

Part I – Agency Profile

Agency Overview

The Idaho Department of Environmental Quality (DEQ) was established by the Environmental Protection and Health Act, Chapter 1, Title 39, of the Idaho Code, to protect human health and the environment. As the state's environmental regulatory agency, DEQ is responsible for implementing and enforcing delegated federal programs under the Clean Air, Clean Water, Safe Drinking Water, and the Resource Conservation and Recovery Acts, as well as many state environmental laws and rules. This regulatory responsibility covers a broad range of activities to ensure Idaho's air, water, and land, and the health of Idaho citizens are protected from the adverse impacts of pollution.

The Environmental Protection and Health Act, Chapter 1, Title 39, of the Idaho Code also established the Board of Environmental Quality. The board is the administrative body that makes decisions on rules proposed by the department that are necessary and feasible to carry out provisions of this act and to enforce the environmental laws of the state. DEQ drafts rules with the assistance of the Office of the Attorney General, following a negotiated rulemaking process that involves interested stakeholders. Rules may be adopted, amended, or repealed by the board. All administrative rules adopted by the Board are subject to legislative review. The board also functions as the agency's administrative appeals board. Decisions of the agency can be appealed to the board which may choose to hear the case or designate a hearing officer. Final determinations of the board are subject to judicial review.

Overall, DEQ's primary activities to protect human health and the environment involve monitoring, permitting, conducting inspections, performing remediation, and providing a wide range of oversight, technical assistance and outreach.

- Environmental monitoring is performed to assess conditions and ensure health-based standards are met.
- Permits are issued to facilities that manage wastes or release pollutants in order to limit the amounts to safe levels.
- Inspections of pollution sources and response to complaints are performed to ensure compliance with environmental regulations and standards. When necessary, enforcement action is taken.
- Oversight can include many different projects such as cleanups, pollution reduction, and drinking water and wastewater infrastructure improvements.
- Finally, technical support, outreach, and education are provided to facilitate compliance with environmental requirements for air quality, water quality, and waste management.

DEQ works closely and collaboratively with a wide range of public and private partners, including the legislature; the Board of Environmental Quality; federal and state agencies; city, county and tribal governments; businesses; community organizations; and citizens. These partnerships are critical to accomplishing the agency's environmental and human health protection mission.

The agency headquarters in Boise is organized into five divisions that focus on developing and administering programs and policies, providing technical support to the programs and regions and providing agency-wide administrative support. The Divisions are: Air Quality, Water Quality, Waste Management and Remediation, Technical Services and Environmental Management and Information.

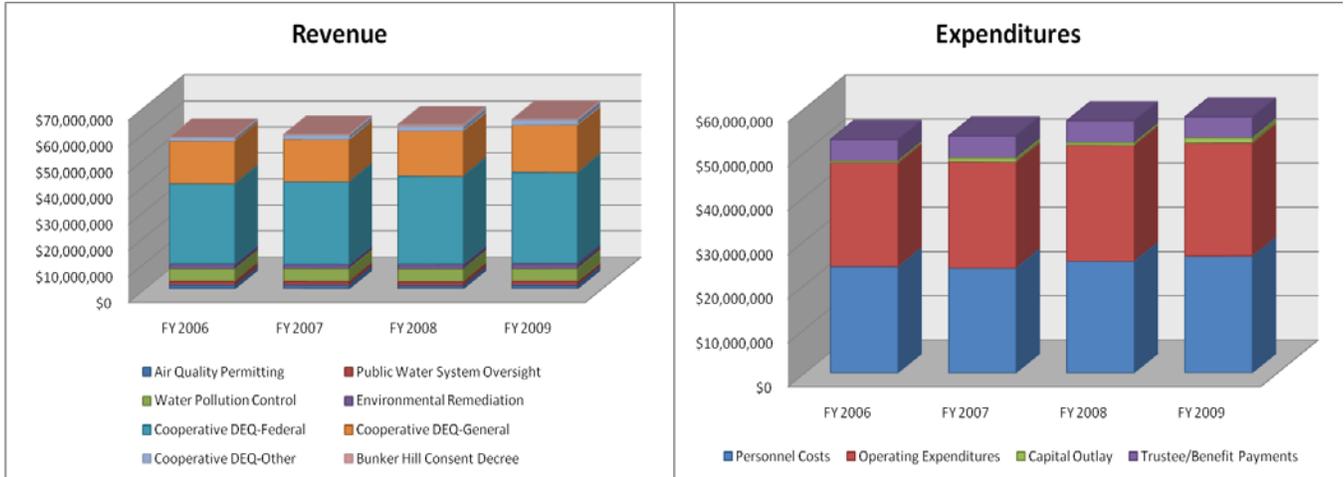
The day-to-day, on-the-ground services of the agency are provided locally by six regional offices located in Coeur d'Alene, Lewiston, Boise, Twin Falls, Pocatello and Idaho Falls. DEQ also has three small satellite offices located in Kellogg, Grangeville and McCall. The regions and satellite offices are charged with implementing agency programs and policies and providing direct services to citizens, communities, businesses, and industries.

