

Department of Environmental Quality

**Idaho Rules for Public Drinking Water Systems, 58.01.08
Docket No. 58-0108-1101**

Negotiated Rulemaking Summary

Two unresolved issues concerning the cross connection control program (Subsection 552.06) were raised during the negotiated rulemaking process.

The first unresolved issue involved determining the appropriate length of time allowed before a backflow assembly that had failed an annual test needed to be repaired, replaced, or isolated. Some commenters wanted an immediate repair or replacement since an assembly that cannot pass the annual test is deemed inadequate in protecting the potable system from contamination from backflow. Others felt that since most assemblies can be repaired, a specified time limit should be allowed in case the tester needed to order replacement parts. After consideration of comments received regarding this issue, DEQ concluded that a five business day limit is a reasonable period of time to repair or replace assemblies prior to isolation.

The second unresolved issue was raised in a written comment requesting DEQ to impose certain requirements on backflow assembly testers, such as time limits for turning in testing reports and other reporting issues. DEQ has no authority over backflow assembly testers and concluded that the issue would be more appropriately addressed by the Idaho Bureau of Occupational Licenses.

Key information considered by DEQ was provided by the public during the negotiated rulemaking process. Members of the public participated in the negotiated rulemaking process by attending the meetings and by submitting written comments. The negotiated rulemaking record, which includes the negotiated rule drafts, written public comments received, and documents distributed during the negotiated rulemaking process, is available at www.deq.idaho.gov/58-0108-1101.

The negotiated rule drafts contain revisions made based on oral comments received during the meetings and written comments submitted after each of the meetings. At the conclusion of the negotiated rulemaking process, DEQ formatted the final rule draft for publication as a proposed rule in the Idaho Administrative Bulletin.