

 UI Extension Forestry Information Series

Water Quality Update

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Idaho state water quality standards have been established and approved by the U.S. Environmental Protection Agency (EPA). These standards, required under the Clean Water Act (CWA), are designed to protect, restore, and preserve water quality in areas designated for specific uses (e.g. drinking water, swimming, recreation, fishing, salmon and trout habitat, etc.). Appropriate designated uses have been identified for each waterbody in Idaho.

When a lake, river, or stream fails to meet the water quality standards for its “designated use”, state and federal law requires restoring the impaired water body to a healthy, fishable, swimmable condition. Almost 1,000 sections of rivers, streams, and lakes have been identified as impaired in Idaho. The state of Idaho and the EPA have a legal, court ordered responsibility to deal with impaired waters in a timely manner. This means a TMDL must be developed for each impaired water body. A TMDL is a written, quantitative assessment of water quality problems and contributing pollutants. It specifies the pollution reduction necessary to meet water quality standards, allocates the pollutant limits among the various sources in the watershed, and provides a basis for taking actions needed to restore a waterbody.

Pollutants of concern vary from watershed to watershed. The EPA declared two years ago that sediment was the number one surface water pollutant in the US. This holds true for Idaho as well. However, in much of rural Idaho, water concerns center not only on sedimentation, but also on elevated water temperatures and nutrient overloading. In developed areas, concerns may focus on

fecal coliform bacteria, oil and grease, and dissolved oxygen. In industrial areas, heavy metals such as lead, zinc, and copper, or organic chemicals such as benzene, naphthalene, or chloroform may be at the top of the list.

In general, watersheds are subject to two broad categories of pollution: point and non-point source. Point source is usually associated with industrial discharges, municipal waste treatment facilities, and animal feed lots. The effects can be directly traced to a particular source or facility. Non-point source is more difficult to identify. It includes, among other things, the cumulative effects of fertilizers and pesticides that farmers and homeowners may use, oil carelessly poured down storm drains, and various land use practices including urban development, agriculture, and forestry.

More than twenty-five years after the passage of the CWA, about 40 percent of the nation’s waters are still unfit for fishing and swimming. In the last five years alone, fish consumption advisories (the amount of fish one should eat over a given period of time) have increased by 72 percent. States were given a decade to make their waters fishable and swimmable. Some made remarkable improvements, but most have not.

Recently, environmental groups began demanding results on the TMDL portion of the CWA. Many states missed deadlines for publishing their 303d lists (the list that states submit to the EPA every 2 years containing names of impaired water bodies) and environmental groups decided nothing would happen without judicial intervention. The state of

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Georgia got so far behind in its water quality programs that a lawsuit was filed against its water resource agency and the EPA. In 1996, a decision was handed down requiring Georgia to begin a comprehensive clean up. The state is now about 6 years into an eight-year program to assess water quality of every water body in the state, and must begin cleanup by 2003. If the state cannot complete the program, the EPA will step in.

Georgia became a test case that kicked off additional lawsuits. These other lawsuits have been waged against states by a combination of environmental groups and local grassroots activists to force states to address TMDL's and other water quality issues. The EPA itself has also been sued in many states (including Idaho) for failing to enforce the CWA. For the first time, the agency required all states to submit their polluted waters list (303d) in April 1998. All states and territories submitted the lists and the results revealed that approximately 21,000 water bodies were impaired and about 40,000 TMDL's were needed.

Nationally, the EPA published a final rule in July 2000 regarding the TMDL process. That rule consisted of nine final regulations that amended and clarified existing regulations implementing section 303(d) of the CWA. The rule also laid out specific time frames under which EPA will assure that lists of water bodies not meeting water quality standards and TMDL's are completed as scheduled, and the necessary National Pollutant Discharge Elimination Schedule (NPDES) permits are issued to implement TMDL's. The July 2000 rule generated considerable controversy, as expressed in letters, testimony, public meetings, Congressional action, and litigation. Congress prohibited EPA from implementing the final rule through a spending prohibition attached to the Military Construction Appropriations Act. This provision prohibited EPA from using funds made available for fiscal years 2000 and 2001 to make a final determination on, or implement the July 2000 TMDL rule. The spending prohibition was scheduled to expire on September 30, 2001, and the rule was to go into effect 30 days later on October 30, 2001. However,

on August 9, 2001, the EPA proposed an 18-month delay in the July 2000 rule. A delay of the effective date would allow the Agency to consider suggestions on how to structure the TMDL program to be effective and flexible and to ensure that it leads to workable solutions that will meet the CWA goals of restoring impaired waters. EPA also believes that voluntarily reconsidering the July 2000 rule may result in revisions that would resolve some of the issues raised in pending litigation. Instead of expending resources in lengthy litigation, EPA believes it can speed up the process of putting into place a more workable program while building a trust among stakeholders in the basic process for restoring impaired waters. EPA is proposing to revise the next date for submitting 303(d) lists of impaired waters from April 1, 2002, to October 1, 2002. This delay is intended to provide EPA time to issue guidance incorporating the National Research Councils recommendations regarding the methodology used to develop the list and content of the list, which is currently under the auspices of Watershed Advisory Groups (WAGs) and Basin Advisory Groups (BAGs).

To view Idaho's TMDL schedule, visit the following web address: http://ww2.state.id.us/deq/water/tmdlschd_97.htm. This list contains the TMDL completion schedule by year and region for each impaired water body.

For an overview of the EPA TMDL program and regulations, visit the following web address: <http://www.epa.gov/owow/tmdl/>. For a current list of pending TMDL litigation on a state-by-state basis, visit the following web address: <http://www.epa.gov/owow/tmdl/lawsuit1.htm>

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