Core Functions/Idaho Code

- **Air Quality:** DEQ assures compliance with federal and state health-based air quality standards by collecting air quality information, monitoring, developing and issuing permits, and coordinating air quality improvement efforts among communities, citizen groups, businesses, industries, other state agencies, tribes, and the U.S. Environmental Protection Agency (Title 39, Chapter 1, Idaho Code, and the Clean Air Act).
- **Water Quality:** DEQ protects the surface and ground waters of the state to support beneficial uses and provide safe drinking water supplies by setting standards, certifying project compliance with standards, monitoring, reporting on quality, developing and implementing improvement plans, issuing wastewater re-use permits, and providing grants and loans for constructing drinking water and wastewater treatment facilities (Title 39, Chapters 1, 36, 64, 66, 76, Idaho Code; title 37, chapter 21, Idaho Code; and the Clean Water Act).
- **Waste Management and Remediation:** DEQ ensures management and disposal of waste generated in or entering Idaho in a manner protective of human health and the environment. DEQ responds to releases of hazardous substances to surface waters, ground waters, or soils and conducts, oversees, and negotiates cleanups of contaminated sites. DEQ works with communities to rehabilitate contaminated sites to return them to safe and developable condition (Title 39, Chapters 1, 44, 58, 65, 71, 74, 81, Idaho Code; Resource Conservation and Recovery Act; and the Comprehensive Environmental Response, Compensation and Liability Act).
- **INL Oversight:** DEQ oversees activities at the Idaho National Laboratory (INL) to ensure compliance with legal agreements for waste treatment, remediation and removal and compliance with applicable environmental regulations. DEQ maintains an independent environmental monitoring program designed to verify and supplement monitoring programs carried out by the INL. Working with other state agencies, DEQ assists local governments statewide in planning and responding to emergencies involving radiological materials. DEQ routinely keeps the public informed about INL activities impacting Idaho's environment (Title 39, Chapter 1, Idaho Code).

Revenues and Expenditures

Revenues	FY 2006	FY 2007	FY 2008	FY 2009
Air Quality Permitting	\$1,379,768	\$1,468,356	\$1,248,862	\$1,339,572
Public Water System Oversight	\$1,511,992	\$1,396,440	\$1,451,285	\$1,581,431
Water Pollution Control	\$4,840,390	\$4,865,609	\$4,875,022	\$4,845,733
Environmental Remediation	\$1,957,080	\$1,771,572	\$2,036,566	\$1,937,976
Cooperative DEQ-Federal	\$30,800,981	\$31,724,600	\$33,707,871	\$35,123,091
Cooperative DEQ-General	\$16,242,200	\$16,247,000	\$17,402,600	\$18,178,700
Cooperative DEQ-Other	\$1,454,067	\$1,604,831	\$1,635,900	\$1,936,115
Bunker Hill Consent Decree	\$65,671	\$266,046	\$763,949	\$191,267
Total	\$58,252,149	\$59,344,454	\$63,122,055	\$65,133,885
Expenditures	FY 2006	FY 2007	FY 2008	FY 2009
Personnel Costs	\$24,100,940	\$23,722,000	\$25,239,700	\$26,495,600
Operating Expenditures	\$23,426,860	\$23,996,700	\$26,217,800	\$25,509,600
Capital Outlay	\$437,199	\$874,800	\$636,800	\$1,166,300
Trustee/Benefit Payments	\$4,891,254	\$5,100,100	\$5,001,400	\$4,803,300
Total	\$52,856,253	\$53,693,600	\$57,095,700	\$57,974,800



Profile of Key DEQ Services Provided

The following table summarizes some of the key services DEQ provides to communities, businesses, industries, and the citizens of Idaho.

