

Revisions to Proposed Rule, Docket No. 58-0102-1502 (dated November 16, 2017)

The Board's November 16, 2017, adoption of the pending rule included revisions to Subsection 004.01. The revisions made to the proposed rule are highlighted. Only those sections of the rule containing revisions are included.

004. INCORPORATION BY REFERENCE.

Codes, standards and regulations may be incorporated by reference in these rules pursuant to Section 67-5229, Idaho Code. Such incorporation by reference shall constitute full adoption by reference, including any notes or appendices therein, unless expressly provided otherwise in these rules. Copies of the codes, standards or regulations adopted by reference throughout these rules are available in the following locations: (8-24-94)

01. ~~Department Guidance and Technical Support Documents~~ Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706-1255, www.deq.idaho.gov; ~~and~~ (4-5-00)()

~~02. Law Library. State Law Library, 451 W. State Street, Boise, Idaho 83720. (7-1-93)~~

032. ~~Federal Documents~~ Code of Federal Regulations. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, www.ecfr.gov, and State Law Library, 451 W. State Street, Boise, Idaho 83720. (4-11-06)()

(BREAK IN CONTINUITY OF SECTIONS)

210. NUMERIC CRITERIA FOR TOXIC SUBSTANCES FOR WATERS DESIGNATED FOR AQUATIC LIFE, RECREATION, OR DOMESTIC WATER SUPPLY USE.

03. Applicability. The criteria established in Section 210 are subject to the general rules of applicability in the same way and to the same extent as are the other numeric chemical criteria when applied to the same use classifications. Mixing zones may be applied to toxic substance criteria subject to the limitations set forth in Section 060 and set out below. (3-25-16)

c. Application of aquatic life metals criteria. (3-25-16)

~~v. Copper Criteria for Aquatic Life. ()~~

~~(1) Aquatic life criteria for copper shall be derived using: ()~~

~~(a) Biotic Ligand Model (BLM) software that calculates criteria consistent with the "Aquatic Life Ambient Freshwater Quality Criteria – Copper": EPA-822-R-07-001 (February 2007); or ()~~

~~(b) An estimate derived from BLM outputs that is based on a scientifically sound method and protective of the designated aquatic life use. ()~~

~~(2) To calculate copper criteria using the BLM, the following parameters from each site shall be used: temperature, pH, dissolved organic carbon (DOC), calcium, magnesium, sodium, potassium, sulfate, chloride, and alkalinity. The BLM inputs for humic acid (HA) as a proportion of DOC and sulfide shall be based on either measured values or the following default values: 10% HA as a proportion of DOC, 1.00 x 10⁻⁸ mg/L sulfide. Measured values shall supersede any estimate or default input. ()~~

~~(3) BLM input measurements shall be planned to capture the most bioavailable conditions for copper. ()~~

~~(4) A criterion derived using BLM software under Subsection 210.03.c.v.(1)(a) shall supersede any estimated criterion derived under Subsection 210.03.c.v.(1)(b). Acceptable BLM software includes the “US EPA WOC Calculation” for copper in BLM Version 3.1.2.37 (October 2015). ()~~

~~(5) Implementation Guidance for the Idaho Copper Criteria for Aquatic Life. The “Implementation Guidance for the Idaho Copper Criteria for Aquatic Life: Using the Biotic Ligand Model” describes in detail methods for implementing the aquatic life criteria for copper using the BLM. This guidance, or its updates, will provide assistance to the Department and the public for determining minimum data requirements for BLM inputs and how to estimate criteria when data are incomplete or unavailable. The “Implementation Guidance for the Idaho Copper Criteria for Aquatic Life: Using the Biotic Ligand Model” is available at the Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706, and on the DEQ website at www.deq.idaho.gov/58-0102-1502. ()~~

~~Subsection 210.03.c.v is not effective for CWA purposes until the date EPA issues written notification that the revisions adopted under Rule Docket No. 58-0102-1502 have been approved.~~