

**FINAL PROPOSAL**  
**Dated October 23, 2018**

WATER QUALITY STANDARDS, DOCKET NO. 58-0102-1703

The proposed rule was published in the Idaho Administrative Bulletin, August 1, 2018, Vol. 18-8, pages 231 through 296. The Department of Environmental Quality recommends that the Board take the following action:

IDAPA 58.01.02

Section 100	ADOPT AS PROPOSED
Section 110	ADOPT AS PROPOSED
Section 120	ADOPT AS PROPOSED
Section 140	ADOPT AS PROPOSED
Section 160	ADOPT AS PROPOSED
Section 252	ADOPT AS REVISED

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**58.01.02 – WATER QUALITY STANDARDS**  
**DOCKET NO. 58-0102-1703**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2019 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 Sixty-fifth 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 Sections 39-105, 39-107, and 39-3601 *et seq.*, 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, August 1, 2018, Vol. 18-8, pages 231 through 296. After consideration of public comments, Subsection 252.01.b has been revised. 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/58-0102-1703](http://www.deq.idaho.gov/58-0102-1703) 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:  
Not applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on questions concerning the rulemaking, contact Jason Pappani at [Jason.pappani@deq.idaho.gov](mailto:Jason.pappani@deq.idaho.gov), (208)373-0515.

Dated this 5<sup>th</sup> day of December, 2018

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
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(208)373-0418/Fax No. (208)373-0481  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

**Revisions to Proposed Rule for Board Consideration, Docket No. 58-0102-1703  
(dated October 23, 2018)**

The revisions made to the proposed rule are highlighted. Only the rule sections containing revisions are included.

**252. SURFACE WATER QUALITY CRITERIA FOR WATER SUPPLY USE DESIGNATION.**

Effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1703 have been approved.

**01. Domestic.** Waters designated for domestic water supplies are to exhibit the following characteristics: (4-5-00)

**a.** Radioactive materials or radioactivity not to exceed concentrations specified in Idaho Department of Environmental Quality Rules, IDAPA 58.01.08, “Rules Governing Public Drinking Water Systems.” (8-24-94)

**b.** Small public water supplies (Surface Water). (8-24-94)

**i.** The following Table identifies waters, including their watersheds above the public water supply intake (except where noted), which are designated as small public water supplies.

**TABLE - DESIGNATED SMALL PUBLIC WATER SUPPLIES**

County	Water Body	Supply No.*	Supply System Name
Benewah	Spring	1050001	BLM Sheep Springs
Benewah	Spring	1050002	BLM Tingley Springs
Benewah	Adams Ck.	1050011	Fernwood Water Dist.
Benewah	Rochat Ck.	1050024	St Maries, City of
Boise	Elk Ck.	4080025	Idaho City Water Dept.
Boise	McBride Ck.	4080047	Terrace Lakes Rec. Ranch
Bonner	Spring	1090168	Beaver Ck Camp Assn
Bonner	Spring	1090017	Clark Fork U ID Field Campus
Bonner	Berry Ck.	1090021	Colburn Water Assn.
Bonner	Cougar Ck.	1090030	Cougar Creek Water Assn
Bonner	Strong Ck.	1090038	East Hope Water Dept.
Bonner	Composite Spring	1090052	Hope Water System
Bonner	Spring	1090074	Lakeview Townsite Improve Assn
Bonner	Spring	1090031	Midas Water System
Bonner	Little Sand Ck.	1090121	Sandpoint Water Dept