Key DEQ Services Provided	FY 2006	FY 2007	FY 2008	FY 2009
Air Quality Division				
Air Quality Permits to Construct Issued	67	87	60	52
Air Quality Tier I (Title V) Permits Issued	17	25	24	23
Air Quality Tier 2 Permits Issued	11	10	17	19
Air Inspections and Evaluations Conducted	150	133	136	143
Water Quality Division				
Wastewater Grant \$ Awarded	187,573	457,234	304,775	161,405
Drinking Water Grant \$ Awarded	201,612	158,471	180,451	187,580
401/404 Water Quality Certifications Issued	765	576	607	311
Wastewater Reuse Permits Issued	14	12	20	30
Total Wastewater and Drinking Water Engineering Plan and Specification Reviews Completed	1100	1700	1931	1191
Nutrient Pathogen Studies Reviewed	107	129	110	22
Source Water Assessments Completed	52	55	53	41
Drinking Water Sanitary Surveys Completed	366	395	366	377
Active Nonpoint Source Projects Administered (previous calendar year)	51	60	67	70
Nonpoint Source Projects Completed (previous calendar year)	31	11	22	20
Waste and Remediation Division				
Completed LUST Cleanups	32	26	26	23
Underground Storage Tank Training and Inspections Completed	187	373	375	468
Hazardous Waste Inspections Conducted (regulatory and compliance assistance)	291	260	221	282
Phosphate Mine Sites Undergoing Investigation/Cleanup	8	8	22	24
Snake River Plain Environmental Samples Analyzed (for INL)	2,406	2,852	2,613	1,772

Performance Highlights

Air Quality Division

Crop Residue Burning (CRB)

An historic agreement was reached in 2008 that allows farmers to burn crop residue from fields under strict limitations designed to ensure public health is protected from the impacts of smoke. The agreement was negotiated among DEQ, the Idaho Department of Agriculture (ISDA), Safe Air for Everyone (SAFE), and agricultural stakeholders (growers). The principles of the agreement are to: 1) protect human health, especially among sensitive populations, 2) maintain burning as a tool for growers, 3) ensure burning is conducted using good techniques and under optimal atmospheric conditions, and 4) make burning-related information readily available to the public. The CRB program was designed and enacted into law during the 2008 legislative session (Idaho Code §39-114); and responsibility for oversight was transferred from ISDA to DEQ. Promulgation of rules (IDAPA 58.01.01) immediately followed, with program approval by EPA and full implementation in the fall 2008 burn season.

The new program is more protective of public health than previous smoke management programs and prohibits field burning when air quality levels exceed or are expected to exceed 75 percent of any National Ambient Air Quality Standard (NAAQS). Farmers wishing to burn must register their fields, obtain a permit, pay a fee based upon the number of acres to be burned, and obtain approval from DEQ to burn on the proposed burn day. Before granting approval, DEQ must consider air quality conditions, number of acres to be burned, crop type, fuel characteristics, meteorological conditions, and proximity of the burn to institutions with sensitive populations, public roads, and airports. Information on burn locations, size, and type of field is accessible to the public on DEQ's Web site at www.deq.idaho.gov/crop_residue_burning.cfm

Implementation of the new program began in the fall of 2008 and continued through spring. This was a late start to the season resulting in fewer acres burned than normal. The exceptionally low incidence of wildfires minimized the compounding impacts from this additional source of smoke and contributed to a successful first year of the new CRB program. A total of 37,091 acres of agricultural crop residue were burned, representing 78% of the total acres registered and fees paid.

The legislation establishing the CRB program requires completion of an annual report. The 2008 Crop Residue Burning Program Annual Report can be accessed on DEQ's Web site and includes an analysis of program performance and recommendations for improvements. Overall, the first year of the program was considered a success by both agricultural and environmental interests. Recommendations for improvements in program implementation and DEQ processes have been identified in the report and reviewed with the newly established Crop Residue Advisory Committee. Plans to implement these improvements are in place for the 2009 burn season.

Air Monitoring Equipment Upgrades

In FY2009, DEQ received an appropriation of \$884,800 to improve air monitoring and data acquisition capabilities. DEQ purchased air quality monitoring equipment to enhance capability to monitor during air pollution emergencies and to update the ambient monitoring network and purchased computer software and services to implement a new data acquisition system.

The severe fire season during the summer of 2007 threatened several cities in Idaho and DEQ was asked to provide information to communities on the status of their air quality. Without monitors in these geographic locations, DEQ often had little-to-no data that could be provided to the communities to help make decisions regarding health and safety. DEQ purchased three new portable monitors, making a total of six monitors available for use in emergency situations. The monitors are equipped with satellite packs or telemetry systems which are able to update a publicly accessible Web site with hourly averaged PM_{2.5} concentrations anywhere in Idaho. The satellite packs are equipped with GIS transmitters that identify the specific location of the monitor, which can then be displayed on a map. These monitors are useful for determining short-term trends and impacts of fine particulates caused by smoke. DEQ has successfully tested the monitors and telemetry and will maintain these monitoring systems in a state of readiness to deploy to areas impacted by smoke from fires. The Web site will also provide other air quality information, such as the current Air Quality Index, updated on an hourly basis.

During FY2009, DEQ replaced 23 field monitors with new equipment; six monitors are used for determining compliance with the PM_{2.5} NAAQS, five are for determining compliance with the PM₁₀ NAAQS, and 12 are continuous PM_{2.5} monitors used for forecasting air quality and for assessing air quality in real-time. One of the continuous PM_{2.5} monitors was purchased and deployed to a new location in Ketchum, an area that was severely impacted during the 2007 fire season.

