

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-0803

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized by Chapter 1, Title 39, Idaho Code, and Chapter 21, Title 37, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before September 17, 2008. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: This rulemaking will incorporate by reference the National Primary Drinking Water Regulations for Lead and Copper: Short Term Regulatory Revisions and Clarifications; Final Rule, promulgated by the U.S. Environmental Protection Agency (EPA) on October 10, 2007. Incorporation by reference ensures that Idaho's rules will be neither more nor less stringent than the federal rule.

The purpose of the Lead and Copper Rule (LCR) is to protect populations from exposure to lead and copper in drinking water and reduce potential health risks associated with lead and copper. The purpose of the short-term revisions is to strengthen the implementation of the LCR in the following areas: monitoring, treatment processes, public education, customer awareness, and lead service line replacement. The short-term changes finalized in this action are expected to ensure and enhance protection of public health by reducing exposure to lead in drinking water. The revisions to the LCR neither amend the portion of the regulations related to copper nor change the action levels for lead or copper.

Drinking water system owners and operators, developers, consultants, engineers, cities, counties, industry, drinking water professional organizations, and the public at large may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality at the November 2008 Board meeting for adoption as a pending rule. The rule is expected to be final and effective upon the adjournment of the 2009 legislative session if adopted by the Board and approved by the Legislature.

NEGOTIATED RULEMAKING: This rulemaking is an adoption by reference of regulations promulgated by EPA; therefore, negotiations were not held.

IDAHO CODE 39-107D STATEMENT: This proposed 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 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 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 AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Bryan Zibbell at (208) 373-0343, bryan.zibbell@deq.idaho.gov.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before October 1, 2008.

DATED this 1st day of August, 2008.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
paula.wilson@deq.idaho.gov

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

151. CONSUMER CONFIDENCE REPORTS.

40 CFR Part 141, Subpart O, revised as of July 1, 2006~~8~~, is herein incorporated by reference. (~~4-2-08~~)()

(BREAK IN CONTINUITY OF SECTIONS)

350. CONTROL OF LEAD AND COPPER.

01. General Requirements. 40 CFR 141.80, revised as of July 1, 2000~~8~~, is herein incorporated by reference. (~~3-30-01~~)()

02. Applicability of Corrosion Control Treatment Steps to Small, Medium-Size, and Large Water Systems. 40 CFR 141.81, revised as of July 1, 2000~~8~~, is herein incorporated by reference. (~~3-30-01~~)()

03. Description of Corrosion Control Treatment Requirements. (12-1-92)

a. 40 CFR 141.82, revised as of July 1, 2000~~8~~, is herein incorporated by reference. (~~3-30-01~~)()

b. The Department may modify its determination of the optimal corrosion control treatment or optimal water quality control parameters where it concludes that such changes are necessary to optimize corrosion control treatment as specified in 40 CFR 141.82(h) and as referred to in Subsection 350.03. The Department may also modify its determination of the optimal corrosion control treatment or water quality control parameters where it finds such changes will provide equivalent or improved treatment in a manner which is simpler or less costly to operate. (12-10-92)

04. Source Water Treatment Requirements. 40 CFR 141.83, revised as of July 1, 2000~~8~~, is herein incorporated by reference. The Department may modify its determination of optimal source treatment or maximum permissible lead and ~~not~~ copper concentrations where it concludes that such changes are necessary as specified in 40 CFR 141.83(b)(6). (~~3-30-01~~)()

05. Lead Service Line Replacement Requirements. 40 CFR 141.84, revised as of July 1, 2000~~8~~, is

herein incorporated by reference.

~~(3-30-01)~~(____)

06. Public Education and Supplemental Monitoring Requirements. 40 CFR 141.85, revised as of July 1, 20008, is herein incorporated by reference.

~~(3-30-01)~~(____)

07. Monitoring Requirements for Lead and Copper in Tap Water. 40 CFR 141.86, revised as of July 1, 20008, 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)

08. Monitoring Requirements for Water Quality Parameters. 40 CFR 141.87, revised as of July 1, 20008, is herein incorporated by reference.

~~(3-30-01)~~(____)

09. Monitoring Requirements for Lead and Copper in Source Water. 40 CFR 141.88, revised as of July 1, 20008, is herein incorporated by reference.

~~(3-30-01)~~(____)

10. Analytical Methods. 40 CFR 141.89, revised as of July 1, 20008, is herein incorporated by reference.

~~(3-30-01)~~(____)

11. Reporting Requirements. 40 CFR 141.90, revised as of July 1, 20008, is herein incorporated by reference.

~~(3-30-01)~~(____)

12. Recordkeeping Requirements. 40 CFR 141.91, revised as of July 1, 20008, is herein incorporated by reference.

~~(3-30-01)~~(____)