

ENVIRONMENT, ENERGY & TRANSPORTATION COMMITTEE

ADMINISTRATIVE RULES REVIEW

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2012 Legislative Session

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IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.05.01 - RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS

DOCKET NO. 24-0501-1101

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2012 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2406, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [October 5, 2011 Idaho Administrative Bulletin, Vol. 11-10, pages 507 through 520.](#)

FISCAL IMPACT: 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 technical questions concerning this pending rule, contact Cherie Simpson at 208 334-3233.

DATED this 4th day of November, 2011.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State
Boise, ID 83702
Phone: (208) 334-3233
Fax: (208) 334-3945

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2406, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2011.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Board of Drinking Water and Wastewater Professionals is amending several sections of its rules to update them to be in line with current national standards and to provide clarification. It is also amending the requirements section and separating the requirements into individual sections of rule to lessen confusion. This amendment will also reduce the length of time it takes to reach various license classes by eliminating the step approach currently in place.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: 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 resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule changes were discussed in a noticed open meeting.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at 208 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written

comments must be directed to the undersigned and must be delivered on or before October 26, 2011.

DATED this 29th day of August, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-0501-1101

010. DEFINITIONS (RULE 10).

- 01. Board.** The Idaho Board of Drinking Water and Wastewater Professionals. (3-24-05)
- 02. Bureau.** The Idaho Bureau of Occupational Licenses. (3-24-05)
- 03. Class I Restricted License.** Class I restricted license means a water or wastewater license associated with a specific class I system. A restricted license is available for water distribution or treatment or for wastewater collection or treatment. A restricted license is not transferable and does not qualify for endorsement. (3-29-10)
- 04. DEQ.** The Idaho Department of Environmental Quality. (3-24-05)
- 05. Direct Supervision.** Supervision in a way that will ensure the proper operation and maintenance of the public drinking water or public wastewater system. Supervision shall include, but not be limited to, providing written, hands-on, or oral instruction as well as verification that the instructions are being completed. The supervisor has an active on-site ~~and or~~ on-call presence at the specific facility. ~~(2-26-08)~~()
- 06. Endorsement.** Endorsement (often referred to as “reciprocity”) is that process by which a person licensed in another jurisdiction may apply for a license in Idaho. (3-24-05)
- 07. EPA.** The United States Environmental Protection Agency. (3-24-05)
- 08. Experience.** One (1) year of experience is equivalent to one thousand six hundred hours (1,600) worked. (2-26-08)
- 09. On-Site Operating Experience.** On-site operating experience means experience obtained while physically present at the location of the system. ()
- ~~09~~10. Operating Personnel.** Operating personnel means any person who is employed, retained, or appointed to conduct the tasks associated with the day-to-day operation and maintenance of a public drinking water system or a public wastewater system. Operating personnel shall include every person making system control or system integrity decisions about water quantity or water quality that may affect public health. (3-24-05)

101. Person. A human being, municipality, or other governmental or political subdivision or other public agency, or public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent or other legal representative of the foregoing or other legal entity. (3-24-05)

112. Public Drinking Water System or Public Water System. Public drinking water system or public water system means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year. Such term includes any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Every community and nontransient noncommunity water system, and each transient water system using a surface water source or ground water source directly influenced by surface water, shall be operated by a certified drinking water operator. (3-24-05)

123. Public Wastewater System or Wastewater System. Public wastewater system or wastewater system means those systems, including collection systems and treatment systems, that are owned by a city, county, state or federal unit of government, a nonprofit corporation, district, association, political subdivision or other public entity, or that generate or collect two thousand five hundred (2,500) or more gallons a day; or that have been constructed in whole or in part with public funds. This does not include any wastewater treatment system operated and maintained exclusively by a single family residence or any wastewater system consisting solely of a gravity flow, nonmechanical septic tank and subsurface treatment and distribution system, or industrial wastewater systems under private ownership. (3-24-05)

14. Responsible Charge (RC). Responsible charge means active, daily on-site or on-call responsibility for the performance of operations or active, on-going, on-site and on-call direction of employees and assistants at a public drinking water system or public wastewater system. ()

15. Responsible Charge Operator. An operator of a public drinking water system or wastewater system, designated by the system owner, who holds a valid license at a class equal to or greater than the drinking water system or wastewater classification, who is in responsible charge of the public drinking water system or the wastewater system. ()

136. State. The State of Idaho. (3-24-05)

17. Substitute or Back-Up Responsible Charge Operator. An operator of a public drinking water or wastewater system who holds a valid license at a class equal to or greater than the drinking water or wastewater system classification, designated by the system owner to replace and to perform the duties of the responsible charge operator when the responsible charge operator is not available or accessible. ()

18. Very Small Public Drinking Water System. A community or nontransient noncommunity public water system that serves five hundred (500) persons or less and has no

treatment other than disinfection or has only treatment which does not require any chemical treatment, process adjustment, backwashing or media regeneration by an operator (e.g. calcium carbonate filters, granular activated carbon filters, cartridge filters, ion exchangers). ()

19. Very Small Wastewater System. A public wastewater system that serves five hundred (500) connections or less and includes a collection system with a system size of six (6) points or less on the Department of Environmental Quality (DEQ) system classification rating form and is limited to only one (1) of the following wastewater treatment processes: ()

- a. Aerated lagoons:** ()
- b. Non-aerated lagoon(s):** ()
- c. Primary treatment; or** ()
- d. Primary treatment discharging to a large soil absorption system (LSAS).** ()

(BREAK IN CONTINUITY OF SECTIONS)

175. LICENSE TYPES AND CLASSIFICATIONS (RULE 175).

The Board shall issue each of the following licenses under the provisions of Chapter 24, Title 54, Idaho Code. (3-24-05)

- 01. Drinking Water Distribution Operator.** (3-24-05)
 - a.** Class Operator-In-Training. (3-24-05)
 - ~~**b.** *Class Very Small Water System.*~~ (~~3-24-05~~)
 - eb.** Class I Restricted. (3-29-10)
 - dc.** Class I. (3-24-05)
 - ed.** Class II. (3-24-05)
 - fe.** Class III. (3-24-05)
 - gf.** Class IV. (3-24-05)
- 02. Drinking Water Treatment Operator.** (3-24-05)
 - a.** Class Operator-In-Training. (3-24-05)
 - b.** Class I Restricted. (3-29-10)

- c. Class I. (3-24-05)
- d. Class II. (3-24-05)
- e. Class III. (3-24-05)
- f. Class IV. (3-24-05)
- 03. Wastewater Treatment Operator.** (3-24-05)
 - a. Class Operator-In-Training. (3-24-05)
 - ~~b. Class Very Small Wastewater System.~~ (~~3-29-10~~)
 - eb.** Lagoon. (3-24-05)
 - dc.** Class I Restricted. (3-29-10)
 - ed.** Class I. (3-24-05)
 - fe.** Class II. (3-24-05)
 - gf.** Class III. (3-24-05)
 - hg.** Class IV. (3-24-05)
 - ih.** Land Application. (3-24-05)
- 04. Wastewater Collection Operator.** (3-24-05)
 - a. Class Operator-In-Training. (3-24-05)
 - ~~b. Class Very Small Wastewater System.~~ (~~3-29-10~~)
 - eb.** Class I Restricted. (3-29-10)
 - dc.** Class I. (3-24-05)
 - ed.** Class II. (3-24-05)
 - fe.** Class III. (3-24-05)
 - gf.** Class IV. (3-24-05)
- 05. Wastewater Laboratory Analyst.** (3-24-05)
 - a. Class I. (3-24-05)

- b. Class II. (3-24-05)
- c. Class III. (3-24-05)
- d. Class IV. (3-24-05)
- 06. Backflow Assembly Tester. (3-24-05)
- 07. Drinking Water Very Small System Operator. ()**
- 08. Wastewater Very Small System Operator. ()**

176. -- 199. (RESERVED)

200. FEES FOR EXAMINATION AND LICENSURE (RULE 200).

The fees for each license type and classification shall be as follows: (3-24-05)

- 01. **Application Fee.** Application fee -- twenty-five dollars (\$25). (3-24-05)

02. **Examination Fee.** The examination fees shall be those fees charged by the Association of Boards of Certification (ABC) or other approved examination provider. **Fees paid by applicants approved for a scheduled examination are not refundable. New examination fees are required for each scheduled additional examination.** ~~(3-24-05)~~()

- 03. **Endorsement Fee.** Endorsement fee -- thirty-five dollars (\$35). (3-29-10)

- 04. **Original License Fee.** Original license fee -- thirty-five dollars (\$35). (3-29-10)

- 05. **Annual Renewal Fee.** Annual renewal fee -- thirty-five dollars (\$35). (3-29-10)

- 06. **Reinstatement Fees.** Reinstatement fee -- twenty-five dollars (\$25). (3-24-05)

07. **Refund of Fees.** No refund of fees shall be made to any person who has paid such fees for application, ~~examination, reexamination, or reinstatement of a license.~~ ~~(3-24-05)~~()

201. -- 249. (RESERVED)

250. LICENSE REQUIRED -- SCOPE OF PRACTICE (RULE 250).

All water and wastewater operating personnel, including those in responsible charge and those in substitute responsible charge, of public water systems and public wastewater systems, and all backflow assembly testers ~~or inspectors~~, shall be licensed under the provisions of these rules and Chapter 24, Title 54, Idaho Code. ~~(3-24-05)~~()

01. **Drinking Water Operator Scope.** Operating personnel shall only act in accordance with the nature and extent of their license. Those in responsible charge or substitute responsible charge of a public water system must hold a valid license equal to or greater than the classification of the public water system where the responsible charge or substitute responsible charge operator is in responsible charge. The types of water systems are distribution and

treatment. (3-24-05)

02. Wastewater Operator Scope. Operating personnel shall only act in accordance with the nature and extent of their license. Those in responsible charge or substitute responsible charge of a public wastewater system shall hold a valid license equal to or greater than the classification of the public wastewater system where the responsible charge or substitute responsible charge operator is in responsible charge. The types of wastewater systems are collection, laboratory analyst, and treatment. ~~Responsible charge duties shall not be included in the scope of the laboratory analyst category.~~ (3-24-05)()

03. Backflow Assembly Tester. Individuals licensed as backflow assembly testers may inspect and test backflow prevention assemblies as defined in Title 54, Chapter 24, Idaho Code. (3-24-05)

04. Operator-in-Training. Operators-in-training shall practice only under the direct supervision of a licensed operator of a type, category, and classification higher than operator-in-training. No operator-in-training shall accept or perform the designated responsible charge duties at any system. (3-24-05)

251. -- 299. (RESERVED)

300. GENERAL REQUIREMENTS FOR LICENSE (RULE 300).

Applicants shall submit an application together with the required fees and such documentation as is required. (3-24-05)

01. Examination Requirement. Applicants must pass a written examination for each individual classification in each type of licensure with a minimum score of seventy percent (70%). ~~For those classifications of Class II through IV, successful completion of the examinations from the immediate lower type and classification shall be a prerequisite to examination eligibility for the next higher classification of the same type, except that applicants for wastewater collection operator or wastewater laboratory analyst or drinking water distribution operator licenses may apply for any classification examination for which they hold the required education and experience.~~ (3-30-06)()

a. The examination will reflect different levels of knowledge, ability and judgment required for the established license type and class. The Board will administer examinations at such times and places as the Board may determine. (3-24-05)

b. The examination for all types and classes of licensure shall be validated and provided by the Association of Boards of Certification (ABC). The American Backflow Prevention Association (ABPA) backflow assembly tester examination is also approved for backflow assembly tester licensure. (5-8-09)

c. Applicants who fail an examination must make application to retake the same type and class examination and pay the required examination fees prior to retaking the examination. (3-24-05)

d. Applicants must take and pass the examination within one (1) year of application

approval. After one (1) year a new application and applicable fees must be submitted. (3-30-07)

02. Education ~~and Experience~~ Requirements. ~~Only actual verified on-site operating experience at a treatment, distribution or collection system will be acceptable.~~ **Documentation must be provided showing proof of education required for the type and level of license being sought.** (3-24-05)()

~~a. Each applicant for an Operator In-Training License must have a high school diploma or GED and pass the Class I exam or pass the very small water system exam. (5-8-09)~~

~~b. To qualify for a Very Small Water System license an operator must have a high school diploma or GED and eighty eight (88) hours of acceptable operator-in-training experience at a water system and complete an approved six-hour water treatment or chlorination course and an approved six-hour water distribution course for a combined total of one hundred (100) hours. (3-29-10)~~

~~c. To qualify for a Very Small Wastewater System license, an operator must have a high school diploma or GED and fifty (50) hours of acceptable operator-in-training experience at a wastewater collection system and fifty (50) hours of acceptable operator-in-training experience at a wastewater treatment system and complete an approved six-hour pumps and motors course; and an approved six-hour lagoon operation and maintenance course; or an approved six-hour large soil absorption system course for a combined total of one hundred twelve (112) hours. (3-29-10)~~