In addition to equipment replacement, DEQ is also in the process of replacing its ambient air monitoring data acquisition system (DAS). The new DAS will greatly increase efficiency and reliability of acquiring real-time data, improve data management, storage and retrieval, and provide greater public access to real-time and archived ambient air quality data. Implementation of the new DAS is expected to be completed by 2010.

Treasure Valley Air Quality

The Treasure Valley continues to face the potential of becoming out of compliance or in "nonattainment" with federal air quality health-based standards for ground level ozone. Two factors play an important role in this risk. First, the Treasure Valley is expected to continue to grow at a robust pace through 2030. With this growth, air quality challenges will continue to mount as development, the number of vehicles, and emissions increase. Secondly, the U.S. Environmental Protection Agency (EPA) issued a new and lower standard for ozone (from 0.08 ppm to 0.075 ppm) in 2007. This new standard has brought the Treasure Valley even closer to the nonattainment threshold. As of the end of the 2008 ozone monitoring season (May-Sept.), the Treasure Valley averaged 0.075 ppm for ozone, based on a rolling 3-year average of the 4th highest annual daily maximum 8-hour average, which is right at the standard.

If the ozone standard is exceeded, EPA must designate the Treasure Valley as a "nonattainment" area. The result of this designation would be a federally mandated action to develop and implement a plan to return the area to compliance with the ozone standard.

During FY2009 DEQ worked intensively with the local community, governments and the Treasure Valley Air Quality Council to take proactive steps to address the ozone problem. DEQ undertook rulemaking requiring installation of Stage 1 vapor recovery at existing Treasure Valley gasoline service stations. This technology captures vapors containing volatile organic compounds (VOCs), which are precursors to ozone, from tanker trucks off-loading fuel at service stations. Installation of Stage 1 vapor recovery at all retail gas stations is estimated to result in the reduction of VOC emissions by over 1,079 tons per year, which constitutes a 97% reduction for this source. The temporary rule is now in effect and requires that all existing stations be retrofitted by May 2010.

In the meantime, DEQ developed an incentive program for gas stations to install Stage I Vapor recovery, prior to the 2009 summer ozone season. With the help of the Community Planning Association of Southwest Idaho (COMPASS) and the Idaho Transportation Department, DEQ has been able to subsidize 50% of the eligible tank retrofits (up to a maximum total of \$5,000 per tank), helping to offset the cost to station owners and expedite retrofitting these tanks. DEQ is contacting all individual tank owners and encouraging them to take advantage of the incentive program as quickly as possible.

DEQ also partnered with Boise State University's small business consulting group and the Valley Regional Transit to educate businesses about reducing VOCs and nitrogen oxides. Encouraging the use of alternative transportation by employees is one way to help achieve this reduction. DEQ has also co-hosted ozone outreach events with Canyon and Ada County and area cities to educate local businesses on what they can do to reduce emissions.

Finally, the legislature passed a statute in 2009 requiring the Treasure Valley to either implement vehicle emission testing or develop an alternative vehicle emissions reduction plan that would result in an equal reduction of emissions. DEQ performed an analysis and identified the counties and cities in the Treasure Valley that would most benefit from a vehicle emissions testing program. Only Canyon and Ada counties are required to implement a plan. Ada County already has a vehicle emissions testing program in place and intends to modify it to match the statute. Canyon County and all incorporated cities within Ada and Canyon counties have until late-August 2009 to identify to DEQ which option they will choose. DEQ will evaluate any vehicle emission reduction plans submitted, make a determination of their effectiveness, and if not adequate, implement an emission testing program as required by the statute.

All of the above initiatives have been undertaken to prevent exceedances of health-based ozone standards to protect the health of valley citizens and ensure the continued economic vitality of the region. They have also been undertaken to maintain local control over air quality management decisions and prevent federal EPA action to address ozone.

Water Quality Division

Drinking Water and Wastewater Infrastructure Improvements

The DEQ Drinking Water Planning Grant Program provides assistance to eligible public drinking water systems for facility planning projects designed to ensure safe and adequate supplies of drinking water. In FY 2009, DEQ awarded \$187,580 in drinking water planning grants to communities and water districts.

The DEQ Drinking Water Revolving Loan Fund provides below-market-rate interest loans to help repair or build new drinking water facilities. The cumulative total of drinking water loans awarded in the history of the program through FY2009 by DEQ is \$131,142,776.

The DEQ Wastewater Planning Grant Program provides financial assistance to eligible entities that are planning to upgrade public wastewater facilities. In FY2009, DEQ awarded \$161,405 in wastewater planning grants.

