



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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C.L. "Butch" Otter, Governor
John H. Tippetts, Director

December 30, 2016

Dan Opalski, Director
Office of Water and Watersheds, Region 10
U.S. Environmental Protection Agency
1200 6th Ave.
Seattle, WA 98101

Re: Submission of revised water quality standards for approval: Designation and Attainability of Beneficial Uses, Idaho rule docket 58-0102-1501.

Dear Mr. Opalski:

Consistent with the Clean Water Act §303(c) and 40 CFR 131.20, revisions to Idaho's water quality standards (WQS) are hereby submitted for EPA approval. Rulemaking was initiated to add language to the Idaho Water Quality Standards that is consistent with the federal regulations for designating and revising uses assigned to water bodies, providing basis for an Idaho guidance document on the use designation/revision process.

Idaho rule docket 58-0102-1501 was initiated in response to the State of Idaho Office of Performance Evaluations (OPE) Evaluation Report 14-03 to the Joint Legislative Oversight Committee, which recommended DEQ complete its UAA guidance document. In its response to Report 14-03, DEQ committed to completing the UAA guidance after a basis for UAA guidance was established in the Water Quality Standards. This rulemaking was intended to develop sufficient language regarding the UAA process such that the OPE recommended guidance may be completed.

Rule negotiation with the public was announced in the March 4, 2015 volume of the Idaho Administrative Bulletin, as well as on DEQ's web page and by direct e-mail. The first meeting was held on April 7, 2015, with one additional meeting held on May 19th of 2015. Two preliminary drafts of the rule were prepared including the preliminary draft taken into the first meeting. Each draft had a public comment period in addition to the meeting negotiations. A third draft was published as the proposed rule in the August 5, 2015 Administrative Bulletin kicking off a formal 30-day public comment period.

The rule was presented to the Idaho Board of Environmental Quality on November 18, 2015 and adopted as a pending rule without further change. The pending rule was noticed in the December 2, 2015 Idaho Administrative Bulletin and finalized by the 2016 Idaho Legislature, effective under Idaho law on March 25, 2016.

DEQ has an online record of the rulemaking process that includes all the rule drafts and comments received, presentations given and material distributed, which can all be accessed at: <http://www.deq.idaho.gov/laws-rules-etc/deq-rulemakings/docket-no-58-0102-1501/>. In addition to the

documents itemized below, all materials that are posted at this URL are hereby incorporated by reference in this submittal.

The rule submittal package includes:

- 1) This cover letter, briefly describing the rulemaking, its justification, and the contents of the package supporting the rule being submitted for your approval, *[file: 1) 58-0102-1501 EPA Submittal Letter.pdf]*;
- 2) March 4, 2015 Notice of Negotiated Rulemaking, *[file: 2) 58-0102-1501 Notice of Negotiated Rulemaking_3.4.2015 .pdf]*;
- 3) August 5, 2015 Notice of Proposed Rule announcing opening of 30-day public comment period on proposed rule, *[file: 3) 58-0102-1501 Notice of Proposed Rule_08.05.2015.pdf]*;
- 4) Summary of negotiated rulemaking prepared for DEQ's Board, *[file: 4) 58-0102-1501 Summary of Negotiated Rulemaking.pdf]*;
- 5) Summary of public comment and DEQ's response *[5) 58-0102-1501 Public Comment Summary_11.15.2015.pdf]*;
- 6) December 2, 2015 Notice of Pending Rule – Announcing adoption by the DEQ Board, *[file: 7) 58-0102-1501 Notice of Pending Rule_12.02.2015.pdf]*;
- 7) Notice of final rules from May 4, 2016 Adminstrive Bulletin, docket 58-0102-1501 is highlighted on page 22, *[file: 8) 58-0102-1501 Notice of Final Rules_05.04.2016.pdf]*;
- 8) An Attorney General's certification that the rules were adopted according to state law, *[file: 8) 58-0102-1501 Attorney General Certification Letter.pdf]*;
- 9) Electronic copies of the above materials burned onto CD for your convenience.

If you have any questions on this rulemaking and the enclosed supporting materials, please contact Jason Pappani at (208) 373-0515 or jason.pappani@deq.idaho.gov

Sincerely,



Barry N. Burnell
Water Quality Division Administrator

Enclosures

- c: Lisa Macchio, EPA (with enclosures)
Jason Pappani, DEQ (w/o enclosures)
Don Essig, DEQ (w/o enclosures)
Doug Conde, DEQ (w/o enclosures)