~~d. To qualify for a Class I Restricted water or wastewater license an operator must have a high school diploma or GED and obtain two hundred sixty (260) hours of acceptable work experience with the system in one (1) year and work a full operating year with the system and complete sixteen (16) hours of continuing education relevant to the license and pass the relevant Class I examination. Upon obtaining one thousand six hundred (1,600) hours of supervised operating experience for each license, the operator shall be eligible to apply for an unrestricted Class I license. There is no limit on the amount of time needed to obtain the necessary experience to qualify for the unrestricted license. A restricted license is limited to a specific system. (3-29-10)~~

~~e. To qualify for a Class I license an applicant must have a high school diploma or GED and one (1) year of acceptable experience at a Class I or higher system. To upgrade an OIT license to a Class I the applicant must provide documented proof to the Board of having completed one (1) year of supervised operating experience in a Class I or higher public drinking water or wastewater system, and payment of the required fees. (2-26-08)~~

~~f. To qualify for a Class II treatment or lab analyst license II an applicant must have a high school diploma or GED and three (3) years of acceptable Class I operating experience at a Class I or higher system. (2-26-08)~~

~~g. To qualify for a Class III treatment or lab analyst III license an applicant must have a high school diploma or GED and two (2) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable Class II operating experience of a Class II or higher system, including two (2) years of experience in daily on-site charge, supervision of personnel, or management of a major segment of a system~~

~~in the same or next lower class.~~

~~(2-26-08)~~

~~**h.** To qualify for a Class IV treatment or lab analyst IV license an applicant must have a high school diploma or GED; and four (4) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable Class III operating experience at a Class III or higher system, including two (2) years of experience in daily on-site charge, supervision of personnel, or management of a major segment of a system in the same or next lower class.~~

~~(2-26-08)~~

~~**i.** To qualify for a Class II collection or distribution license an operator must have a high school diploma or GED and three (3) years of acceptable operating experience at a Class I or higher system.~~

~~(3-24-05)~~

~~**j.** To qualify for a Class III collection or distribution license an operator must have a high school diploma or GED and two (2) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable operating experience of a Class I or higher system, including two (2) years of experience in daily on-site charge, supervision of personnel, or management of a major segment of a system in the same or next lower class.~~

~~(3-24-05)~~

~~**k.** To qualify for a Class IV collection or distribution license an operator must have a high school diploma or GED; and four (4) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable operating experience at a Class I or higher system, including two (2) years of experience in daily on-site charge, supervision of personnel, or management of a major segment of a system in the same or next lower class.~~

~~(3-24-05)~~

~~**l.** To qualify for a lagoon license, an operator must have a high school diploma or GED and twelve (12) months of acceptable supervised operating experience at a Lagoon system.~~

~~(3-24-05)~~

~~**m.** To qualify for a Wastewater Land Application license, an operator must have a high school diploma or GED, a current wastewater treatment license that is at least Class I or higher, and minimum six (6) months of hands-on operating experience at a wastewater land application system. The wastewater land application operator that is a responsible charge or substitute responsible charge operator must be licensed at the type and class equal to or greater than the classification of the wastewater system.~~

~~(3-29-10)~~

~~**n.** To qualify for a backflow assembly tester license, an applicant must have a high school diploma or GED, and shall document successful completion of a Board approved backflow assembly tester training program in compliance with the Cross Connection Control Accepted Procedure and Practice Manual and consisting of theory instruction, practical instruction, and a practical examination in compliance with the USC Test procedures.~~

~~(3-30-06)~~

~~**o.** To qualify for an original wastewater laboratory analyst license, an applicant must hold a current water treatment, wastewater treatment or lagoon license.~~

~~(3-24-05)~~

03. ~~Substituting Education for~~ Experience Requirement. ~~Applicants may substitute approved education for operating and responsible charge experience as specified below. Only actual verified on-site operating experience at a treatment, distribution or collection system will be acceptable except as may be allowed by substitution as set forth in these rules. Experience as a laboratory analyst can be counted as wastewater operating experience for up to one-half (1/2) of the wastewater operating experience requirement but cannot be counted as responsible charge experience. Experience as a wastewater operator can be counted as laboratory analyst experience for up to one-half (1/2) of the laboratory analyst experience.~~ (3-24-05)()

~~a. No substitution for operating experience shall be permitted for licensure as a very small system operator or a Class I operator. (3-24-05)~~

~~b. For Classes II, III and IV, substitution shall only be allowed for the required experience when fifty percent (50%) of all stated experience (both operating and responsible charge) has been met by actual on-site operating experience. (3-24-05)~~

~~c. For Class II, a maximum of one and one-half (1½) years of post high school education in the environmental control field, engineering or related science may be substituted for one and one-half (1½) years of operating experience. (3-24-05)~~

~~d. For Class III and IV, a maximum of two (2) years of post high school education in the environmental control field, engineering or related science may be substituted for two (2) years of operating experience; however the applicant must still have one (1) year of responsible charge experience. (3-24-05)~~

~~e. Education substituted for operating experience may not be also credited toward the education requirement. (3-24-05)~~

~~f. One (1) year of post high school education may be substituted for one (1) year experience up to a maximum of fifty percent (50%) of the required operating or responsible charge experience. (3-24-05)~~

04. ~~Substituting Experience for Education.~~ ~~Where applicable, approved operating and responsible charge experience may be substituted for education as specified below: (3-24-05)~~

~~a. One (1) year of operating experience may be substituted for two (2) years of grade school or one (1) year of high school with no limitation. (3-24-05)~~

~~b. For Class III and IV, additional responsible charge experience (that exceeding the two-year class requirements) may be substituted for post high school education on a two (2) for one (1) basis: two (2) years additional responsible charge equal one (1) year post high school education. (3-24-05)~~

05. ~~Substituting Experience for Experience.~~ ~~Related experience may be substituted for experience up to one-half (½) of the operating experience requirement for Class II, III and IV. Experience that may be substituted includes but is not limited to the following: (3-24-05)~~

~~a. Experience as an environmental or operations consultant; (3-24-05)~~

- ~~**b.** Experience in an environmental or engineering branch of federal, state, county, or local government; (3-24-05)~~
- ~~**c.** Experience as a wastewater collection system operator; (3-24-05)~~
- ~~**d.** Experience as a wastewater treatment plant operator; (3-24-05)~~
- ~~**e.** Experience as a water distribution system operator and/or manager; (3-24-05)~~
- ~~**f.** One (1) year of post high school education may be substituted for one (1) year experience up to a maximum of fifty percent (50%) of the required operating or responsible charge experience. (3-24-05)~~
- ~~**g.** Experience in waste treatment operation and maintenance. (3-24-05)~~

~~**06. Equivalency Policy.** Substitutions for education or experience requirements needed to meet minimum requirements for license will be evaluated upon the following equivalency policies: (3-24-05)~~

~~**a.** High School—High School diploma equals GED or equivalent as approved by the Board equals four (4) years. (3-24-05)~~

~~**b.** College—Thirty five (35) credits equal one (1) year (limited to curricula in environmental engineering, environmental sciences, water/wastewater technology, and/or related fields as determined by the Board). (3-24-05)~~

~~**c.** Continuing Education Units (CEU) for operator training courses, seminars, related college courses, and other training activities. Ten (10) classroom hours equal one (1) CEU; forty five (45) CEUs equal one (1) year of college. (3-24-05)~~

301. -- 309. (RESERVED)

310. REQUIREMENTS FOR OPERATOR-IN-TRAINING LICENSE (RULE 310).

Each applicant for an Operator-In-Training License must meet the following requirements: ()

01. Education. Possess a high school diploma or GED; and ()

02. Examination. Pass the relevant Class I examination. ()

311. -- 314. (RESERVED)

315. REQUIREMENTS FOR A VERY SMALL WATER SYSTEM LICENSE (RULE 315).

To qualify for a Very Small Water System license an operator must meet the following requirements: ()

01. Education. Possess a high school diploma or GED and; ()

02. Experience. Document eighty-eight (88) hours of acceptable on-site operating experience at a water system; and ()

a. Complete an approved six-hour water treatment or chlorination course; and ()

b. Complete an approved six-hour water distribution course; and ()

03. Examination. Pass the relevant very small water system examination. ()

316. -- 319. (RESERVED)

320. REQUIREMENTS FOR A VERY SMALL WASTEWATER SYSTEM LICENSE (RULE 320).

To qualify for a Very Small Wastewater System license, an operator must meet the following requirements: ()

01. Education. Possess a high school diploma or GED; and ()

02. Experience. Document fifty (50) hours of acceptable on-site operating experience at a wastewater collection system; and ()

a. Fifty (50) hours of acceptable relevant on-site operating experience at a wastewater treatment system or lagoon; and ()

b. Complete an approved six-hour pumps and motors course; and ()

c. Complete an approved six-hour lagoon operation and maintenance course; or an approved six-hour large soil absorption system course; and ()

03. Examination. Pass the relevant lagoon examination. ()

321. -- 324. (RESERVED)

325. REQUIREMENTS FOR CLASS I RESTRICTED WATER OR WASTEWATER LICENSE (RULE 325).

To qualify for a Class I Restricted water or wastewater license an operator must meet the following requirements: ()

01. Education. Possess a high school diploma or GED; and ()

02. Experience. Document two hundred sixty (260) hours of acceptable relevant on-site operating experience during twelve (12) consecutive months with the system and complete sixteen (16) hours of continuing education relevant to the license; and ()

03. Examination. Pass the relevant Class I examination. ()

04. Restricted License Upgrade. Upon obtaining one thousand six hundred (1,600) hours of supervised on-site operating experience for each license, the operator shall be eligible to apply for an unrestricted Class I license. There is no limit on the amount of time needed to obtain the necessary experience to qualify for the unrestricted license. A restricted license is limited to a specific system. ()

326. -- 327. (RESERVED)

328. REQUIREMENTS FOR A CLASS I OPERATOR LICENSE (RULE 328).

To qualify for a Class I operator license an applicant must meet the following requirements: ()

01. Education. Possess a high school diploma or GED; and ()

02. Experience. Document one (1) year of acceptable relevant on-site operating experience at a Class I or higher system; and ()

03. Examination. Pass the relevant Class I examination. ()

04. Operator-In-Training License Upgrade. To upgrade an operator-in-training (OIT) license to a Class I the applicant must provide documented proof to the Board of having completed one (1) year of supervised on-site operating experience in a Class I or higher public drinking water or wastewater system, and payment of the required fees. ()

329. (RESERVED)

330. REQUIREMENTS FOR A CLASS II OPERATOR LICENSE (RULE 330).

To qualify for a Class II license an applicant must meet the following requirements: ()

01. Education. Possess a high school diploma or GED; and ()

02. Experience. Document three (3) years of acceptable relevant on-site operating experience at a Class I or higher system; and ()

03. Examination. Pass the relevant Class II examination. ()

331. -- 334. (RESERVED)

335. REQUIREMENTS FOR A CLASS III OPERATOR LICENSE (RULE 335).

To qualify for a Class III license an applicant must meet the following requirements: ()

01. Education. Possess a high school diploma or GED and two (2) years of post high school education in the environmental control field, engineering or related science; and ()

02. Experience. Document four (4) years of acceptable relevant on-site operating experience of a Class I or higher system for collection or distribution or Class II or higher system for treatment, including two (2) years of responsible charge of a major segment of a system in the same or next lower class; and ()

03. Examination. Pass the relevant Class III examination. ()

336. -- 339. (RESERVED)

340. REQUIREMENTS FOR A CLASS IV OPERATOR LICENSE (RULE 340).

To qualify for a Class IV license an applicant must meet the following requirements: ()

01. Education. Possess a high school diploma or GED and four (4) years of post high school education in the environmental control field, engineering or related science; and ()

02. Experience. Document four (4) years of acceptable relevant on-site operating experience at a Class I or higher system for collection or distribution or Class III or higher system for treatment, including two (2) years of responsible charge of a major segment of a system in the same or next lower class; and ()

03. Examination. Pass the relevant Class IV examination. ()

341. -- 344. (RESERVED)

345. REQUIREMENTS FOR A LAGOON OPERATOR LICENSE (RULE 345).

To qualify for a lagoon license, an operator must meet the following requirements: ()

01. Education. Possess a high school diploma or GED; and ()

02. Experience. Document twelve (12) consecutive months of acceptable on-site operating experience at a Lagoon system; and ()

03. Examination. Pass the relevant Lagoon examination. ()

346. -- 349. (RESERVED)

350. REQUIREMENTS FOR A WASTEWATER LAND APPLICATION LICENSE (RULE 350).

To qualify for a Wastewater Land Application license, an operator must meet the following requirements: ()

01. Education. Possess a high school diploma or GED; and ()

02. Experience. Document a minimum six (6) months of on-site operating experience at a wastewater land application system; and ()

03. Examination. Pass the relevant Wastewater Land Application examination; and ()

04. Other. Possess a wastewater Class I or higher operation license. The wastewater land application operator that is a responsible charge or substitute responsible charge operator must be licensed at the type and class equal to or greater than the classification of the wastewater

system. ()

351. -- 354. (RESERVED)

355. REQUIREMENTS FOR A BACKFLOW ASSEMBLY TESTER LICENSE (RULE 355).

To qualify for a backflow assembly tester license, an applicant must meet the following requirements: ()

01. Education. Possess a high school diploma or GED, and ()

02. Experience. Document successful completion of a Board-approved backflow assembly tester training program in compliance with the Cross Connection Control Accepted Procedure and Practice Manual and consisting of theory instruction, practical instruction, and a practical examination in compliance with the USC Test procedures; and ()