The Water Pollution Control State Revolving Loan Fund provides below-market-rate interest loans to help build new or repair existing wastewater treatment facilities. The cumulative total of wastewater loans awarded in the history of the program through FY2009 by DEQ is \$331,049,210.

DEQ enters into funding assistance agreements with the goals of protecting public health and ensuring water quality. The city of Filer is a good example of a typical loan. The primary reason for making this loan was to enable the city to replace aging collection lines and to upgrade its wastewater treatment process. The loan will save the city approximately \$1.1 million in loan costs, compared to a conventional municipal bond obligation.

Drinking Water System Success Stories

Central Shoshone County Water District Finds Affordable Option for Providing Safe Drinking Water - After working with DEQ for over 15 years to find an affordable solution for a safe drinking water supply, ground was broken in June 2009 on a state-of-the-art membrane filtration water treatment plant to serve the Central Shoshone County Water District. The district's well, located on the bank of the Coeur d'Alene River, was repeatedly inundated by flood waters during spring runoff, requiring DEQ to issue boil water advisories to the district's 5,000 residents. The district serves the communities of Kellogg, Smeltonville, Osburn, Wardner, and Page in the Silver Valley. The district received financing from the State Drinking Water Revolving Loan Fund and also received federal stimulus funding, which allowed a high percentage of loan forgiveness. The loan forgiveness was key to making water rates affordable for the many low income residents served by the district. The \$14,000,000 treatment plant is slated for completion in 2010 and will provide the communities with a safe and reliable water supply year round and help the economy continue to grow in Shoshone County.

Desert View Estates Mitigates Uranium - Over 600 residents in the Desert View Estates Subdivision, located just outside of Kuna, will soon be receiving water that meets all health standards after a five year, and \$1.4 million project. Shortly after the updated radionuclides rule came into effect in 2004, which established a maximum contaminant level for uranium in drinking water, Desert View Estates found that all three of their drinking water wells exceeded the allowable levels. DEQ worked closely with the Division of Public Health in completing a consultation to evaluate potential health effects of uranium and with the system to notify their customers of the risks. The system entered into a consent order with DEQ and began working on a solution that involved drilling a new well, constructing a new storage tank and completely separating irrigation use from potable use. Funding for this \$1.4 million project was obtained through DEQ's State Revolving Loan Fund beginning in 2007. All improvements have been completed for the system, and testing of the new source indicates no issues with uranium. Connection to the new well is scheduled to be completed between September and December of 2009.

Public Water System Switchboard Now Available

DEQ has added more online information for Idaho's public drinking water systems. "The Public Water System Switchboard" (located at www.deq.idaho.gov/Applications/SDWISReports/pws_index.cfm) provides quick links to state and federal rules, monitoring schedules, plans and specifications, public notification templates, sanitary

survey forms, drinking water system classification requirements, operator licensing, and other useful operator information.

The Switchboard has proven to be an excellent source of information for owners, operators and customers of public water systems. It has reduced information requests to DEQ employees and is very user friendly. It is an excellent example of a process improvement that saves time and effort for everyone.

Ground Water Quality Rule

A two-year long negotiated rulemaking to revise portions of the Ground Water Quality Rule associated with mining activities was approved by the legislature and became effective July 1, 2009. The new rule developed a process for setting the point(s) of compliance for ground water quality related to mining areas and associated activities. Definitions were also added to the rule to improve statewide consistency with interpretation and implementation of mining provisions of the Ground Water Quality Rule. The mining industry, conservation groups, environmental groups, state and federal land management agencies, and concerned citizens actively participated in the negotiations and commented on the rule.

Federal Energy Regulatory Commission (FERC) Relicensing

Cabinet Gorge Hydroelectric Project on the Clark Fork River - One of the conditions of the 2001 FERC license for the Avista Cabinet Gorge Hydroelectric Project on the Clark Fork River was completion and implementation of a Gas Supersaturation Control Plan (GSCP) to address compliance with water quality standards for total dissolved gas (TDG). This plan was completed as scheduled but the predicted performance of the structural modifications proposed for the dam was determined insufficient to address the total dissolved gas issue. In FY2009, the GSCP was revised and approved by the project Management Advisory Committee. It was also approved by U.S. Fish and Wildlife Service, as required under the Endangered Species Act; however, concerns raised by the Kalispell Tribe are pending resolution. The revised plan contains a suite of structural options for reducing TDG that can be implemented incrementally, concurrent with mitigation requirements that continue until structural measures prove effective in addressing the TDG issue. Mitigation work, which Avista is responsible for funding, is designed to address fisheries and water quality impacts from TDG.

