monitoring, Assessing, and Reporting

DEQ continually monitors and assesses the quality of the state's rivers, streams, lakes, ground water, and sources of drinking water. This information is used to comply with federal reporting requirements and to make decisions regarding water quality management.

Surface Water

Monitoring and assessment is a continual process. Idaho's *Surface Water Ambient Monitoring Plan* outlines DEQ's approach to collecting and integrating ambient water quality monitoring data from a variety of monitoring programs. DEQ uses its *Water Body Assessment Guidance* to determine if each of Idaho's water bodies meets water quality standards. The results of these determinations are reported in DEQ's §303(d)/§305(b) *Integrated Report*. DEQ applies its antidegradation policy to those water bodies that meet water quality standards. When water bodies do not meet water quality standards ("impaired waters"), DEQ develops TMDLs; plans of action to improve water quality are subsequently developed and implemented. The success of these plans and of DEQ's antidegradation efforts are evaluated through additional monitoring and assessment.

Drinking Water

DEQ conducts "sanitary surveys" to review sources, facilities, equipment, and operation and maintenance of public water systems to evaluate their ability to produce and distribute safe drinking water. These reviews are conducted on 20% of Idaho's public drinking water systems each year, in accordance with the Safe Drinking Water Act. If a system does not pass the review, it must correct the deficiency(ies) and provide DEQ with documentation that the deficiency has been corrected. If the deficiency is not corrected, enforcement action may be taken.

Information on violations of federal and state drinking water regulations by public water systems is summarized in DEQ's annual compliance reports. Every three years, DEQ is required to submit a capacity development report to the governor, summarizing how public water systems are maintaining and improving their ability to deliver safe water to Idahoans.

Ground Water

DEQ conducts regional and local ground water quality monitoring when the Idaho Statewide Ground Water Quality Monitoring Program or other government agencies detect potential problem areas. DEQ also initiates its own evaluations and conducts regional and local monitoring in conjunction with other agencies. In addition, DEQ chairs the Idaho Ground Water Monitoring Technical Committee.

Source Water

DEQ's Source Water Assessment Program assesses the likelihood of public drinking water sources becoming contaminated and provides information on potential contaminant threats. Each assessment is summarized in a report, and each public water system is provided with two copies of its final assessment report. In May 2003, Idaho completed delineations for all 2100+ public water systems that were active in Idaho as of August 1999. Source water assessments for new public drinking water systems are being developed as those systems come online.

Implementation and Restoration

DEQ uses a variety of tools to preserve and enhance (where necessary) the quality of Idaho's waters. Loosely, these tools fall into three categories: permitting, preservation/restoration, and compliance and enforcement.

Permitting

Point sources of pollution that discharge wastewater directly to surface waters in Idaho are required to obtain NPDES permits from EPA. NPDES permits limit the amount of pollution that point sources may discharge into surface waters. DEQ's role in this process is to certify (§401 certification) that NPDES-permitted projects comply with state water quality standards. DEQ also provides §401 certification for other projects requiring federal permits or licenses under the Clean Water Act, such as a license to operate a hydroelectric dam and a Clean Water Act §404 dredge and fill permit.

Preservation/Restoration

DEQ's antidegradation policy is the primary mechanism by which surface water quality is maintained. This policy applies to all water bodies that meet or exceed Idaho's surface water quality standards. When water bodies do not meet standards, calculating TMDLs is a first step toward restoring water quality. Once TMDLs have been determined, TMDL implementation plans are developed by on-the-ground stakeholders with DEQ's assistance. Implementation projects outlined in the plans may be eligible for nonpoint source §319 grant money.

DEQ assists communities in protecting their drinking water sources. Communities may create drinking water protection plans and/or implement best management practices. Preventing contaminants from entering a public water system supply greatly benefits the community by minimizing the problems that can occur from contaminants in the water supply.

Idaho's *Ground Water Quality Plan* describes the state's overall approach to protecting its ground water. It is DEQ's job to protect the quality of ground water in Idaho, or, when ground water is already contaminated, to help restore ground water quality and prevent further degradation (see DEQ's policy for addressing degraded ground water quality areas). In coordination with other agencies, DEQ assists local ground water quality advisory groups in developing ground water quality management strategies (compiled into ground water quality management plans) for high priority areas.

Compliance and Enforcement

DEQ is authorized by state law to require compliance with certain environmental laws, federal regulations, and state rules. Compliance activities include inspections, public complaint response, technical assistance, education, and outreach. If a violation has occurred, DEQ determines the appropriate enforcement action(s), such as a warning letter or notice of violation.

Planning

Planning is the act of formulating a scheme or program to accomplish or attain something. Proper planning produces a road map that helps guide DEQ in fulfilling its mission of protecting human health and preserving the quality of Idaho's air, land, and water. Since circumstances constantly change, planning is a constant process. While some plans or planning processes are required by state (e.g., DEQ's five-year strategic plan) or federal (e.g., WQMP, triennial review, CPP) law, DEQ's ongoing planning is more a matter of good policy than simply fulfilling legal obligations.

Good planning also involves coordinating actions with other government agencies and private organizations to avoid duplication and efficiently and effectively protect Idaho's water resources. These arrangements are often formalized in memoranda of understanding or agreement.

Public Involvement

As a state agency, DEQ serves the people of Idaho and encourages Idaho citizens to be informed about environmental issues and involved to make a positive difference for Idaho's environment.

The public can become involved in DEQ's water quality management process in many ways, from simply keeping informed to serving on a committee, such as a watershed or basin advisory group, a ground water advisory committee, or a negotiated rulemaking committee. Public involvement is actively sought during rulemaking, monitoring and assessing water bodies, and water body improvement and restoration activities such as creating and implementing TMDLs.