03. Examination. Pass the relevant Backflow Assembly Tester examination. ()

356. -- 359. (RESERVED)

360. REQUIREMENTS FOR WASTEWATER LABORATORY ANALYST LICENSE (RULE 360).

To qualify for a wastewater laboratory analyst license, an applicant must meet the following requirements for the relevant class: ()

01. Class I. ()

a. Possess a high school diploma or GED; and ()

b. Document one (1) year of acceptable lab experience at a class I or higher system; and ()

c. Pass the relevant class I laboratory analyst examination. ()

02. Class II. ()

a. Possess a high school diploma or GED; and ()

b. Document three (3) years of acceptable lab experience at a class I or higher system; and ()

c. Pass the relevant class II laboratory analyst examination. ()

03. Class III. ()

a. Possess a high school diploma or GED and two (2) years of post high school education in the environmental control field, engineering or related science; and ()

b. Document four (4) years of acceptable lab experience at a class II or higher system; and ()

c. Pass the relevant class III laboratory analyst examination. ()

04. Class IV. ()

a. Possess a high school diploma or GED and four (4) years of post high school education in the environmental control field, engineering or related science; and ()

b. Document four (4) years of acceptable lab experience at a class III or higher system; and ()

c. Pass the relevant class IV laboratory analyst examination. ()

361. -- 374. (RESERVED)

375. SUBSTITUTIONS (RULE 375).

01. Substituting Education for Experience. Applicants may substitute approved education for operating and responsible charge experience as specified below. ()

a. No substitution for on-site operating experience shall be permitted for licensure as a very small system operator or a Class I operator. ()

b. For Classes II, III and IV, substitution shall only be allowed for the required experience when fifty percent (50%) of all stated experience (both on-site operating and responsible charge) has been met by actual on-site operating experience. ()

c. For Class II, a maximum of one and one-half (1½) years of post high school education in the environmental control field, engineering or related science may be substituted for one and one-half (1½) years of operating experience. ()

d. For Class III and IV, a maximum of two (2) years of post high school education in the environmental control field, engineering or related science may be substituted for two (2) years of on-site operating experience; however the applicant for Class III must still have one (1) year of responsible charge experience and the applicant for Class IV must have two (2) years of responsible charge experience. ()

e. Education substituted for on-site operating experience may not be also credited toward the education requirement. ()

f. One (1) year of post high school education may be substituted for one (1) year experience up to a maximum of fifty percent (50%) of the required on-site operating or responsible charge experience. ()

02. Substituting Experience for Education. Where applicable, approved on-site operating and responsible charge experience may be substituted for education as specified below:

()

a. One (1) year of on-site operating experience may be substituted for two (2) years of grade school or one (1) year of high school with no limitation. ()

b. For Class III and IV, additional responsible charge experience (that exceeding the two-year class requirements) may be substituted for post high school education on a one (1) for one (1) basis: one (1) year additional responsible charge equal one (1) year post high school education. ()

c. At least 50% of education is mandatory and cannot be substituted by experience. ()

03. Substituting Experience for Experience. Related experience may be substituted for experience up to one-half (1/2) of the operating experience requirement for Class II, III and IV. Experience that may be substituted includes but is not limited to the following: ()

a. Experience as an environmental or operations consultant; ()

b. Experience in an environmental or engineering branch of federal, state, county, or local government; ()

c. Experience as a wastewater collection system operator; ()

d. Experience as a wastewater treatment plant operator; ()

e. Experience as a water distribution system operator and/or manager; ()

f. One (1) year of post high school education may be substituted for one (1) year experience up to a maximum of fifty percent (50%) of the required operating or responsible charge experience. ()

g. Experience in waste treatment operation and maintenance. ()

h. Experience as a laboratory analyst can be counted as wastewater operating experience for up to one-half (1/2) of the wastewater operating experience requirement but cannot be counted as responsible charge experience. ()

i. Experience as a wastewater operator can be counted as laboratory analyst experience for up to one-half (1/2) of the laboratory analyst experience requirement. ()

04. Equivalency Policy. Substitutions for education or experience requirements needed to meet minimum requirements for license will be evaluated upon the following equivalency policies: ()

a. High School - High School diploma equals GED or equivalent as approved by the Board equals four (4) years. ()

b. College - Thirty-five (35) credits equal one (1) year (limited to curricula in environmental engineering, environmental sciences, water/wastewater technology, and/or related fields as determined by the Board). ()

c. Continuing Education Units (CEU) for operator training courses, seminars, related college courses, and other training activities. Ten (10) classroom hours equal one (1) CEU; forty-five (45) CEUs equal one (1) year of college. ()

(BREAK IN CONTINUITY OF SECTIONS)

450. WASTEWATER GRANDPARENT PROVISION (RULE 450).

~~Upon application, the board may issue a grandparent license to a wastewater operator who provides documentation satisfactory to the board of being in responsible charge of an existing public wastewater system on or before April 15, 2003 and to the present.~~ Grandparent licenses for drinking water operators and backflow assembly testers shall not be issued. (3-24-05)()

01. Grandparent License. A ~~license issued under the~~ grandparent ~~provision~~ license shall allow the ~~applicant~~ licensee to ~~continue as~~ operator in responsible charge only of the specific facility identified in the ~~original~~ application. The license shall be site specific and non-transferable and shall not grant authority for the holder to practice at any other system in any capacity as an operator. (3-24-05)()

02. Application Limitations. The board must receive all applications for a grandparent license no later than April 15, 2006. ~~Applicants shall be subject to the application fee and the original license fee. The owner of the system shall attest under oath that the applicant has served as the system operator in responsible charge and shall specify the duties of the applicant and the dates of employment.~~ The provisions for allowing the Board to issue grandfather licenses has expired. (3-24-05)()

03. License Requirements. ~~Upon receiving a~~ grandparent licensed ~~the~~ wastewater operator ~~shall be~~ is required to meet all other requirements including the continuing education and renewal requirements. (3-24-05)()

04. Wastewater System Classification Limitations. The grandparent license shall become invalid any time the classification of the wastewater system changes to a higher classification. (3-24-05)

05. One System Limitation. A wastewater operator who is the wastewater operator in responsible charge of more than one (1) public wastewater system shall not be eligible for more than one (1) grandparent license. (3-24-05)

~~**06. Grandparent Professional Growth Requirement.** In the first license renewal cycle, every holder of a grandparent license must complete and maintain documentation of completing a one-time training requirement. The one-time training shall include all information covered by the qualifying license exam for the license class the operator holds. Following the first renewal cycle, the operator must meet the regular continuing education requirements.~~ (3-24-05)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO
DOCKET NO. 58-0101-1001
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 2012 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-first 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. This rule was adopted as a temporary rule by the Board in April 2011 and is currently effective.

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 39-114, 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, June 1, 2011, Vol. 11-6, pages 65 through 69](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0101-1001-pending> 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 Mary Anderson at mary.anderson@deq.idaho.gov or (208)373-0202.

Dated this 13th day of October, 2011.

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

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE TEMPORARY
AND PROPOSED RULE**

EFFECTIVE DATE: The temporary rule is effective **July 1, 2011**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226(1), Idaho Code, notice is hereby given that the Board of Environmental Quality has adopted a temporary rule and the Department of Environmental Quality is commencing proposed rulemaking. This action is authorized by Sections 39-105 and 39-107, Idaho Code, and House Bill 40 (to be codified at Section 39-114, Idaho Code).

PUBLIC HEARING SCHEDULE: A public hearing concerning this proposed rule will be held as follows:

July 7, 2011, 3:30 pm

**Department of Environmental Quality
Conference Room B
1410 N. Hilton, Boise, Idaho**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

DESCRIPTIVE SUMMARY: The new crop residue burning rules have been in effect since 2008. Upon completion of the second year of burning under the new rules, it became apparent that some smaller crop residue burns could and should be regulated under the rules differently than those large scale high fuel content burns. This temporary/proposed rule sets out provisions for obtaining spot burn, baled agricultural residue burn, and propane flaming permits.

Farmers desiring to burn crop residue, members of the regulated community who may be subject to Idaho's air quality rules as well as special interest groups, Idaho State Department of Agriculture, tribes, public officials, and members of the public who have an interest in the regulation of air emissions from sources in Idaho may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in October 2011 for adoption of a pending rule. The pending rule is expected to become final and effective upon adjournment of the 2012 legislative session if adopted by the Board and approved by the Legislature.

DEQ will submit the final rule to the United States Environmental Protection Agency to

be included in the State Implementation Plan as required by Section 110 of the Clean Air Act.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in that the rule confers a benefit. Adoption of a temporary rule enables farmers with small crop residue burns to burn within a streamlined process under certain conditions.

Adoption of Section 624 does not in itself authorize the open burning of crop residue in Idaho. Before burning under Section 624 can be conducted, several actions must take place, including development of a revised State Implementation Plan (SIP) and approval of the SIP by the U.S. Environmental Protection Agency (EPA). Prior to EPA SIP approval, those desiring to conduct spot burns, baled agricultural residue burns, or propane flaming must obtain a permit by rule in accordance with Sections 618 through 623. Contact DEQ before burning.

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.

NEGOTIATED RULEMAKING: The text of the rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Section 67-5220, Idaho Code, and IDAPA 58.01.23.810-815.

On June 2, 2010, the Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, Vol. 10-6, page 64, and a preliminary draft rule was made available for public review. Meetings were held on June 30, August 10, and September 23, 2010. Several members of the public participated in this negotiated rulemaking process by attending the meetings and by submitting written comments. A record of the negotiated rule drafts, written public comments received, and documents distributed during the negotiated rulemaking process is available at http://www.deq.idaho.gov/rules/air/58_0101_1001_temporary_proposed.cfm.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

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 AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the negotiated rulemaking, contact Mary Anderson at (208)373-0202, mary.anderson@deq.idaho.gov.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before July 7, 2011.

DATED this 26th day of April, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0101-1101

617. CROP RESIDUE DISPOSAL.

The open burning of crop residue on fields where the crops were grown is an allowable form of open burning if conducted in accordance with Section 39-114, Idaho Code, and Sections 618 through 623~~4~~ of these rules. (5-8-09)()

618. PERMIT BY RULE.

01. General Requirements. All persons shall be deemed to have a permit by rule if they comply with all the provisions of Sections 618 through 623~~4~~. No person shall conduct an open burn of crop residue without obtaining the applicable permit by rule. Those persons applying for a spot burn, baled agricultural residue burn, or propane flaming permit shall comply with the provisions in Section 624. The permit by rule does not relieve the applicant from obtaining all other required permits and approvals required by other state and local fire agencies or permitting authorities. (5-8-09)()

02. Forms. The Department shall provide the appropriate forms to complete the permit by rule. Forms may be available at the Department offices or on the Department [website](#). (5-8-09)

(BREAK IN CONTINUITY OF SECTIONS)

620. REGISTRATION FEE.

01. Payment of Fee. The permit by rule registration fee set out in Section 39-114, Idaho Code, shall be paid in its entirety at least seven (7) days prior to the proposed burn date. See also Subsection 624.02.a. for registration and fee requirements for burning under a spot and baled agricultural residue burn permit. The permit by rule registration form and fee should be sent to:

Crop Residue Burning Registration Fees
Fiscal Office
Idaho Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706-1255

(5-8-09)()

02. Effect of Payment. Payment of the registration fee does not imply authorization or approval to burn. (5-8-09)

(BREAK IN CONTINUITY OF SECTIONS)

622. GENERAL PROVISIONS.

01. Burn Provisions. All persons in Idaho intending to dispose of crop residue through burning shall abide by the following provisions: (5-8-09)

a. Burning Prohibitions. Burning of crop residue shall not be conducted on weekends, federal or state holidays, or after sunset or before sunrise; (5-8-09)

b. Designated Burn Day. Burning of crop residue shall not be conducted unless the Department has designated that day a burn day and the permittee has received individual approval specifying the conditions under which the burn may be conducted; (5-8-09)

c. Portable Form of Communication. The person conducting the burning must have on their possession a portable form of communication such as a cellular phone or radio of compatible frequency with the Department in order to receive burn approval information or information that might require measures to withhold additional material such that the fire burns down; (5-8-09)

d. Location of Field Burning. Open burning of crop residue shall be conducted in the field where it was generated; (5-8-09)

e. Limitations on Burning. When required by the conditions of the notice of approval to burn, the permittee burning in proximity to institutions with sensitive populations shall immediately extinguish the fire or withhold additional material such that the fire burns down, unless the Department determines that the burn will not have an adverse impact on such institutions; (5-8-09)

f. Training Session. All persons intending to burn crop residue shall attend a crop residue burning training session provided by the Idaho Department of Environmental Quality or the Idaho State Department of Agriculture and shall attend a crop residue disposal refresher training session every five (5) years; (5-8-09)

g. Air Stagnation or Degraded Air Quality. All field burning shall be prohibited when the Department issues an air quality forecast and caution, alert, warning or emergency as identified in Section 552 of these rules; (5-8-09)

h. Allowable Forms of Open Burning. The use of reburn machines, propane flammers, or other portable devices to ignite or reignite a field for the purposes of crop residue burning shall be considered an allowable form of open burning. Tires and other restricted material described in Subsection 603.01, of this rule, are not allowed for ignition of fields; (5-8-09)

i. Additional Burn Permits. All persons intending to burn crop residue shall obtain any additional applicable permits from federal, state or local fire control authorities prior to receiving approval from the Department to burn crop residue; and (5-8-09)

j. Reporting to the Department. All persons burning crop residue shall report to the Department the date burning was conducted, the actual number and location of acres burned, and other information as required by the Department. The Department may restrict further burning by a permittee until completed burns are reported. (5-8-09)

k. Specific Conditions. The open burning of crop residue shall be conducted in accordance with the specific conditions in the permittee's permit by rule. ()