Bonner	Schweitzer Ck.	1090124	Schweitzer Basin Water Co
Bonner	Spring #1	1090123	Schweitzer Mtn Resort
Bonner	Spring #2	1090123	Schweitzer Mtn Resort
Bonner	Springs	1090151	West Bonner WD#1
Boundary	Meadow Ck.	1110001	Bee Line Water Assn.
Boundary	Myrtle Ck.	1110003	Bonnors Ferry, City of
Boundary	Spring	1110007	Cow Ck Water Assn
Boundary	Curley Ck.	1110008	Curley Ck. Water Assn.
Boundary	Mission Ck.	1110019	Mission Creek Water Assn.
Boundary	Caribou Ck.	1110020	Moravia Water Assn.
Boundary	Spring	1110044	Northwest Academy/Ascent
Boundary	Ruby Ck.	1110044	Northwest Academy/Ascent
Boundary	Brown Creek and Cedar Ck.	1110023	Paradise Valley Water Assn.
Boundary	Spring #1	1110024	Rocky Mountain Academy
Boundary	Spring #2	1110024	Rocky Mountain Academy
Boundary	Skin Ck.	1110025	Skin Ck. Water Assn.
Boundary	Springs	1110029	Trow Creek Water Assn
Boundary	Twenty Mile Ck.	1110030	Twenty Mile Ck. Water Assn.
Clearwater	N.F. Clearwater R.**	2180001	Ahsahka Water and Sewer District
Clearwater	Reeds Ck.	2180029	Potlatch Corp-Headquarters
Custer	Garden Ck.	7190013	Challis, City of
Elmore	E.F. Montezuma Ck.	4200005	Atlanta Water Assn.
Idaho	Wall Creek	2250011	Clearwater Water Assn.
Idaho	Big Elk Ck.	2250017	Elk City Water/Sewer Assn.
Kootenai	Spring	1280068	Excelsior Beach Water
Kootenai	Rose Spring	1280161	Rose Lake Water Assn
Lemhi	Chick Ck., Jesse Ck., and Pollard Ck.	7300042	Salmon, City of
Nez Perce	Big Canyon Ck.	2350023	Peck Water System

Shoshone	Lake Ck.	1400081	Asarco Galena Unit
Shoshone	Shields Ck.	1400089	Central Shoshone County WD
Shoshone	Big Ck.	1400089	Central Shoshone County WD
Shoshone	McFarren Ck.	1400089	Central Shoshone County WD
Shoshone	Milo Ck.	1400089	Central Shoshone County WD
Shoshone	Sawmill Gulch and Canyon Ck.	1400016	East Shoshone County WD-Burke
Shoshone	Boulder Ck.	1400017	East Shoshone County WD-Mullan
Shoshone	Cranky Gulch	1400019	East Shoshone County WD-Wallace
Shoshone	Weyer Gulch	1400019	East Shoshone County WD-Wallace
Shoshone	Experimental Ck.	1400019	East Shoshone County WD-Wallace
Shoshone	Canyon Ck.	1400016	East Shoshone County WD-Burke
Shoshone	Mill Ck.	1400017	East Shoshone County WD-Mullan
Shoshone	Placer Ck.-main channel	1400019	East Shoshone County WD-Wallace
Shoshone	Placer Ck-WF	1400019	East Shoshone County WD-Wallace
Shoshone	Deadman Ck. MF	1400028	Hecla Mining Co-Lucky Friday
Shoshone	National Tunnel	1400028	Hecla Mining Co-Lucky Friday
Shoshone	Deadman Ck. WF	1400028	Hecla Mining Co-Lucky Friday
Shoshone	Spring	1400067	Lookout Pass Ski Area
Shoshone	Alder Ck. and East Alder Ck.	1400039	Murray Water Works
Shoshone	E.F. Silver Ck.	1400046	Silver Creek Water Assn.
Shoshone	Big Ck #1	1400050	Sunshine Precious Metals
Valley	Boulder Ck.	4430059	Yellowpine Water System, Inc.

\* Public water supply number assigned by IDHW/DEQ.

\*\* Only the portion of the watershed below Dworshak Dam is included.

(3-30-01)

ii. For those surface waters identified in Subsection 252.01.b.i. turbidity as measured at the public water intake shall not be: (4-5-00)

(1) Increased by more than five (5) NTU above natural background, measured at a location upstream from or not influenced by any human induced nonpoint source activity, when background turbidity is fifty (50) NTU or less. (8-24-94)

(2) Increased by more than ten percent (10%) above natural background, measured at a location upstream from or not influenced by any human induced nonpoint source activity, not to exceed twenty-five (25) NTU, when background turbidity is greater than fifty (50) NTU. (8-24-94)

**02. Agricultural.** Water quality criteria for agricultural water supplies will generally be satisfied by the water quality criteria set forth in Section 200. Should specificity be desirable or necessary to protect a specific use, "Water Quality Criteria 1972" (Blue Book), Section V, Agricultural Uses of Water, EPA, March, 1973 will be used for determining criteria. This document is available for review at the Idaho Department of Environmental Quality, or can be obtained from EPA or the U.S. Government Printing Office. (4-5-00)

**03. Industrial.** Water quality criteria for industrial water supplies will generally be satisfied by the general water quality criteria set forth in Section 200. Should specificity be desirable or necessary to protect a specific use, appropriate criteria will be adopted in Sections 252 or 275 through 298. (4-5-00)

