

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

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

**DOCKET NO. 58-0108-1501**

**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 2016 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-third Idaho Legislature unless prior to that date the rule is rejected in whole or in part 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, July 1, 2015, [Vol. 15-7, pages 101 through 137](#). DEQ received no public comments; however, Subsections 100.01, 100.10, 300.05.d.iii(3), and 552.08.a. were revised by removing referenced dates. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov/58-0108-1501](http://www.deq.idaho.gov/58-0108-1501) 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 when the pending rule will become effective: Not applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rulemaking, contact Jerri Henry at [jerri.henry@deq.idaho.gov](mailto:jerri.henry@deq.idaho.gov) or (208)373-0471.

Dated this 2nd Day of December, 2015.

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](mailto:paula.wilson@deq.idaho.gov)

DOCKET NO. 58-0108-1501 ADOPTION OF 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, Vol. 15-7, pages 101 through 137.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 58-0108-1501

100. MONITORING AND ANALYTICAL REQUIREMENTS.

[Subsection 100.01]

01. ~~Microbiological Contaminant~~ **Total Coliform** Sampling and Analytical Requirements. The Total Coliform Rule, 40 CFR 141.21, is herein incorporated by reference. The Revised Total Coliform Rule, 40 CFR Part 141, Subpart Y, is herein incorporated by reference, excluding the annual monitoring provisions in 40 CFR 141.854 (a)(4), (d), (e), (f) and (h). (10-1-93)( )

[Subsection 100.10]

10. **Approved Laboratories.** 40 CFR 141.28 and 40 CFR 141.852(b) ~~is~~ are herein incorporated by reference. All analyses conducted pursuant to these rules, except those listed below, shall be performed in laboratories certified or granted reciprocity by the Idaho Department of Health and Welfare, Bureau of Laboratories, as provided in IDAPA 16.02.13, "Rules Governing Certification of Idaho Water Quality Laboratories." The following analyses may be performed by any person acceptable to the Department of Environmental Quality: (4-4-13)( )

(BREAK IN CONTINUITY OF SECTIONS)

300. FILTRATION AND DISINFECTION.

05. **Analytical and Monitoring Requirements.** 40 CFR 141.74 is herein incorporated by reference.

**d.** As provided for in 40 CFR 141.74(b), the Department may specify interim monitoring requirements for unfiltered systems notified by the Department or U.S. Environmental Protection Agency that filtration treatment must be installed. Until filtration is installed, systems shall conduct monitoring for turbidity and disinfectant residuals as follows unless otherwise specified by the Department: (4-4-13)( )

**i.** Disinfectant residual concentrations entering the distribution system shall be measured at the following minimum frequencies, and samples must be taken at evenly spaced intervals throughout the workday.

Minimum Frequencies	
Population	Samples/day
Less than 500	1
501 - 1000	2
1,001 - 2,500	3
Greater than 2501	4

(12-10-92)

*[Sub-subparagraph 300.05.d.iii.(3).]*

(3) The total coliform MCL is not exceeded, or a Level 1 or Level 2 Assessment has not been triggered in accordance with 40 CFR 141.859; and (12-10-92)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**552. OPERATING CRITERIA FOR PUBLIC WATER SYSTEMS.**

**08. Start-up Procedures For Seasonal Systems Subject To Subsections 100.01.a., c., and d. ( )**

*[Subparagraph 552.08.a.]*

**a.** All seasonal system owners and operators must demonstrate completion of a Department approved start-up procedure, including start-up sampling, prior to serving water to the public. The system owner or operator must submit information on a Department provided or approved form that includes a statement certifying that the system owner or operator followed proper start-up procedures. The form shall be submitted to the Department within 30 (thirty) days following the system's start-up date. ( )