02. **Annual Report.** The Department shall develop an annual report that shall include, at a minimum, an analysis of the causes of each exceedance of a limitation in Section 621 of this rule, if any, and an assessment of the circumstances associated with any reported endangerment to human health associated with a burn. The report shall include any proposed revisions to these rules or the Crop Residue Operating Guide deemed necessary to prevent future exceedances. (5-8-09)

03. **Advisory Committee.** The Department will assemble an advisory committee consisting of representatives from environmental organizations, farming organizations, health organizations, tribal organizations, the Idaho State Department of Agriculture, the Idaho Department of Environmental Quality, and others to discuss open burning of crop residue issues. (5-8-09)

623. PUBLIC NOTIFICATION.

01. **Designation of Burn Days.** The Director or his designee shall designate for a given county or airshed within a county burn or no-burn days. (5-8-09)

02. **Posting on Website.** The Department shall post daily on its website (www.deq.idaho.gov): ~~(5-8-09)~~()

- a. Whether a given day is a burn or no-burn day; (5-8-09)
- b. The location and number of acres permitted to be burned; (5-8-09)
- c. Meteorological conditions and any real time ambient air quality monitoring data; and (5-8-09)
- d. A toll-free number to receive requests for information (1-800-345-1007). ~~(5-8-09)~~()

03. **E-Mail Update Service.** The Department shall provide an opportunity for interested persons to sign up to receive automatic e-mail updates for information regarding the open burning of crop residue. (5-8-09)

624. ~~(RESERVED)~~ SPOT BURN, BALED AGRICULTURAL RESIDUE BURN, AND PROPANE FLAMING PERMITS.

Note: Adoption of Section 624 does not in itself authorize the open burning of crop residue in Idaho. Before burning under Section 624 can be conducted, several actions must take place,

including development of a revised State Implementation Plan (SIP) and approval of the SIP by the U.S. Environmental Protection Agency (EPA). Prior to EPA SIP approval, those desiring to conduct spot burns, baled agricultural residue burns, or propane flaming must obtain a permit by rule in accordance with Sections 618 through 623. Contact DEQ before burning. ()

01. Applicability. ()

a. Spot Burn. A spot burn includes no more than one (1) acre of evenly distributed crop residue or two (2) tons of piled crop residue. The open burning of weed patches, spots of heavy residue, equipment plugs and dumps, pivot corners of fields, and pastures may constitute a spot burn. Spot burn does not include the open burning of wind rows. ()

b. Baled Agricultural Residue Burn. An open burn used to dispose of broken, mildewed, diseased, or otherwise pest-ridden bales still in the field where they were generated. ()

c. Propane Flaming. The use of flame-generating equipment to briefly apply flame and/or heat to the topsoil of a cultivated field of pre-emerged or plowed-under crop residue with less than five hundred fifty (550) pounds of burnable, non-green residue per acre in order to control diseases, insects, pests, and weed emergence. ()

02. Spot and Baled Agricultural Residue Burn Permit. ()

a. Registration and Fee Requirements. Any person applying for a spot and baled agricultural residue burn permit under Section 624 shall provide the registration information listed in Subsections 619.01 and 619.02 and pay a nonrefundable fee of twenty dollars (\$20) to the Department (see Section 620) at least fourteen (14) days prior to the date the applicant proposes to conduct the first burn of the calendar year. ()

b. Term and Acreage. A spot and baled agricultural residue burn permit is valid for the calendar year in which it is issued and is good for a cumulative total of no more than ten (10) acres of spots and/or equivalent piled or baled agricultural residue during the year and no more than one (1) acre of spots and/or equivalent piled or baled agricultural residue per day. Two (2) tons of piled or baled agricultural residue is assumed to be equivalent to one (1) acre. ()

03. Propane Flaming Permit. Persons conducting propane flaming as defined under Subsection 624.01.c. shall be deemed to have a permit by rule if they comply with the applicable provisions in Subsections 624.04 and 624.05. ()

04. General Provisions. All persons intending to burn under Section 624 shall comply with the provisions of Subsections 622.01.c., 622.01.d., 622.01.f., through 622.01.i., and 622.01.k. in addition to the following: ()

a. The permittee is responsible to ensure that adequate measures are taken so the burn does not create a hazard for travel on a public roadway. ()

b. Burning is not allowed if the proposed burn location is within three (3) miles of an institution with a sensitive population and the surface wind speed is greater than twelve (12) miles

per hour or if the smoke is adversely impacting or is expected to adversely impact an institution with a sensitive population. ()

c. Designated Burn Day. Burning shall not be conducted unless the Department has designated that day a burn day, which for purposes of Section 624 may include weekends and holidays, and the permittee burns within the burn window provided on the Department's website at www.deq.idaho.gov. Spot and baled agriculture residue burns shall not smolder and create smoke outside of the designated time period burning is allowed. ()

05. Recordkeeping. Permittees shall record the date, time frame, type of burn, type of crop, and amount burned on the date of the burn. Records of such burns shall be retained for two (2) years and made available to the Department upon request. ()

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO
DOCKET NO. 58-0101-1003
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 2012 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-first 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 and 39-107, 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, May 4, 2011, Vol. 11-5, pages 78 through 82](#). **DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0101-1003-pending> 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 Michael Simon at (208) 373-0212, michael.simon@deq.idaho.gov.

Dated this 30th day of June, 2011.

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

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This rulemaking action is authorized Sections 39-105 and 39-107, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this proposed rule will be held as follows:

Monday, June 6, 2011, 3:30 p.m.

Department of Environmental Quality
Conference Room B
1410 N. Hilton, Boise, Idaho

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to streamline Idaho's Rules for Control of Kraft Pulp Mills by removing requirements that are either obsolete or covered by existing federal rules and by clarifying reporting requirements. Idaho's Rules for Control of Kraft Pulp Mills contain several obsolete requirements which were completed during the 1970's. Other requirements are duplicative or less stringent than existing federal New Source Performance Standards and Maximum Achievable Control Technology for this industry.

Members of the regulated community who may be subject to Idaho's air quality rules as well as special interest groups, public officials, or members of the public who have an interest in the regulation of air emissions from sources in Idaho may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in October 2011 for adoption of a pending rule. The pending rule is expected to become final and effective upon adjournment of the 2012 legislative session if adopted by the Board and approved by the Legislature.

SECTION 39-107D, IDAHO CODE, STATEMENT: This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

NEGOTIATED RULEMAKING: The text of the rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Section 67-5220, Idaho

Code, and IDAPA 58.01.23.810-815. On November 3, 2010, the Notice of Negotiated Rulemaking was published in the [Idaho Administrative Bulletin](#), Vol. 10-11, pages 120 and 121, and a preliminary draft rule was made available for public review. A meeting was held on December 9, 2010. Members of the public participated in this negotiated rulemaking process by attending the meeting and by submitting written comments. A record of the negotiated rule drafts, written comments received, and documents distributed during the negotiated rulemaking process is available at http://www.deq.idaho.gov/rules/air/58_0101_1003_proposed.cfm.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

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 AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the negotiated rulemaking, contact Michael Simon at (208) 373-0212, michael.simon@deq.idaho.gov.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before June 6, 2011.

DATED this 8th day of April, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0101-1003

~~**815. RULES FOR CONTROL OF KRAFT PULPING MILLS.**~~

~~The purpose of Sections 815 through 826 is to establish for kraft pulping mills restrictions additional to the general rules presented in this Chapter; to formulate a schedule for compliance with the restrictions; and to formalize the policy of the Department concerning emissions control from kraft pulping mills. (5-1-94)~~

~~**816. STATEMENT OF POLICY.**~~

~~It is hereby declared to be the policy of the Department to: (5-1-94)~~

~~**01. Best Treatment and Control.** Require, in accordance with a specific program and timetable, the highest and best practicable treatment and control of emissions through the utilization of technically feasible equipment, devices and procedures. (5-1-94)~~

~~**02. Monitoring.** Require effective monitoring and reporting of emissions and reporting of other data pertinent to air quality or emissions. The Department will use these data~~

~~in conjunction with other data on ambient air and local conditions to develop and revise emission standards and air quality standards as necessary, and to determine compliance therewith.~~

~~(5-1-94)~~

~~**03. Research.** Encourage and assist the kraft pulping industry to conduct research and technological development designed to progressively reduce emissions in accordance with specific programs, objectives and time schedules.~~

~~(5-1-94)~~

~~**04. Available Technology Required.** Establish standards deemed to be technically feasible and reasonably attainable, with the intent of revising the standards as necessary when new information and technology are developed.~~

~~(5-1-94)~~

~~**05. New Source Standards.** Establish more restrictive standards for new mills or for mills expanding existing facilities.~~

~~(5-1-94)~~

~~**817. GENERAL RULES.**~~

~~All emission standards in Sections 818 through 823 are based on average daily emissions. These limitations do not preclude a requirement to install the highest and best practicable treatment and control available.~~

~~(5-1-94)~~

~~**818. RECOVERY FURNACE STANDARDS.**~~

~~The emission of TRS from all recovery furnace stacks shall not exceed two (2) pounds of sulfur per ton of equivalent air dried kraft pulp or, from each recovery furnace stack, seventy (70) ppm expressed as hydrogen sulfide on a dry basis, whichever is the more restrictive. Compliance shall be achieved by December, 1972.~~

~~(5-1-94)~~

~~**819. RECOVERY FURNACE TRS STANDARDS.**~~

~~The emission of TRS from all recovery furnace stacks shall be further reduced so as not to exceed one half (1/2) pound of sulfur per equivalent ton of air dried kraft pulp, or from each recovery furnace stack seventeen and one half (17 1/2) ppm, expressed as hydrogen sulfide on a dry gas basis, whichever is the more restrictive, or such other limit of TRS that proves to be reasonably attainable utilizing the latest in design of recovery furnace equipment, controls, and procedures. Compliance shall be achieved by not later than July, 1975.~~

~~(5-1-94)~~

~~**820. DIGESTER AND EVAPORATOR STANDARDS.**~~

~~Noncondensibles from digesters and multiple effect evaporators shall be treated to reduce the emission of TRS equal to the reduction achieved by thermal oxidation in a lime kiln. Compliance with this requirement shall be achieved by not later than July, 1972.~~

~~(5-1-94)~~

~~**821. RECOVERY FURNACE PARTICULATE STANDARDS.**~~

~~The emission of particulate matter from all recovery furnace stacks shall not exceed four (4) pounds per ton of equivalent air dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1975.~~

~~(5-1-94)~~

~~**822. LIME KILN STANDARDS.**~~

~~The emission of particulate matter from all lime kilns shall not exceed one (1) pound per ton of equivalent air dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1975.~~

~~(5-1-94)~~

~~823. SMELT TANK STANDARDS.~~

~~The emission of particulate material from all smelt tanks shall not exceed one-half (1/2) pound per ton of equivalent air-dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1972.~~ (5-1-94)

~~824. MONITORING AND REPORTING.~~

~~**01. Continuous Monitoring Requirements.** Every kraft mill in the State shall install equipment for the continuous monitoring of TRS.~~ (5-1-94)

~~**a.** The monitoring equipment shall be capable of determining compliance with these standards and shall be capable of continuous sampling and recording of the concentrations of TRS contaminants during a time interval not greater than thirty (30) minutes.~~ (5-1-94)

~~**b.** The sources monitored shall include, but are not limited to, the recovery furnace stacks and the lime kiln stacks.~~ (5-1-94)

~~**02. Particulate Sampling.** Each mill shall sample the recovery furnace, lime kiln, and smelt tank for particulate emissions on a regularly scheduled basis in accordance with its sampling program as approved by the Department. The appropriate test method under Sections 821 through 823 shall be EPA Method 5 contained in 40 CFR Part 60 or such comparable and equivalent method approved in accordance with Subsection 157.02.d. Test methods and procedures shall also comply with Section 157.~~ (4-5-00)

~~**03. Monitoring Program and Time Schedule Submittal.** Each mill shall submit within sixty (60) days after the original effective date of Sections 815 through 826 a detailed monitoring program and time schedule for approval by the Department. The equipment shall be ordered within thirty (30) days after the monitoring program has been approved in writing by the Department. The equipment shall be placed in effective operation in accordance with the approved program within ninety (90) days after delivery.~~ (5-1-94)

~~**04. Quarterly Reporting Requirements.** Unless otherwise authorized by the Department, data shall be reported by each mill at the end of each calendar quarter, as follows:~~ (4-5-00)

~~**a.** Daily average emission of TRS gases expressed in parts per million on a dry gas basis for each source included in the approved monitoring program.~~ (5-1-94)