Post Falls Hydroelectric Project on the Spokane River - The FERC license for the Avista Post Falls Hydroelectric Project was issued in late-June 2009. This action triggered implementation of the settlement agreement the state of Idaho entered into with Avista that outlined actions needed to comply with DEQ's water quality certification. The agreement contains water quality monitoring and mitigation requirements and associated funding commitments that Avista must meet over the 50-year life of the FERC license. The settlement agreement for the Spokane River FERC license will be managed and implemented in concert with implementation of the recently finalized Coeur d'Alene Lake Management Plan (LMP), thereby supplementing state funding appropriated for the LMP.

Clark Fork and Lake Pend Oreille Monitoring

DEQ has monitored water quality in the lower Clark Fork River in conjunction with the Tri-States Water Quality Council since 2004. During FY2009, DEQ continued monitoring the lower Clark Fork River for background water quality in anticipation of the Rock Creek mine coming into production in Montana. This data will facilitate identifying future impacts to water quality in Idaho from the planned mining activity. DEQ has also monitored Lake Pend Oreille and the Pend Oreille River to track changes in near-shore water quality conditions resulting from implementing projects necessary to meet the nutrient water quality improvement plan (Total Maximum Daily Load, TMDL) that is in place for Lake Pend Oreille. Monitoring of these important waters will continue in FY2010 using one-time federal American Recovery and Reinvestment Act funds. This additional monitoring data will also facilitate development of a loading analysis for nutrients in the Pend Oreille River.

Mercury Monitoring

In 2008, DEQ completed the second year of a two-year study of mercury, arsenic, and selenium concentrations in fish and water from Idaho's major rivers. It was found that 8 of the 40 (20%) river sites sampled in 2006 and 2008 had fish with a mercury concentration greater than 0.3 mg/kg, Idaho's human health criterion. From this subset of river sites sampled, DEQ was able to estimate that 15% (95% confidence bounds of 9% to 23%) of the major river miles in Idaho have game fish with mercury above the human health criterion. Of the 76 composite fish samples obtained from the 40 sites, 8 (11%) had more than 0.3 mg/kg of mercury. One of 35 water samples exceeded EPA's water column criterion for total mercury of 12 ng/l by nearly ten-fold. All other sites were less than 2 ng/l.

Upon re-sampling, the high site was found to have mercury levels at less than one-half the criterion. The high result is thought to be an anomaly due to high turbidity and mercury attached to suspended sediment.

In 2007, DEQ completed a study of mercury, arsenic, and selenium in fish from a subset of lakes and reservoirs across Idaho to compliment the river study. The 2007 work found that 20 of the 50 (40%) lakes/reservoirs sampled had an average mercury concentration in fish greater than 0.3 mg/kg, Idaho's human health criterion. In addition, 26 of the 89 (30%) composite samples of fish obtained were above this criterion. From this subset of lakes/reservoirs sampled, DEQ estimated that 29% of lakes/reservoirs in Idaho have fish with an average mercury concentration above the human health criterion. As expected, older and larger fish and fish that eat other fish, particularly bass and walleye, had higher mercury concentrations. No water was sampled in the 2007 study.

Water quality and fish monitoring for mercury was part of a multi-agency and multimedia concern for environmental and health affects of mercury. The origin of this concern began over air emissions from mining operations in Nevada. While preliminary and narrow in scope, these data confirm additional Idaho water bodies are impaired by mercury and, therefore, will need to be added to the state's 303(d) list. Decisions will need to be made about the best approach for completing a water quality improvement plan (TMDL) to restore these waters - a statewide or individual water body approach. EPA provided funding for this initial monitoring effort which will need to be expanded in order to complete the required TMDL(s).

Coeur d'Alene Lake Management Plan

In FY2009, after six years and three attempts, DEQ and the Coeur d'Alene Tribe finalized the Coeur d'Alene Lake Management Plan. The final plan was submitted to EPA under the signatures of Governor Otter and Chairman Allen, consistent with the 2002 EPA Superfund Record of Decision for the Coeur d'Alene Basin. EPA has acknowledged the LMP can prove to be an effective alternative to a superfund remedy for the lake, if effectively implemented.

During 2009 the legislature appropriated \$332,500 and 1.5 additional positions for implementing the LMP core program. This program consists of: 1) implementation coordination with all stakeholders, 2) ongoing monitoring and modeling to track and predict water quality conditions, 3) completion of a nutrient inventory to identify and prioritize the reduction of significant sources and 4) education and outreach to inform and empower citizen stewardship. The legislative intent included with this appropriation instructed DEQ to pursue other funding to supplement the state appropriation for implementing the LMP. DEQ worked with the Panhandle Area Council and submitted a grant application to the Economic Development Administration for additional funds. A decision on the application is expected in September 2009.

DEQ and the Tribe are coordinating LMP implementation activities with the Basin Environmental Improvement Project Commission (BEIPC), the counties (Shoshone, Kootenai and Benewah) and other key partners identified in the plan.