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<del>Benewah</del>	<del>Spring</del>	<del>4050002</del>	<del>BLM Tingley Springs</del>
<del>Benewah</del>	<del>Adams Ck.</del>	<del>4050014</del>	<del>Fernwood Water Dist.</del>
<del>Benewah</del>	<del>Rechat Ck.</del>	<del>4050024</del>	<del>St. Maries, City of</del>
<del>Boise</del>	<del>Elk Ck.</del>	<del>4080025</del>	<del>Idaho City Water Dept.</del>
<del>Boise</del>	<del>McBride Ck.</del>	<del>4080047</del>	<del>Terrace Lakes Rec. Ranch</del>
<del>Bonner</del>	<del>Spring</del>	<del>4090168</del>	<del>Beaver Ck Camp Assn</del>
<del>Bonner</del>	<del>Spring</del>	<del>4090017</del>	<del>Clark Fork U ID Field Campus</del>
<del>Bonner</del>	<del>Berry Ck.</del>	<del>4090021</del>	<del>Colburn Water Assn.</del>

Bonner	Cougar Ck.	4090030	Cougar Creek Water Assn
Bonner	Strong Ck.	4090038	East Hope Water Dept.
Bonner	Composite Spring	4090052	Hope Water System
Bonner	Spring	4090074	Lakeview Townsite Improve Assn
Bonner	Spring	4090031	Midas Water System
Bonner	Little Sand Ck.	4090121	Sandpoint Water Dept
Bonner	Schweitzer Ck.	4090124	Schweitzer Basin Water Co
Bonner	Spring #1	4090123	Schweitzer Mtn Resort
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Boundary	Myrtle Ck.	4110003	Bonnors Ferry, City of
Boundary	Spring	4110007	Cow Ck Water Assn
Boundary	Curley Ck.	4110008	Curley Ck. Water Assn.
Boundary	Mission Ck.	4110019	Mission Creek Water Assn.
Boundary	Caribou Ck.	4110020	Meravia Water Assn.
Boundary	Spring	4110044	Northwest Academy/Ascent
Boundary	Ruby Ck.	4110044	Northwest Academy/Ascent
Boundary	Brown Creek and Cedar Ck.	4110023	Paradise Valley Water Assn.
Boundary	Spring #1	4110024	Rocky Mountain Academy
Boundary	Spring #2	4110024	Rocky Mountain Academy
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Boundary	Springs	4110029	Trow Creek Water Assn
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Elmore	E.F. Montezuma Ck.	4200005	Atlanta Water Assn.

Idaho	Wall Creek	2250014	Clearwater Water Assn.
Idaho	Big Elk Ck.	2250017	Elk City Water/Sewer Assn.
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\* Public water supply number assigned by IDHW/DEQ.

\*\* Only the portion of the watershed below Dworshak Dam is included. (3-30-01)

a. Must meet general water quality criteria set forth in Section 200 and the Water & Fish criteria set forth in Subsection 210.01.b.

**b. Turbidity.**

i. For those surface waters identified in Subsection 252.01.b.i. Turbidity as measured at the any public water intake shall not be: (4-5-00)

(1) Increased by more than five (5) NTU above natural background, measured at a location upstream from or not influenced by any human induced nonpoint source activity, when background turbidity is fifty (50) NTU or less; (8-24-94)

(2) Increased by more than ten percent (10%) above natural background, measured at a location upstream from or not influenced by any human induced nonpoint source activity, not to exceed twenty five (25) NTU, when background turbidity is greater than fifty (50) NTU, and less than two hundred and fifty (250) NTU; or (8-24-94)

(3) Increased by more than twenty-five (25) NTU above background when background turbidity is two hundred and fifty (250) NTU or greater.

**ii. Turbidity Background/Criteria Table.**

<b>Turbidity Background</b>	<b>Turbidity Criteria</b>
<u>≤ 50 NTUs</u>	<u>5 NTUs above background</u>
<u>&gt; 50 – 250 NTUs</u>	<u>10% above background</u>
<u>&gt; 250 NTUs</u>	<u>25 NTUs</u>

**02. Agricultural.** Water quality criteria for agricultural water supplies will generally be satisfied by the water quality criteria set forth in Section 200. Should specificity be desirable or necessary to protect a specific use, "Water Quality Criteria 1972" (Blue Book), Section V, Agricultural Uses of Water, EPA, March, 1973 will be used for determining criteria. This document is available for review at the Idaho Department of Environmental Quality, or can be obtained from EPA or the U.S. Government Printing Office. (4-5-00)

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