~~**b.** The number of hours each day that the emission of TRS gases from each recovery furnace stack exceeds emission standards and the maximum concentration of TRS measured each day.~~ (5-1-94)

~~**c.** Emission of TRS gases in pounds of sulfur per equivalent air-dried ton of pulp processed in the kraft cycle on a quarterly basis for each source included in the approved monitoring program.~~ (4-5-00)

~~**d.** Emission of particulates in pounds per equivalent air-dried ton of pulp produced~~

~~in the kraft cycle based upon sampling conducted in accordance with the approved monitoring program. (5-1-94)~~

~~e. Average daily equivalent kraft pulp production in air-dried tons. (5-1-94)~~

~~f. Other emission data as specified in the approved monitoring program. (5-1-94)~~

~~**05. Semi-Annual Reporting Requirements.** Unless otherwise authorized by the Department, excess emissions data for emissions units covered by Section 820 shall be reported by each mill at the end of each semi-annual calendar period, as follows: (4-5-00)~~

~~a. Excess emissions for the semi-annual report required by Subsection 824.05 shall be defined as periods during which noncondensibles are not treated as required by Section 820. Periods of excess emissions reported under Subsection 824.05 shall not be a violation under Section 820 provided that the time of excess emissions (excluding periods of startup, shutdown, or malfunction) divided by the total process operating time in a semi-annual period does not exceed one percent (1%). (4-5-00)~~

~~b. The total duration of excess emissions during the reporting period (recorded in hours). (4-5-00)~~

~~c. The total duration of excess emissions expressed as a percent of the total source operating time during that reporting period, and (4-5-00)~~

~~d. A breakdown of the total duration of excess emissions during the reporting period into those that are due to startup/shutdown, control equipment problems, process problems, other known causes, and other unknown causes. (4-5-00)~~

~~**06. Miscellaneous Reports.** Each kraft mill shall furnish, upon request of the Department, such other pertinent data as the Department may require to evaluate the mill's emission control program. Each mill shall immediately report abnormal mill operations which result in increased emissions of air pollutants, following procedures set forth in the approved monitoring program. (5-1-94)~~

~~**825. SPECIAL STUDIES.**~~

~~Special studies, having prior approval of the Department, shall be conducted, and the results thereof submitted to the Department by December, 1972. (5-1-94)~~

~~**01. Areas to Be Included.** The studies shall cover the following areas: (5-1-94)~~

~~a. TRS Emissions. Evaluation of the emissions of TRS from all other sources within the mill. Other sources mean sources of odorous sulfur emissions including, but not limited to, vents from lime kilns, knotters, brown stock pulp washers, multiple effect evaporators, digesters, blow tanks, smelt tanks, blow heat accumulators, black liquor storage, black liquor oxidation systems, tall oil recovery operations, and any operation connected with the handling of condensate liquids within the mill or any vent which may be a significant contributor of odorous gases. (5-1-94)~~

~~b. Sulfur Dioxide Emissions. Evaluation of the emissions of sulfur dioxide from all sources within the mill, including but not necessarily limited to, the recovery furnace, lime kiln, and power boilers. (5-1-94)~~

~~e. Water Vapor. Evaluation of water vapor emissions from all sources within the mill. (5-1-94)~~

~~02. Additional Studies. The Department may require such additional special studies relevant to air pollution and establish completion dates as necessary. (5-1-94)~~

826. EXCEPTIONS.

~~The emission limits established under Sections 817 through 823 apply to the specific process as described. These emission limits do not apply to open burning, power boilers, or other operations conducted at the site of or ancillary to the kraft pulp mill operation. Such ancillary operations must meet standards established in this chapter. (5-1-94)~~

815. RULES FOR CONTROL OF KRAFT PULP MILLS.

~~The purpose of Sections 815 through 818 is to establish emission standards for recovery furnaces and notification and reporting requirements for low volume high concentration (LVHC) and high volume low concentration (HVLC) gas venting at kraft pulp mills. ()~~

816. RECOVERY FURNACE TRS STANDARD.

~~The average daily emissions of total reduced sulfur (TRS) from each recovery furnace shall not exceed fifteen (15) ppm expressed as hydrogen sulfide on a dry basis. Recovery furnaces at kraft pulp mills subject to 40 CFR Part 60 TRS standards are exempt from the requirements of Section 816. ()~~

817. RECOVERY FURNACE TRS MONITORING AND RECORDKEEPING.

~~Owners and operators of each recovery furnace subject to the TRS emission standard in Section 816 shall maintain and operate equipment to continuously monitor and record the daily average TRS concentrations. ()~~

818. KRAFT PULP MILL LVHC AND HVLC GAS VENTING NOTIFICATION AND REPORTING.

~~Section 818 is applicable to kraft pulp mill LVHC and HVLC gas venting from sources required to be controlled pursuant to 40 CFR 63, Subpart S. For purposes of Sections 130 through 136, an excess emission is defined as a continuous uncontrolled gas venting in excess of five (5) minutes. Excess emissions notification and reporting shall be conducted pursuant to the requirements contained in Sections 130 through 136 and the permit issued to the kraft pulp mill. ()~~

82719. -- 834. (RESERVED).

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1101

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The temporary rule is effective **April 26, 2011** and remains in effect until the conclusion of the 2012 legislative session unless rescinded by the agency. This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2012 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-first Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that the Board has adopted a temporary and pending rule. This action is authorized by Sections 39-105 and 39-107, Idaho Code. This rulemaking updates citations to the federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency for approval of the state's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of a fully approved state implementation plan under Section 110 of the Clean Air Act.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting this rule is set forth in the initial proposal published in the [Idaho Administrative Bulletin, January 5, 2011, Vol. 11-1, pages 202 through 205](#). After consideration of public comments, the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at http://www.deq.idaho.gov/rules/air/58_0101_1101_temporary_pending.cfm or by contacting the undersigned.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of this rule is necessary in order to comply with deadlines in federal law. It is necessary to incorporate by reference the final rule for Prevention of Significant Deterioration (PSD) for Particulate Matter Less than 2.5 Micrometers (PM2.5 Rule) as a temporary rule as it is needed to fully implement essential elements of the PSD program for new sources and modifications to existing sources with PM2.5 emissions.

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 technical questions concerning this rulemaking, contact Michael Simon at (208) 373-0212 or michael.simon@deq.idaho.gov.

Dated this 26th day of April, 2011.

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

***THE FOLLOWING NOTICE WAS PUBLISHED WITH THE TEMPORARY
AND PROPOSED RULE***

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. The action is authorized by Sections 39-105 and 39-107, Idaho Code. This rulemaking updates citations to the federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency (EPA) for approval of the state's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of a fully approved state implementation plan under Section 110 of the Clean Air Act.

PUBLIC HEARING SCHEDULE: A public hearing concerning this proposed rulemaking will be held as follows:

February 7, 2011, 3:30 p.m.

**Department of Environmental Quality
Conference Room B
1410 N. Hilton, Boise, Idaho**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to incorporate by reference the final rule for Prevention of Significant Deterioration (PSD) for Particulate Matter Less than 2.5 Micrometers (PM2.5 Rule) adopted by EPA with an effective date of December 20, 2010 and published in the Federal Register on October 20, 2010. DEQ annually initiates rulemaking to update citations to federal regulations incorporated by reference into the Idaho Rules for the Control of Air Pollution in Idaho. The PM2.5 Rule was not adopted in time to be included in DEQ's annual update of citations to federal regulations incorporated by reference.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality at the April 2011 Board meeting for adoption as a pending and temporary rule. If adopted by the Board, the temporary rule will become effective on April 27, 2011. The pending rule is expected to be final upon adjournment of the 2012 legislative session if approved by the Legislature.

It is necessary to incorporate by reference the PM2.5 Rule as a temporary rule as it is needed to fully implement essential elements of the PSD program for new sources and modifications to existing sources with PM2.5 emissions.

Members of the regulated community who may be subject to Idaho's air quality rules, special interest groups, public officials, and members of the public who have an interest in the regulation of air emissions from sources in Idaho may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary:

Incorporation by reference is necessary to ensure that the state rules are consistent with federal regulations. An electronic copy of the federal regulations incorporated by reference can be obtained at <http://www.gpoaccess.gov/fr/index.html>.

NEGOTIATED RULEMAKING: Due to the nature of this rulemaking, negotiations were not held.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed 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 AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Michael Simon at (208) 373-0212 or michael.simon@deq.idaho.gov.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before February 7, 2011.

DATED this 17th day of December, 2010.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0101-1101

107. INCORPORATIONS BY REFERENCE.

01. General. Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 107.03 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term “documents” includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (5-1-94)

02. Availability of Referenced Material. Copies of the documents incorporated by reference into these rules are available at the following locations: (5-1-94)

a. All federal publications: U.S. Government Printing Office, <http://www.gpoaccess.gov/index.html>; and (3-20-04)

b. All documents herein incorporated by reference: (7-1-97)

i. Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706-1255 at (208) 373-0502. (7-1-97)

ii. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, Idaho 83720-0051, (208) 334-3316. (7-1-97)

03. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules: (5-1-94)

a. Requirements for Preparation, Adoption, and Submittal of Implementation Plans and Appendix W to Part 51--Guideline on Air Quality Models. 40 CFR Part 51 revised as of July 1, 2009. The following portions of 40 CFR Part 51 are expressly excluded from any incorporation by reference into these rules: (3-29-10)

i. All sections included in 40 CFR Part 51, Subpart P, Protection of Visibility, except that 40 CFR 51.301, 51.304(a), 51.307, and 51.308 are incorporated by reference into these rules; and (3-30-07)

ii. Appendix Y to Part 51, Guidelines for BART Determinations Under the Regional Haze Rule. (3-30-07)

b. National Primary and Secondary Ambient Air Quality Standards, 40 CFR Part 50, revised as of July 1, 2009. (3-29-10)

c. Requirements for Preparation, Adoption, and Submittal of Implementation Plans,

Protection of Visibility, 40 CFR 51.301, 51.304(a), 51.307, and 51.308, revised as of July 1, 2009. (3-29-10)

d. Approval and Promulgation of Implementation Plans, 40 CFR Part 52 revised as of July 1, 2009. (3-29-10)

e. Ambient Air Monitoring Reference and Equivalent Methods, 40 CFR Part 53, revised as of July 1, 2009. (3-29-10)

f. Ambient Air Quality Surveillance, Quality Assurance Requirements for Prevention of Significant Deterioration (PSD Air Monitoring), 40 CFR Part 58, Appendix B, revised as of July 1, 2009. (3-29-10)

g. Standards of Performance for New Stationary Sources, 40 CFR Part 60, revised as of July 1, 2009. (3-29-10)

h. National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, revised as of July 1, 2009. (3-29-10)

i. National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR Part 63, revised as of July 1, 2009. (3-29-10)

j. Compliance Assurance Monitoring, 40 CFR Part 64, revised as of July 1, 2009. (3-29-10)

k. Permits, 40 CFR Part 72, revised as of July 1, 2009. (3-29-10)

l. Sulfur Dioxide Allowance System, 40 CFR Part 73, revised as of July 1, 2009. (3-29-10)

m. Protection of Stratospheric Ozone, 40 CFR Part 82, revised as of July 1, 2009. (3-29-10)

n. Clean Air Act, 42 U.S.C. Sections 7401 through 7671g (1997). (3-19-99)

o. Determining Conformity of Federal Actions to State or Federal Implementation Plans: Conformity to State or Federal Implementation Plans of Transportation Plans, Programs and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws, 40 CFR Part 93, Subpart A, Sections 93.100 through 93.129, revised as of July 1, 2009, except that Sections 93.102(c), 93.104(d), 93.104(e)(2), 93.105, 93.109(c)-(f), 93.118(e), 93.119(f)(3), 93.120(a)(2), 93.121(a)(1), and 93.124(b) are expressly omitted from the incorporation by reference. (3-29-10)

p. The final rule for Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units, 70 Fed. Reg. 28,606 (May 18, 2005), corrected at 70 Fed. Reg. 51,266 the final rule for Standards of Performance for Electric Utility Steam Generating Units, Industrial-Commercial-Institutional Steam Generating Units, and Small Industrial-Commercial-Institutional Steam Generating Units, only as it applies to coal fired

electric steam generating units as defined in 40 CFR 60.24, 71 Fed. Reg. 9865 (February 27, 2006); Revision of December 2000 Clean Air Act Section 112(n) Finding Regarding Electric Utility Steam Generating Units; and Standards of Performance for New and Existing Electric Utility Steam Generating Units: Reconsideration, 71 Fed. Reg. 33,388 (June 9, 2006) are expressly excluded from any incorporation by reference into these rules. (3-30-07)

g. The final rule for Prevention of Significant Deterioration (PSD) for Particulate Matter Less than 2.5 Micrometers (PM_{2.5})—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC), 75 Fed. Reg. 64,864 through 64,907 (October 20, 2010) to be codified at 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans) and 40 CFR Part 52 (Approval and Promulgation of Implementation Plans). This final rule is effective on December 20, 2010. ()

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO
DOCKET NO. 58-0101-1102
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 2012 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-first 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. This rule was adopted as a temporary rule by the Board in April 2011 and is currently effective.