Waste Management and Remediation Division

Brownfield Response Program

Since its inception in late-2003, the DEQ Brownfield Response Program has been involved in 129 environmental assessments at 78 properties in Idaho. These environmental assessments have removed the stigma of contamination from 33 properties without the need for further investigation or cleanup. These 33 properties, which consist of 200 acres collectively, are now ready for or engaged in redevelopment without any land use restrictions. To date, the DEQ Brownfield Response Program has helped Idaho entities obtain nearly \$7,250,000 of federally funded brownfield assessment and cleanup grants. Implementation of these grants leads to direct and measurable economic development for Idaho communities and protects human health and the environment.

In 2009, DEQ completed 18 Brownfield assessments and worked with 16 communities to obtain funding and complete further investigation and cleanup. So far these efforts have resulted in the return of 3 properties consisting of 13 acres to safe and developable condition.

Coeur d'Alene Basin Remediation Program Update

In the 2008 construction season (which spanned parts of fiscal years 2008 and 2009), the Basin Yard Program remediated 524 residential and commercial properties in the Silver Valley. These properties covered over 57 acres, and a total of 68,616 cubic yards of contaminated soil were removed and hauled to a repository.

Idaho National Laboratory (INL) Cleanup Plan for Buried Waste

On July 1, 2008, the state of Idaho and the U.S. Department of Energy (DOE) finalized an agreement (*Agreement to Implement U.S. District Court Order dated May 25, 2006*) establishing a cleanup plan for targeted waste at the INL. The agreement requires DOE to remove targeted waste buried within a designated 5.69 acres of the Subsurface Disposal Area (SDA) at the INL and ship it to a secure facility out of Idaho. Compliance with the agreement is measured by DOE shipping at least 7,485 cubic meters of targeted waste out of state. To date, targeted waste has been removed from over an acre of the SDA, with 3,256 cubic meters packaged and either shipped from Idaho or readied for shipment.

Work by DOE continued during FY2009 on removal and shipping of Transuranic Waste to the Waste Isolation Pilot Plant in New Mexico. DOE has exceeded its required running average of 2,000 cubic meters per year and is approximately two years ahead of schedule to remove Transuranic Waste from Idaho by December 31, 2018.

Part II – Performance Measures

Since FY2007, DEQ has been using the same eight benchmark performance measures to track and report annual progress in meeting the overall agency goal of protecting human health and the environment. Each performance measure is defined below and includes a description of refinements that have been made to improve consistency and relevance of the measure.

Air Quality Index “Good” or “Moderate” 98% of days. The Air Quality Index is a tool to help citizens understand the severity of air pollution and potential health implications so they can take steps to protect their health and reduce their contribution to air pollution. The index is calculated using actual monitoring data compared to health-based standards. It is reported daily in selected cities on a scale of increasing pollution and health concerns, according to the following six categories: good, moderate, unhealthy for sensitive groups, unhealthy, very unhealthy, and hazardous.

Air quality permits to construct issued, on average, in 99 days. DEQ recognizes the importance of issuing timely permits to construct (PTCs) so facilities that require permits can plan and make strategic business decisions. State statute requires permits to construct to be issued within 120 days (benchmark measure for FY2006, FY2007 and FY2008). DEQ streamlined its permitting process in 2007 and now tracks the amount of time it takes to issue a permit to construct on a two-year, monthly rolling average. The new benchmark measure for issuing PTCs for FY2009 is, on average, in 99 days.

Hazardous waste permits and reviews. Permits and reviews associated with hazardous wastes are completed annually according to established schedules. Timeframes are established from a variety of sources, including federal regulations, project schedules, construction seasons, and company requests.

Brownfields site assessments. A brownfields site is a vacant or underutilized property where redevelopment or reuse is complicated by actual or perceived environmental contamination. Site assessments are completed when a lack of environmental information is complicating site redevelopment or reuse, which can minimize public health risks and contribute to the community's economic vitality.

Monitoring of Idaho National Laboratory conditions. Continuous air quality monitors and real-time radiation monitors on and around the Idaho National Laboratory must be operational 97% or more of the time to track environmental conditions.

Total Maximum Daily Loads (TMDLs). DEQ is required to complete Total Maximum Daily Loads (TMDLs), or water quality improvement plans, for water bodies that are not meeting water quality

standards or supporting beneficial uses. TMDLs are completed for streams/ivers based on the number of assessment units they contain and the number of individual pollutants that are impairing water quality. Idaho's streams and rivers have been categorized into 5,200 assessment units based on Hydrologic Catalogue Units (watersheds) and stream order. These units encompass approximately 92,000 miles of streams and rivers. As an example, if a stream is made up of 3 assessment units and has 4 pollutants identified as impairing water quality, 12 assessment unit/pollutant combination TMDLs would be needed for that stream.

