

<p>Docket Number: <u>58-0108-0802</u> Effective Date: <u>2009 Sine die</u> Rules Title: <u>Idaho Rules for Public Drinking Water Systems</u> Agency Contact and Phone: <u>Tom John, 373-0191</u></p>	<p style="text-align: center;">Public Notice</p> <p>Hearings: [] Yes [X] No Locations and Dates: N/A Written Comment Deadline: September 3, 2008</p>
<p>Descriptive Summary of Rule as Initially Proposed: The U.S. Environmental Protection Agency (EPA) promulgated the Ground Water Rule on November 6, 2006. This is a national primary drinking water regulation. As a state that has primacy for administering the Safe Drinking Water Act, Idaho must adopt this rule within two years of promulgation by EPA.</p> <p>The Ground Water Rule is expected to provide greater protection against microbial pathogens in public water systems that use ground water sources. The rule attempts to target the subset of ground water systems that are at higher risk of fecal contamination by requiring regular sanitary surveys, establishing a flexible program for identifying higher risk systems through existing bacterial monitoring and state determinations, and providing for ground water source monitoring in systems that do not provide demonstrated virus inactivation through disinfection. The rule requires that deficiencies detected during sanitary surveys be corrected on a reasonable schedule. Systems that verify the presence of contamination in a ground water source must remove the source of contamination or provide disinfection treatment.</p> <p>As a primacy agency, the Department of Environmental Quality (DEQ) must adopt state rules that are no less stringent than the federal rule. Under direction from the Idaho Legislature, DEQ must adopt state rules that are no more stringent than the federal rule. To ensure that Idaho's rules will be neither more nor less stringent than the federal rule, this proposed rule incorporates the federal rule by reference. The federal rule contains certain special primacy requirements that provide limited flexibility to the state. The negotiated rulemaking conducted by DEQ was limited to consideration of how the special primacy requirements should be met. The proposed rule also includes corrections that are typographical and nonsubstantive in nature.</p> <p>One public comment was received. The proposed rule has not been revised. DEQ recommends that the Board adopt the rule, as presented in the final proposal, as a pending rule with the final effective date coinciding with the adjournment <i>sine die</i> of the First Regular Session of the Sixtieth Idaho Legislature. The rule is subject to review by the Legislature before becoming final and effective.</p>	<p>Negotiated Rule Making: [X] Yes [] No Groups Involved: Sign-in sheet attached On June 4, 2008, the Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, Vol. 08-6, pages 83-84, and a preliminary draft rule was made available for public review. One meeting was held on June 23, 2008. Members of the public participated in this negotiated rulemaking process by attending the meeting.</p> <p>Costs To the Agency: This rule requires DEQ to conduct sanitary surveys on an accelerated schedule, which will result in approximately 100 additional surveys per year beginning in 2012. This estimate of costs to the agency does not include follow-up actions and technical assistance to water systems that detect source water contamination since it is not possible to estimate the number of contaminated wells that will ultimately be revealed by monitoring required under this rule. These costs are incremental to existing workload associated with administration of the Safe Drinking Water Act. Costs are expressed in terms of work performed by a full time employee (FTE), which averages about 1750 hours per year after adjusting for holidays, vacation, and administrative activities. 100 Sanitary Surveys at 25 hours/survey = 2500 hours = ~1.4 FTE Costs To the Regulated Community: EPA estimates that the average annual household cost will range from \$0.21 to \$16.54 per year for systems that are not required to provide treatment or take other corrective actions. Annual household cost could range from \$0.45 to \$52.38 for systems that must install treatment or take corrective actions. The percentage of Idaho systems that may face increased treatment requirements cannot be accurately anticipated prior to collection and analysis of monitoring results.</p> <p>Relevant Statutes: Chapters 44 and 58, Title 39, Idaho Code</p> <p>Idaho Code § 39-107D Statement: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.</p> <p>Idaho Code § 67-5221(1)(c) Fiscal Impact Statement: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: The proposed rule does not impact the state general fund because the drinking water program is funded by EPA grants and by dedicated fees paid by regulated water systems. The agency intends to address the impact of the increased workload required by this rule through redirection of existing staff, use of existing vacant positions, and/or through contracting. Together these strategies will add the equivalent of 1.4 full time persons to the drinking water program in approximately four years. DEQ is not requesting an increase in personnel as a result of adopting the proposed rule.</p>

Temporary Rule Necessary to protect public health, safety or welfare
 Compliance with deadlines in amendments to governing law or federal programs
 Conferring a benefit

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Section	Section Title	Summary of Rule Changes Based on Public Comment
002	Incorporation by Reference and Availability of Referenced Materials	<p>US EPA submitted the following comment in support of the rule:</p> <p>I have reviewed the draft Groundwater Rule package that you have provided in anticipation of your state's rule making process. I do not have substantive comments on the text itself as you primarily adopt the federal rule by reference. Similarly, the crosswalk re; Special Primacy Requirements indicates that the Idaho rule is consistent with the federal rule. We look forward to receiving a final package.</p> <p>Gene Taylor, PhD Environmental Scientist US EPA Region 10 Drinking Water Unit taylor.gene@epa.gov</p> <p>The proposed rule has not been revised.</p>
100	Monitoring and Analytical Requirements	
150	Reporting, Public Notification, Recordkeeping	
151	Consumer Confidence Reports	
302	Sanitary Surveys for Systems Using Surface Water or Ground Water Under the Direct Influence of Surface Water	
303	Sanitary Surveys for Public Water Systems Using Ground Water	
323	Ground Water Rule	