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 and 39-107, 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, June 1, 2011, Vol. 11-6, pages 73 through 76](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0101-1102-pending> 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 Martin Bauer at martin.bauer@deq.idaho.gov or (208)373-0440.

Dated this 13th day of October, 2011.

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

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE TEMPORARY
AND PROPOSED RULE**

EFFECTIVE DATE: The temporary rule is effective **April 26, 2011.**

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226(1), Idaho Code, notice is hereby given that the Board of Environmental Quality has adopted a temporary rule and the Department of Environmental Quality is commencing proposed rulemaking. This action is authorized by Sections 39-105 and 39-107, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this proposed rule will be held as follows:

July 7, 2011, 3:30 pm

**Department of Environmental Quality
Conference Room B
1410 N. Hilton, Boise, Idaho**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to repeal IDAPA 58.01.01, Section 199, Electric Generating Unit Construction Prohibition, and IDAPA 58.01.01, Subsection 107.03.o., which specifically excludes the Federal Register publications regarding coal fired utilities from incorporation by reference into the Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01.

In November 2006, DEQ was required by the federal Clean Air Mercury Rule (CAMR) to submit a plan to EPA that (1) ensured the state would meet its Annual Coal Fired Electric Utility Steam Generating Unit (EGU) Mercury (Hg) budget for the appropriate periods; and (2) required EGUs to comply with various monitoring, recordkeeping and reporting provisions. As part of the plan, DEQ proposed the adoption of a rule to opt out of, or not participate in, the federal cap and trade program for Hg emissions from EGUs, codified at 40 CFR Part 60, Subpart HHHH (Subsection 107.03.o). Additionally, to meet the state of Idaho's zero budget, DEQ proposed a rule that prohibits the construction of any EGU with Hg emissions (Section 199). These rules were adopted by the Board of Environmental Quality in 2006 and approved by the Idaho Legislature in 2007. The D.C. Circuit Court of Appeals vacated the CAMR in *New Jersey v. EPA*, 517 F.3d 574 (D.C. Circuit 2008).

DEQ initiated this rulemaking following legislative approval of air quality rules designed to limit and control mercury emissions from certain facilities (Pending Rule Docket No. 58-0101-0904). The pending rule docket was adopted by the Board of

Environmental Quality in October 2010 and approved by the 2011 Idaho Legislature.

Members of the regulated community who may be subject to Idaho's air quality rules as well as special interest groups, public officials, or members of the public who have an interest in the regulation of air emissions from sources in Idaho may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in October 2011 for adoption of a pending rule. The pending rule is expected to become final and effective upon adjournment of the 2012 legislative session if adopted by the Board and approved by the Legislature.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in that the rule confers a benefit. Temporary adoption of this rule confers a benefit to the state of Idaho in that construction of electric generating units would no longer be prohibited.

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.

NEGOTIATED RULEMAKING: Due to the nature of this rulemaking, negotiations were not held.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

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 AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the negotiated rulemaking, contact Martin Bauer at (208)373-0440, martin.bauer@deq.idaho.gov.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before July 7, 2011.

DATED this 26th day of April, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0101-1102

107. INCORPORATIONS BY REFERENCE.

01. General. Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 107.03 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term “documents” includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association.

(5-1-94)

02. Availability of Referenced Material. Copies of the documents incorporated by reference into these rules are available at the following locations:

(5-1-94)

a. All federal publications: [U.S. Government Printing Office](#); and (4-7-11)

b. All documents herein incorporated by reference: (7-1-97)

i. Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706-1255 at (208) 373-0502. (7-1-97)

ii. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, Idaho 83720-0051, (208) 334-3316. (7-1-97)

03. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules:

(5-1-94)

a. Requirements for Preparation, Adoption, and Submittal of Implementation Plans, 40 CFR Part 51 revised as of July 1, 2010. The following portions of 40 CFR Part 51 are expressly excluded from any incorporation by reference into these rules:

(4-7-11)

i. All sections included in 40 CFR Part 51, Subpart P, Protection of Visibility, except that 40 CFR 51.301, 51.304(a), 51.307, and 51.308 are incorporated by reference into these rules; and

(3-30-07)

ii. Appendix Y to Part 51, Guidelines for BART Determinations Under the Regional Haze Rule.

(3-30-07)

b. National Primary and Secondary Ambient Air Quality Standards, 40 CFR Part 50, revised as of July 1, 2010.

(4-7-11)

c. Approval and Promulgation of Implementation Plans, 40 CFR Part 52 revised as of July 1, 2010.

(4-7-11)

d. Ambient Air Monitoring Reference and Equivalent Methods, 40 CFR Part 53, revised as of July 1, 2010.

(4-7-11)

e. Ambient Air Quality Surveillance, 40 CFR Part 58, revised as of July 1, 2010.

(4-7-11)

f. Standards of Performance for New Stationary Sources, 40 CFR Part 60, revised as of July 1, 2010. (4-7-11)

g. National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, revised as of July 1, 2010. (4-7-11)

h. National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR Part 63, revised as of July 1, 2010. (4-7-11)

i. Compliance Assurance Monitoring, 40 CFR Part 64, revised as of July 1, 2010. (4-7-11)

j. Permits, 40 CFR Part 72, revised as of July 1, 2010. (4-7-11)

k. Sulfur Dioxide Allowance System, 40 CFR Part 73, revised as of July 1, 2010. (4-7-11)

l. Protection of Stratospheric Ozone, 40 CFR Part 82, revised as of July 1, 2010. (4-7-11)

m. Clean Air Act, 42 U.S.C. Sections 7401 through 7671g (1997). (3-19-99)

n. Determining Conformity of Federal Actions to State or Federal Implementation Plans: Conformity to State or Federal Implementation Plans of Transportation Plans, Programs and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws, 40 CFR Part 93, Subpart A, Sections 93.100 through 93.129, revised as of July 1, 2010, except that Sections 93.102(c), 93.104(d), 93.104(e)(2), 93.105, 93.109(c)-(f), 93.118(e), 93.119(f)(3), 93.120(a)(2), 93.121(a)(1), and 93.124(b) are expressly omitted from the incorporation by reference. (4-7-11)

~~**o.** *The final rule for Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units, 70 Fed. Reg. 28,606 (May 18, 2005), corrected at 70 Fed. Reg. 51,266 the final rule for Standards of Performance for Electric Utility Steam Generating Units, Industrial-Commercial-Institutional Steam Generating Units, and Small Industrial-Commercial-Institutional Steam Generating Units, only as it applies to coal fired electric steam generating units as defined in 40 CFR 60.24, 71 Fed. Reg. 9865 (February 27, 2006); Revision of December 2000 Clean Air Act Section 112(n) Finding Regarding Electric Utility Steam Generating Units; and Standards of Performance for New and Existing Electric Utility Steam Generating Units: Reconsideration, 71 Fed. Reg. 33,388 (June 9, 2006) are expressly excluded from any incorporation by reference into these rules.* (3-30-07)~~

po. The final rule for Primary National Ambient Air Quality Standards for Sulfur Dioxide, 75 Fed. Reg. 35,520 through 35,603 (June 22, 2010) to be codified at 40 CFR Part 50 (National Primary and Secondary Ambient Air Quality Standards), 40 CFR Part 53 (Ambient Air Monitoring Reference and Equivalent Methods), and 40 CFR Part 58 (Ambient Air Quality Surveillance). This final rule is effective on August 23, 2010. (4-7-11)

~~71.~~ The final rule for Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule, 75 Fed. Reg. 31,514 through 31,608 (June 3, 2010) to be codified at 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans), 40 CFR Part 52 (Approval and Promulgation of Implementation Plans), and 40 CFR Part 70 (State Operating Permit Programs). This final rule is effective on August 2, 2010. (4-7-11)

(BREAK IN CONTINUITY OF SECTIONS)

182. -- 198~~9~~. (RESERVED).

~~**199. ELECTRIC GENERATING UNIT CONSTRUCTION PROHIBITION.**~~

~~No owner or operator shall construct or operate an Electric Generating Unit (EGU), as defined in 40 CFR 60.24, with a potential to emit mercury (Hg) emissions. (3-30-07)~~

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO
DOCKET NO. 58-0101-1103
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 2012 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-first Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

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 and 39-107, Idaho Code. This rulemaking updates citations to the federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency (EPA) for approval of the state's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(l) of the Clean Air Act.

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 3, 2011, Vol. 11-8, pages 273 through 278](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0101-1103-pending> 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 Martin Bauer at martin.bauer@deq.idaho.gov or (208)373-0440.

Dated this 13th day of October, 2011.

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

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. The action is authorized by Sections 39-105 and 39-107, Idaho Code. This rulemaking updates citations to the federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency (EPA) for approval of the state's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(l) of the Clean Air Act.

PUBLIC HEARING SCHEDULE: A public hearing concerning this proposed rulemaking will be held as follows:

Wednesday, September 7, 2011, 3:30 p.m.

**Department of Environmental Quality
Conference Room B
1410 N. Hilton, Boise, Idaho.**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

DESCRIPTIVE SUMMARY: This rulemaking is necessary to ensure that the Rules for the Control of Air Pollution in Idaho are consistent with federal regulations. This proposed rule updates citations to federal regulations incorporated by reference at Sections 008 and 107 to include those revised as of July 1, 2011.

Members of the regulated community who may be subject to Idaho's air quality rules, special interest groups, public officials, and members of the public who have an interest in the regulation of air emissions from sources in Idaho may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in October 2011 for adoption as a pending rule. The rule is expected to be final and effective upon adjournment of the 2012 legislative session if adopted by the Board and approved by the Legislature.

DEQ will submit the final rule to the United States Environmental Protection Agency to be included in the State Implementation Plan as required by Section 110 of the Clean Air Act.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary:

Incorporation by reference is necessary to ensure that the state rules are consistent with federal regulations. Information for obtaining a copy of the federal regulations is included in the rule.

NEGOTIATED RULEMAKING: Due to the nature of this rulemaking, negotiations were not held.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed 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 AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Martin Bauer at martin.bauer@deq.idaho.gov or (208) 373-0440.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before September 7, 2011.

DATED this 8th day of July, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0101-1103

008. DEFINITIONS FOR THE PURPOSES OF SECTIONS 300 THROUGH 386.

- 01. Affected States.** All States: (5-1-94)
 - a.** Whose air quality may be affected by the emissions of the Tier I source and that are contiguous to Idaho; or (5-1-94)
 - b.** That are within fifty (50) miles of the Tier I source. (5-1-94)
- 02. Allowance.** An authorization allocated to a Phase II source by the EPA to emit during or after a specified calendar year, one (1) ton of sulfur dioxide. (5-1-94)
- 03. Applicable Requirement.** All of the following if approved or promulgated by

EPA as they apply to emissions units in a Tier I source (including requirements that have been promulgated through rulemaking at the time of permit issuance but which have future-effective compliance dates): (5-1-94)

a. Any standard or other requirement provided for in the applicable state implementation plan, including any revisions to that plan that are specified in 40 CFR Parts 52.670 through 52.690. (5-1-94)

b. Any term or condition of any permits to construct issued by the Department pursuant to Sections 200 through 223 or by EPA pursuant to 42 U.S.C. Sections 7401 through 7515; provided that terms or conditions relevant only to toxic air pollutants are not applicable requirements. (4-5-00)

c. Any standard or other requirement under 42 U.S.C. Section 7411 including 40 CFR Part 60; (5-1-94)

d. Any standard or other requirement under 42 U.S.C. Section 7412 including 40 CFR Part 61 and 40 CFR Part 63; (5-1-94)

e. Any standard or other requirement of the acid rain program under 42 U.S.C. Sections 7651 through 7651o; (5-1-94)

f. Any requirements established pursuant to 42 U.S.C. Section 7414(a)(3), 42 U.S.C. Section 7661c(b) or Sections 120 through 128 of these rules; (3-23-98)

g. Any standard or other requirement governing solid waste incineration, under 42 U.S.C. Section 7429; (5-1-94)

h. Any standard or other requirement for consumer and commercial products and tank vessels, under 42 U.S.C. Sections 7511b(e) and (f); and (5-1-94)

i. Any standard or other requirement under 42 U.S.C. Sections 7671 through 7671q including 40 CFR Part 82. (5-1-94)

j. Any ambient air quality standard or increment or visibility requirement provided in 42 U.S.C. Sections 7470 through 7492, but only as applied to temporary sources receiving Tier I operating permits under Section 324. (5-1-94)

04. Designated Representative. A responsible person or official authorized by the owner or operator of a Phase II unit to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances allocated to a Phase II unit, and the submission of and compliance with permits, permit applications, and compliance plans for the Phase II unit. (5-1-94)

05. Draft Permit. The version of a Tier I operating permit that is made available by the Department for public participation and affected State review. (5-1-94)

06. Emergency. For the purposes of Section 332, an emergency is any situation

arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation and that causes the Tier I source to exceed a technology-based emission limitation under the Tier I operating permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. (4-5-00)

07. Final Permit. The version of a Tier I permit issued by the Department that has completed all review procedures required in Sections 364 and 366. (5-1-94)

