

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS**

**DOCKET NO. 58-0108-0803**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2009 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment *sine die* of the First Regular Session of the Sixtieth Idaho Legislature unless prior to that date the rule is rejected by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapter 1, Title 39, Idaho Code, and Chapter 21, Title 37, Idaho Code.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, September 3, 2008, Vol. 08-9, pages 286 through 288. DEQ received no public comments; however, Section 350 has been revised to remove unnecessary, obsolete subsections (350.07.a. and 350.07.b.). The remainder of the rule has been adopted as proposed. The Rulemaking and Public Comment Summary can be obtained at [http://www.deq.idaho.gov/rules/drinking\\_water/58\\_0108\\_0803\\_pending.cfm](http://www.deq.idaho.gov/rules/drinking_water/58_0108_0803_pending.cfm) or by contacting the undersigned.

**IDAHO CODE SECTION 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.

**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 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 annual direct cost to DEQ is anticipated to be between \$8,000 and \$11,000 according to an analysis from EPA (Table IV.9. – Summary of Annual Direct Costs To Systems And States From All Regulatory Changes, 72 Fed. Reg. 57,806). DEQ will incur costs for postage and supplies, preparing and mailing letters to systems, reviewing utility monitoring reports, reviewing system data, reviewing and tracking self-certification letters from systems, reviewing public notifications after action level exceedances, and consulting with systems.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on questions concerning this rulemaking, contact Bryan Zibbell at (208) 373-0343, [bryan.zibbell@deq.idaho.gov](mailto:bryan.zibbell@deq.idaho.gov).

Dated this 12th day of November, 2008.

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**DOCKET NO. 58-0108-0803 - ADOPTION OF PENDING RULE**

Substantive changes have been made to the pending rule.  
*Italicized* text that is underscored is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 08-9, September 3, 2008, pages 286 through 288.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

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THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 58-0108-0803

*Subsection 350.07*

350. CONTROL OF LEAD AND COPPER.

**07. Monitoring Requirements for Lead and Copper in Tap Water.** 40 CFR 141.86, revised as of July 1, 2000~~8~~, is herein incorporated by reference. ~~(3-30-01)(\_\_\_\_\_)~~

~~**a-** Systems with insufficient tier one (1), two (2), or three (3) sampling sites shall complete their sampling pools from "tier four (4) sampling sites" consisting of buildings or multiple family residences that contain copper pipes with lead solder installed before 1983, or if these are not available, any other sampling sites acceptable to the Department. Any community water system which includes tier four (4) sites in its sampling pool shall submit a letter to the Department indicating why it was unable to locate sufficient tier one (1), two (2), or three (3) sites.~~  
~~(10-1-93)~~

~~**b-** Nontransient noncommunity water systems with insufficient tier one (1) and pre-1983 lead solder containing copper pipe sampling sites shall complete its sampling pool with other sampling sites acceptable to the Department. A nontransient noncommunity water system which includes sampling sites other than tier one (1) in its sampling pool, shall submit a letter to the Department indicating why it was unable to locate sufficient tier one (1) sites.~~  
~~(12-10-92)~~