

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 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: N/A

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

Dated this 5th day of December, 2018.

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DOCKET NO. 58-0102-1703 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text that is double underscored is new text that has been added to the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 18-8, August 5, 2018, pages 231 through 296.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2019 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 58-0102-1703

(Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.)

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

Not 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)

[Paragraph 252.01.b. through Subparagraph (table) 252.01.b.ii.]

#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.

<u>Turbidity Background</u>	<u>Turbidity Criteria</u>
<u>≤ 50 NTUs</u>	<u>5 NTUs above background</u>
<u>> 50 - < 250 NTUs</u>	<u>10% above background</u>
<u>≥ 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)

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)