

<p>Docket Number: <u>58-0108-0803</u> Effective Date: <u>2009 Sine die</u> Rules Title: <u>Idaho Rules for Public Drinking Water Systems</u> Agency Contact and Phone: <u>Brian Zibbell, 373-0343</u></p>	<p style="text-align: center;">Public Notice</p> <p>Hearings: [] Yes [X] No Locations and Dates: N/A Written Comment Deadline: October 1, 2008</p>
<p>Descriptive Summary of Rule as Initially Proposed: 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.</p> <p>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.</p> <p>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: [] Yes [X] No Groups Involved: N/A This rulemaking is an adoption by reference of regulations promulgated by EPA; therefore negotiations were not held.</p> <p>Costs To the Agency: The estimated costs will impact a combination of federal public water system supervision grant funds and drinking water fees. 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.</p> <p>Costs To the Regulated Community: This rule applies to all 751 community and 230 non-transient non-community water systems in Idaho. Most of the regulatory changes are clarifications and do not appear to substantially increase the per system cost. The majority of the rule changes apply to systems that have exceeded the lead action level. For Idaho, there have been 29 community systems that have exceeded the lead action level between 2005 and 2007. The largest change that impacts all systems, particularly community water systems, is the requirement to provide lead sampling results to consumers/occupants of sampling locations. The per system cost for community water systems to notify consumers of the lead sampling results is estimated to be between \$8 and \$80 per compliance period depending on the size of the system. Statewide, the costs are estimated to be between \$2,000 and \$6,000 for a compliance period. Nearly 90% of all Idaho systems are on a three year compliance period.</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 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.</p>

Temporary Rule	<input type="checkbox"/> Necessary to protect public health, safety or welfare <input type="checkbox"/> Compliance with deadlines in amendments to governing law or federal programs <input type="checkbox"/> Conferring a benefit
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Section	Section Title	Summary of Rule Changes Based on Public Comment
151	Consumer Confidence Reports.	No comments received. No change.
350	Control of Lead and Copper.	<p>No comments received. However, this section has been revised to remove unnecessary, obsolete subsections (350.07.a. and 350.07.b.).</p> <p>Subsections 350.07.a. and 350.07.b. identify alternative sampling sites to meet the minimum number of samples required by 40 CFR 141.86. However, the revisions to the federal Lead and Copper Rule include a provision that will allow the state to permit a public drinking water system to collect a number of samples less than the number of sites specified in 40 CFR 141.86 provided that all taps that can be used for human consumption are sampled. As a result, Subsections 350.07.a. and 350.07.b. would be more stringent than the federal regulations and, therefore, should be removed prior to adoption.</p> <p>The proposed rule has been revised. Subsections 350.07.a. and 350.07.b. have been struck out.</p>