08. General Permit. A Tier I permit issued pursuant to Section 335. (3-23-98)

09. Insignificant Activity. Those activities that qualify as insignificant in accordance with Section 317. (3-23-98)

10. Major Facility. A facility (as defined in Section 006) is major if the facility meets any of the following criteria: (3-23-98)

a. For hazardous air pollutants: (3-23-98)

i. The facility emits or has the potential to emit ten (10) tons per year (tpy) or more of any hazardous air pollutant, other than radionuclides, which has been listed pursuant to 42 U.S.C. Section 7412(b); provided that emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any oil or gas pipeline compressor or pump station shall not be aggregated with emissions from other similar emission units within the facility. (5-1-94)

ii. The facility emits or has the potential to emit twenty-five (25) tpy or more of any combination of any hazardous air pollutants, other than radionuclides, which have been listed pursuant to 42 U.S.C. 7412(b); provided that emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any oil or gas pipeline compressor or pump station shall not be aggregated with emissions from other similar emission units within the facility. (5-1-94)

b. For non-attainment areas: (3-23-98)

i. The facility is located in a “serious” particulate matter (PM-10) nonattainment area and the facility has the potential to emit seventy (70) tpy or more of PM-10. (5-1-94)

ii. The facility is located in a “serious” carbon monoxide nonattainment area in which stationary sources are significant contributors to carbon monoxide levels and the facility has the potential to emit fifty (50) tpy or more of carbon monoxide. (5-1-94)

iii. The facility is located in an ozone transport region established pursuant to 42 U.S.C. Section 7511c and the facility has the potential to emit fifty (50) tpy or more of volatile organic compounds. (5-1-94)

iv. The facility is located in an ozone nonattainment area and, depending upon the classification of the nonattainment area, the facility has the potential to emit the following amounts of volatile organic compounds or oxides of nitrogen; provided that oxides of nitrogen shall not be included if the facility has been identified in accordance with 42 U.S.C. Section 7411a(f)(1) or (2) if the area is “marginal” or “moderate,” one hundred (100) tpy or more, if the area is “serious,” fifty (50) tpy or more, if the area is “severe,” twenty-five (25) tpy or more, and if the area is “extreme,” ten (10) tpy or more. (3-23-98)

c. The facility emits or has the potential to emit one hundred (100) tons per year or more of any regulated air pollutant. The fugitive emissions shall not be considered in determining whether the facility is major unless the facility belongs to one (1) of the following categories: (4-11-06)

i. Designated facilities. (3-23-98)

ii. All other source categories regulated by 40 CFR Part 60, 40 CFR Part 61 or 40 CFR Part 63, but only with respect to those air pollutants that have been regulated for that category and only if determined by rule by the Administrator of EPA pursuant to Section 302(j) of the Clean Air Act. (4-5-00)

11. Part 70. Unless specified otherwise in this chapter, all definitions adopted under 40 CFR Part 70, revised as of July 1, 2010~~1~~, are hereby incorporated by reference. ~~(4-7-11)~~()

(BREAK IN CONTINUITY OF SECTIONS)

107. INCORPORATIONS BY REFERENCE.

01. General. Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 107.03 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term “documents” includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (5-1-94)

02. Availability of Referenced Material. Copies of the documents incorporated by reference into these rules are available at the following locations: (5-1-94)

a. All federal publications: [U.S. Government Printing Office](#); and (4-7-11)

b. All documents herein incorporated by reference: (7-1-97)

i. Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706-1255 at (208) 373-0502. (7-1-97)

ii. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, Idaho 83720-0051,

(208) 334-3316.

(7-1-97)

03. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules: (5-1-94)

a. Requirements for Preparation, Adoption, and Submittal of Implementation Plans, 40 CFR Part 51 revised as of July 1, 2010¹. The following portions of 40 CFR Part 51 are expressly excluded from any incorporation by reference into these rules: ~~(4-7-11)~~()

i. All sections included in 40 CFR Part 51, Subpart P, Protection of Visibility, except that 40 CFR 51.301, 51.304(a), 51.307, and 51.308 are incorporated by reference into these rules; and (3-30-07)

ii. Appendix Y to Part 51, Guidelines for BART Determinations Under the Regional Haze Rule. (3-30-07)

b. National Primary and Secondary Ambient Air Quality Standards, 40 CFR Part 50, revised as of July 1, 2010¹. ~~(4-7-11)~~()

c. Approval and Promulgation of Implementation Plans, 40 CFR Part 52 revised as of July 1, 2010¹. ~~(4-7-11)~~()

d. Ambient Air Monitoring Reference and Equivalent Methods, 40 CFR Part 53, revised as of July 1, 2010¹. ~~(4-7-11)~~()

e. Ambient Air Quality Surveillance, 40 CFR Part 58, revised as of July 1, 2010¹. ~~(4-7-11)~~()

f. Standards of Performance for New Stationary Sources, 40 CFR Part 60, revised as of July 1, 2010¹. ~~(4-7-11)~~()

g. National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, revised as of July 1, 2010¹. ~~(4-7-11)~~()

h. National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR Part 63, revised as of July 1, 2010¹. ~~(4-7-11)~~()

i. Compliance Assurance Monitoring, 40 CFR Part 64, revised as of July 1, 2010¹. ~~(4-7-11)~~()

j. Permits, 40 CFR Part 72, revised as of July 1, 2010¹. ~~(4-7-11)~~()

k. Sulfur Dioxide Allowance System, 40 CFR Part 73, revised as of July 1, 2010¹. ~~(4-7-11)~~()

l. Protection of Stratospheric Ozone, 40 CFR Part 82, revised as of July 1, 2010¹. ~~(4-7-11)~~()

- m.** Clean Air Act, 42 U.S.C. Sections 7401 through 7671g (1997). (3-19-99)
- n.** Determining Conformity of Federal Actions to State or Federal Implementation Plans: Conformity to State or Federal Implementation Plans of Transportation Plans, Programs and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws, 40 CFR Part 93, Subpart A, Sections 93.100 through 93.129, revised as of July 1, 2010¹, except that Sections 93.102(c), 93.104(d), 93.104(e)(2), 93.105, 93.109(c)-(f), 93.118(e), 93.119(f)(3), 93.120(a)(2), 93.121(a)(1), and 93.124(b) are expressly omitted from the incorporation by reference. ~~(4-7-11)~~()
- o.** The final rule for Primary National Ambient Air Quality Standards for Sulfur Dioxide, 75 Fed. Reg. 35,520 through 35,603 (June 22, 2010) to be codified at 40 CFR Part 50 (National Primary and Secondary Ambient Air Quality Standards), 40 CFR Part 53 (Ambient Air Monitoring Reference and Equivalent Methods), and 40 CFR Part 58 (Ambient Air Quality Surveillance). This final rule is effective on August 23, 2010. (4-7-11)
- p.** The final rule for Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule, 75 Fed. Reg. 31,514 through 31,608 (June 3, 2010) to be codified at 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans), 40 CRF Part 52 (Approval and Promulgation of Implementation Plans), and 40 CFR Part 70 (State Operating Permit Programs). This final rule is effective on August 2, 2010. (4-7-11)
- q.** The final rule for Prevention of Significant Deterioration (PSD) for Particulate Matter Less than 2.5 Micrometers (PM_{2.5})—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC), 75 Fed. Reg. 64,864 through 64,907 (October 20, 2010) to be codified at 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans) and 40 CRF Part 52 (Approval and Promulgation of Implementation Plans). This final rule is effective on December 20, 2010. (4-26-11)T

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 - WATER QUALITY STANDARDS

DOCKET NO. 58-0102-1101

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 2012 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-first 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. This rule was adopted as a temporary rule by the Board in June 2011 and is currently effective.

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 3, 2011, Vol. 11-8, pages 279 through 282. After consideration of public comments, the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0102-1101-pending> or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: The standards included in this rule are not broader in scope, nor more stringent, than federal regulations and do not regulate an activity not regulated by the federal government.

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 Don Essig at don.essig@deq.idaho.gov, (208)373-0119.

Dated this 10th day of November, 2011.

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

**THE FOLLOWING NOTICE WAS PUBLISHED WITH
THE TEMPORARY AND PROPOSED RULE**

EFFECTIVE DATE: The temporary rule is effective **June 30, 2011**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226(1), Idaho Code, notice is hereby given that the Board of Environmental Quality has adopted a temporary rule and the Department of Environmental Quality is commencing proposed rulemaking. This rulemaking action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before August 19, 2011. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: As NPDES permits are coming up for renewal, the U.S. Environmental Protection Agency (EPA) has begun including thermal effluent limits in reissued permits. The City of Boise NPDES permit renewal is expected to be released as a draft in the summer of 2011 and will be based on current water quality standards unless they are revised promptly. Without this rule change, thermal effluent limits in NPDES permits and costs to meet those limits will be greater than needed to protect aquatic life resources.

Two parts of Idaho's water quality standards are likely to drive inordinate thermal treatment costs:

1. Excessive limits on water temperature rise in Subsections 401.01.c. and d. (aka thermal treatment requirements); and
2. Outdated numeric criteria to protect salmonid spawning.

DEQ proposes to revise the Water Quality Standards, IDAPA 58.01.02, in two sections addressing temperature: 1) the thermal treatment requirements in Subsections 401.01.c. and d. which limit the rise in water temperature due to wastewater treatment plants, and 2) site-specific criteria for water temperature in Section 278 to protect salmonid spawning.

The origin of Idaho's thermal treatment requirements is unknown but is thought to be based on avoiding 'thermal shock' to fish and providing a level of protection that is largely redundant of and far in excess of that provided by ambient criteria. While 'thermal shock' can be an issue for fish, it is thought to occur when fish encounter abrupt temperature changes of 5-6°C or more, not 1-2°C. DEQ proposes to remove Subsections 401.01.c. and d. and rely on the retained language in Subsections 401.01.a. and b. to provide a more flexible means to address possible thermal shock on a case-by-case basis and to provide full protection from adverse effects of heated effluent in addition to protection provided to

aquatic life by ambient temperature criteria in Section 250.

Idaho's current salmonid spawning criteria are based on recommendations from EPA made in the mid 1970s. EPA updated its recommendation regionally in 2003. While DEQ would like to adopt this recommendation statewide, questions about time periods in which the criterion would apply in various waterbodies across the state has lead DEQ at this time to scale back to a site-specific proposal. DEQ proposes to adopt EPA's recommended criterion of 13°C as a maximum seven-day average of daily maximums as a site-specific criterion to protect salmonid spawning and incubation in the three waterbodies within the Lower Boise watershed (HUC 17050114) currently designated for salmonid spawning. The proposal specifies the time period for which the criterion applies to each waterbody and the species which are protected.

Although the rule is not expected to lower the level of protection of aquatic life, particularly fish populations, all Idahoans that recreate in, fish from or otherwise enjoy the quality of Idaho's surface waters may be interested in commenting on this proposed rule. Those most affected include NPDES permitted dischargers and citizens that pay for municipal sewage treatment, especially residents of the Treasure Valley. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in November 2011 for adoption as a pending rule. The pending rule is expected to become final and effective upon adjournment of the 2012 legislative session if adopted by the Board and approved by the Legislature.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in that the rule confers a benefit. Adoption of a temporary rule would reduce thermal treatment costs for pending NPDES permit renewals.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

NEGOTIATED RULEMAKING: The text of the proposed rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Section 67-5220, Idaho Code, and IDAPA 58.01.23.810-815. On May 4, 2011, the Notice of Negotiated Rulemaking was published in the [Idaho Administrative Bulletin, Vol. 11-5, pages 99 through 100](#), and a preliminary draft rule was made available for public review. A meeting was held on May 25, 2011. Several members of the public participated in this negotiated rulemaking process by attending the meeting and by submitting written comments. A record of the negotiated rule drafts, written comments received, and documents distributed during the negotiated rulemaking process is available at <http://www.deq.idaho.gov/58-0102-1101-temporary-proposed>.

IDAHO CODE SECTION 39-107D STATEMENT: The standards included in this proposed rule are not broader in scope, nor more stringent, than federal regulations and do not regulate an

activity not regulated by the federal government.

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 AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the temporary and proposed rule, contact Don Essig at don.essig@deq.idaho.gov, (208)373-0119.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before September 2, 2011.