Reviews of drinking water and wastewater engineering plans and specifications. In 2005, the legislature established a 42-day timeframe for DEQ to review and act on engineering plans and specifications. This established a reasonable window to complete thorough evaluations while at the same time being responsive to business planning needs.

Regulating community water systems to provide safe drinking water. The total population of Idaho is 1,523,817. Idaho has 752 community water systems, serving a total of 1,062,060 people. Rigorous monitoring requirements for community water systems must be met to ensure safe drinking water is provided and public health is protected.

DEQ's annual performance on these eight benchmark performance measures is shown in the table below. Targets for 2010 are also shown.

Performance Measures	FY 2006*	FY 2007	FY 2008	FY 2009	Benchmarks 2010
1) Percentage of days as measured by the Air Quality Index that air is in the "good" or "moderate" category.	99.9%	A: 98% B: 95%	A: 99.5% B: 95%	A: 99.7 % B: 98%	98%
2) Permits to construct issued within established timeframes (see definition).	57%	A: 77% B: 80%	A: 88% B: 80%	A: 113 days B: 99 days	99 days
3) Percentage of time-critical or scheduled hazardous waste permits and/or reviews completed within established timeframes.	100%	A: 100% B: 100%	A: 100% B: 100%	A: 100% B: 100%	100%
4) Number of brownfields site assessments completed.	11	A: 22 B: 15	A: 20 B: 17	A: 18 B: 17	10
5) Percentage of time that continuous air monitoring stations and real-time radiation monitoring stations are operational to monitor INL conditions.	99.1%	A: 98% B: 90%	A: 98.5% B: 97%	A: 98% B: 97%	97%
6) Number of TMDLs completed for assessment unit/pollutant combinations.		**	A: 230 B: 660	A: 119 B: 342	283
7) Percentage of drinking water and wastewater plan and specification reviews completed within 42 days of receipt.	72%	A: 82.5% B: 80%	A: 88.7% B: 85%	A: 93% B: 100%	100%
8) Percentage of person months that people on Community Water Systems were served drinking water that meets health-based standards.	98.9%	A: 94.8% B: 92%	A: 88.2% B: 92%	A: 93.5% B: 90%	90%

*The State Planning and Coordination statute (Idaho Code 67-1901 to 67-1904) requiring establishment of benchmark performance measures and annual performance reporting by state agencies was passed by the

legislature in 2006. The first fiscal year this requirement took effect was 2007. Prior to 2007, the agency only reported actual performance accomplishments.

**In 2008 the method for counting completed TMDLs was changed to be consistent with EPA reporting requirements. Comparisons to previous years, therefore, cannot be made.

A = Actual Performance

B = Benchmark Performance (Target)

Performance Analysis

Looking back over the last four years, actual agency performance has met or exceeded established benchmarks for the majority of measures. Some benchmark measures (targets) have been increased from year to year where process improvements and changes in resource allocations have produced efficiencies and increased the agency's capability to commit to a higher level of performance. Examples of this include upgrading and expanding air quality monitoring (AQI measure), permit streamlining (PTC measure), and increasing resource allocation and improving processes for engineering plan and specification reviews (P & S measure).

Areas where performance has not met benchmarks from year to year or targets have been lowered are a result of several different factors. The number of brownfield assessments completed in any given year is tied to the availability of federal funding. The decrease in the TMDL benchmark measure from 2008 to 2009 is a result of the increased focus on other TMDL program components including mandated 5-year TMDL reviews and completion of the bi-annual integrated report. The reduction in number of TMDLs completed in FY2009 is a result of staff turnover and increased coordination efforts with local watershed advisory groups. The more complex and difficult TMDLs are also in progress now, as we approach the end of the judicially mandated schedule.

The decrease in percentage of people served safe drinking water in 2008 is a result of changes to the federal drinking water standards that were made in 2006, coupled with a data error that overestimated the number of people exposed to arsenic for the entire year. The federal drinking water standard for arsenic was lowered from 50ppb to 10ppb. A single violation, even for a short period, at one large water system significantly decreased statewide compliance percentages for the entire year and overestimated the actual exposure hazard.

The percentage of people receiving safe drinking water increased in 2009 due to a number of factors. The major component of the improvement in this measure was due to correction of a 2008 data error. A smaller component of this increase was a change in the way that some of the data points are calculated. The new calculation method is based on the duration of the exposure to contaminants and more accurately reflects the quality of drinking water being served. Because this measure is based on a new calculation, it is not directly comparable to prior years.

The above benchmark performance measures will continue to be representative of the agency's progress toward achieving the overall goal of protecting human health and the environment in 2010. Like all state agencies, DEQ has refined its focus for 2010 due to the economic challenges of the times. While some programs and functions have been reduced or eliminated, the agency can continue to fulfill its mandates and deliver core services as reflected in these benchmark performance measures.

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