DATED this 30th day of June, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0102-1101

278. LOWER BOISE RIVER SUBBASIN, HUC 17050114 SUBSECTION 1540.12.

01. Boise River, SW-1 and SW-5 -- Salmonid Spawning and Dissolved Oxygen. The waters of the Boise River from Veterans State Park to its mouth will have dissolved oxygen concentrations of six (6) mg/l or seventy-five percent (75%) of saturation, whichever is greater, during the spawning period of salmonid fishes inhabiting those waters. (3-15-02)

02. Indian Creek, SW-3b, Mason Creek, SW-6, and Sand Hollow Creek, SW-17 -- Modified Aquatic Life Use. All numeric criteria applicable to the seasonal cold water aquatic life use apply with the exception of dissolved oxygen. Dissolved oxygen concentrations are to exceed four (4) mg/l at all times. (3-15-02)

03. Fifteenmile Creek, SW-7; Tenmile Creek, SW-8, and Five Mile Creek, SW-10 -- Modified Aquatic Life Use. All numeric criteria applicable to the seasonal cold water aquatic life use apply. (3-15-02)

04. Boise River, SW-5 and SW-11a -- Copper and Lead Aquatic Life Criteria. The water-effect ratio (WER) values used in the equations in Subsection 210.02 for calculating copper and lead CMC and CCC values shall be two and five hundred seventy-eight thousandths (2.578) for dissolved copper and two and forty-nine thousandths (2.049) for lead. These site-specific criteria shall apply to the Boise River from the Lander St. wastewater outfall to where the channels of the Boise River become fully mixed downstream of Eagle Island. (5-3-03)

05. Indian Creek, SW-3a -- Site-Specific Criteria for Water Temperature. A maximum weekly maximum temperature of thirteen degrees C (13°C) to protect brown trout and

rainbow trout spawning and incubation applies from October 15 through June 30. ()

06. Boise River, SW-5 and SW-11a -- Site-Specific Criteria for Water Temperature. A maximum weekly maximum temperature of thirteen degrees C (13°C) to protect brown trout, mountain whitefish, and rainbow trout spawning and incubation applies from November 1 through May 30. ()

07. Point Source Thermal Treatment Requirement. With regard to the limitations set forth in Section 401 relating to point source wastewater discharges, only the limitations of Subsections 401.01.a. and 401.01.b. and the temperature limitation relating to natural background conditions shall apply to discharges to any water body within the Lower Boise River Subbasin. ()

(BREAK IN CONTINUITY OF SECTIONS)

401. POINT SOURCE WASTEWATER TREATMENT REQUIREMENTS.

Unless more stringent limitations are necessary to meet the applicable requirements of Sections 200 through 300, or unless specific exemptions are made pursuant to Subsection 080.02, wastewaters discharged into surface waters of the state must have the following characteristics: (4-11-06)

01. Temperature. The wastewater must not affect the receiving water outside the mixing zone so that: (7-1-93)

a. The temperature of the receiving water or of downstream waters will interfere with designated beneficial uses. (7-1-93)

b. Daily and seasonal temperature cycles characteristic of the water body are not maintained. (7-1-93)

~~**c.** If the water is designated for warm water aquatic life, the induced variation is more than plus two (+2) degrees C. (3-15-02)~~

~~**d.** If the water is designated for cold water aquatic life, seasonal cold water aquatic life, or salmonid spawning, the induced variation is more than plus one (+1) degree C. (3-15-02)~~

ec. If temperature criteria for the designated aquatic life use are exceeded in the receiving waters upstream of the discharge due to natural background conditions, then ~~Subsections 401.01.e. and 401.01.d. do not apply and instead~~ wastewater must not raise the receiving water temperatures by more than three tenths (0.3) degrees C. (4-11-06)()

02. Turbidity. The wastewater must not increase the turbidity of the receiving water outside the mixing zone by: (7-1-93)

a. More than five (5) NTU (Nephelometric Turbidity Units) over background

turbidity, when background turbidity is fifty (50) NTU or less; or (7-1-93)

b. More than ten percent (10%) increase in turbidity when background turbidity is more than fifty (50) NTU, not to exceed a maximum increase of twenty-five (25) NTU. (7-1-93)

03. Total Chlorine Residual. The wastewater must not affect the receiving water outside the mixing zone so that its total chlorine residual concentration exceeds eleven one-thousandths (0.011) mg/l. (1-1-89)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 - WATER QUALITY STANDARDS

DOCKET NO. 58-0102-1102

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 2012 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-first 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 3, 2011, Vol. 11-8, pages 283 and 284. After consideration of public comments, the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0102-1102-pending> or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: The standards included in this rule are not broader in scope, nor more stringent, than federal regulations and do not regulate an activity not regulated by the federal government.

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 Don Essig at don.essig@deq.idaho.gov, (208)373-0119.

Dated this 10th day of November, 2011.

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THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before August 19, 2011. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: DEQ proposes to revise its Water Quality Standards, IDAPA 58.01.02, to include a site-specific temperature criterion for the Snake River to protect fall spawning of Chinook salmon from Hell's Canyon Dam to the Salmon River. This site-specific criterion would be a change from the current criterion of a maximum weekly maximum of 13°C from October 23rd through April 15th to a site-specific criterion of a weekly maximum temperature (WMT) of 14.5°C from Oct 23rd through November 6th and a WMT of 13°C from November 7th through April 15th. The first date a WMT can be calculated is October 29th. The proposed rule change recognizes the declining thermal regime in the Snake River during the fall spawning season and that higher temperatures at the outset of the spawning season are both protective and supportive of the fall Chinook salmon spawning and incubation occurring in the Snake River during this time. This proposed rule change recognizes that a need to change the site-specific temperature criterion in the Snake River between the Hell's Canyon Dam and the confluence with the Salmon River exists. The current site-specific criterion of 13°C between October 23rd and April 15th is not regularly met during the first 14 days of the fall spawning season and yet salmonid spawning and incubation is at the highest levels of the last two decades. The proposed rule changes the temperature criteria to 14.5°C for the first 14 days of the spawning period and then reduced to 13°C for the balance of the fall and early spring.

All who fish and recreate in the Snake River, Idaho Power Company who operates the Hell's Canyon Dam, and Native American tribes may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality at the November 2011 Board meeting for adoption as a pending rule. The rule is expected to be final and effective upon the adjournment of the 2012 legislative session if adopted by the Board and approved by the Legislature.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

NEGOTIATED RULEMAKING: The text of the proposed rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Section 67-5220, Idaho Code, and IDAPA 58.01.23.810-815. On June 1, 2011, the Notice of Negotiated Rulemaking was published in the [Idaho Administrative Bulletin](#), Vol. 11-6, pages 77 through 78, and a preliminary draft rule was made available for public review. A meeting was held on June 21, 2011. Several members of the public participated in this negotiated rulemaking process by attending the meeting and by submitting written comments. A record of the negotiated rule drafts, written comments received, and documents distributed during the negotiated rulemaking process is available at <http://www.deq.idaho.gov/58-0102-1102-proposed>.

IDAHO CODE SECTION 39-107D STATEMENT: The standards included in this proposed rule are not broader in scope, nor more stringent, than federal regulations and do not regulate an activity not regulated by the federal government.

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 AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Don Essig at don.essig@deq.idaho.gov, (208)373-0119.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before September 2, 2011.

DATED this 8th day of July, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0102-1102

286. SNAKE RIVER, SUBSECTION 130.01, HUC 17060101, UNIT S1, S2, AND S3; SITE-SPECIFIC CRITERIA FOR WATER TEMPERATURE.

~~*A maximum weekly maximum temperature of thirteen degrees C (13C) to protect fall chinook spawning and incubation applies from October 23rd through April 15th in the Snake River from Hell's Canyon Dam to the Salmon River.*~~ Weekly maximum temperatures (WMT) are regulated to protect fall chinook spawning and incubation in the Snake River from Hell's Canyon Dam to the confluence with the Salmon River from October 23 through April 15. Because the WMT is a lagged seven (7) day average, the first WMT is not applicable until the seventh day of this time period, or October 29. A WMT is calculated for each day after October 29 based upon the daily maximum temperature for that day and the prior six (6) days. From October 29 through November 6, the WMT must not exceed fourteen point five degrees C (14.5°C). From November 7 through April 15, the WMT must not exceed thirteen degrees C (13°C). (4-6-05)(____)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 - WATER QUALITY STANDARDS

DOCKET NO. 58-0102-1103

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 2012 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-first 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, July 6, 2011, Vol. 11-7, pages 140 through 274](#). After consideration of public comments, the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0102-1103-pending> or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: The standards included in this rule are not broader in scope, nor more stringent, than federal regulations and do not regulate an activity not regulated by the federal government.

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 Don Essig at don.essig@deq.idaho.gov, (208)373-0119.

Dated this 10th day of November, 2011.

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THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before July 22, 2011. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: In November 2010, antidegradation implementation procedures were adopted by the Idaho Board of Environmental Quality and then submitted to the 2011 Idaho Legislature for review (Docket No. 58-0102-1001). Under House Concurrent Resolution 16 (HCR16), the Legislature rejected certain portions of the rule and approved the remainder of the rule. The Legislature also adopted House Bill 153 (HB153) that revised the Idaho Code to include sections addressing antidegradation, including sections regarding the definition of degradation, the treatment of general permits, the identification of Tier II waters, and insignificant discharges or activities. The new sections added to Idaho law by HB153 correspond to the portions of the rule rejected by HCR16.

This rulemaking is necessary to make the language on implementation of antidegradation procedures in Idaho's water quality standards complete and consistent with changes in state law brought about by the 2011 Legislature's passage of HB153. DEQ proposes to revise the Water Quality Standards, IDAPA 58.01.02, with respect to antidegradation implementation, for consistency with HB153.

The proposed rule includes the following:

1. The definition of "degradation or lower water quality" and "general permit" will be added to Section 010.
2. Subsection 051.03 regarding outstanding resource waters will be revised due to language added in HB153.
3. Language regarding application of antidegradation to general permits will be inserted as Subsection 052.03.
4. Language regarding identification of Tier II waters will be inserted as Subsection 052.05.
5. Language regarding insignificant activity or discharge will be inserted as Subsection 052.08.a.
6. Reference to special resource waters and the designation of waters determined to be special resource waters will be deleted.

This proposed rule also includes a housekeeping revision that is necessary due to EPA's

disapproval of a prior rule docket. Docket No. 58-0102-0101, adopted by the Idaho Board of Environmental Quality in 2001 and submitted to EPA for approval on March 18, 2002, changed the aquatic life use designations for 8 Boise River tributaries. On November 29, 2004, EPA disapproved all 8 changes in aquatic life use designations for those waterbodies. With this rulemaking, DEQ is proposing to reinstate the use designations for those 8 Boise River tributaries that were in place prior to the 2001 adoption of Docket No. 58-0102-0101. This proposed revision is found in Subsection 140.12 and Section 278.

Idahoans that recreate in, drink from, or fish Idaho's surface waters and all who discharge pollutants to those same waters may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality at the November 2011 Board meeting for adoption as a pending rule. The rule is expected to be final and effective upon the adjournment of the 2012 legislative session if adopted by the Board and approved by the Legislature.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

NEGOTIATED RULEMAKING: Due to the nature of this rulemaking, negotiations were not held.

IDAHO CODE SECTION 39-107D STATEMENT: The standards included in this proposed rule are not broader in scope, nor more stringent, than federal regulations and do not regulate an activity not regulated by the federal government.

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 AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Don Essig at don.essig@deq.idaho.gov, (208)373-0119.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before August 5, 2011.

DATED this 10th day of June, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0102-1103

010. DEFINITIONS.

For the purpose of the rules contained in IDAPA 58.01.02, "Water Quality Standards," the following definitions apply: (4-11-06)

01. Activity. For purposes of antidegradation review, an activity that causes a discharge to a water subject to the jurisdiction of the Clean Water Act. (3-18-11)

02. Acute. A stimulus severe enough to induce a rapid response. In aquatic toxicity tests, acute refers to a single or short-term (i.e., ninety-six (96) hours or less) exposure to a concentration of a toxic substance or effluent which results in death to fifty percent (50%) of the test organisms. When referring to human health, an acute effect is not always measured in terms of lethality. (3-30-07)

03. Acute Criteria. Unless otherwise specified in these rules, the maximum instantaneous or one (1) hour average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from acute toxicity due to exposure to the toxic substance or effluent. Acute criteria are expected to adequately protect the designated aquatic life use if not exceeded more than once every three (3) years. This is also known as the Criterion Maximum Concentration (CMC). There are no specific acute criteria for human health; however, the human health criteria are based on chronic health effects and are expected to adequately protect against acute effects. (3-30-07)

04. Aquatic Species. Any plant or animal that lives at least part of its life in the water column or benthic portion of waters of the state. (8-24-94)

05. Assigned Criteria. Criteria associated with beneficial uses from Section 100 of these rules. (3-18-11)

06. Background. The biological, chemical or physical condition of waters measured at a point immediately upstream (up-gradient) of the influence of an individual point or nonpoint source discharge. If several discharges to the water exist or if an adequate upstream point of measurement is absent, the Department will determine where background conditions should be measured. (8-24-94)

07. Basin Advisory Group. No less than one (1) advisory group named by the Director, in consultation with the designated agencies, for each of the state's six (6) major river basins which shall generally advise the Director on water quality objectives for each basin, work in a cooperative manner with the Director to achieve these objectives, and provide general coordination of the water quality programs of all public agencies pertinent to each basin. Each basin advisory group named by the Director shall reflect a balanced representation of the interests in the basin and shall, where appropriate, include representatives from each of the following: agriculture, mining, nonmunicipal point source discharge permittees, forest products, local government, livestock, Indian tribes (for areas within reservation boundaries), water-based recreation, and environmental interests. (3-20-97)

08. Beneficial Use. Any of the various uses which may be made of the water of Idaho,

including, but not limited to, domestic water supplies, industrial water supplies, agricultural water supplies, navigation, recreation in and on the water, wildlife habitat, and aesthetics. The beneficial use is dependent upon actual use, the ability of the water to support a non-existing use either now or in the future, and its likelihood of being used in a given manner. The use of water for the purpose of wastewater dilution or as a receiving water for a waste treatment facility effluent is not a beneficial use. (8-24-94)

09. Best Management Practice. A practice or combination of practices, techniques or measures developed, or identified, by the designated agency and identified in the state water quality management plan which are determined to be the cost-effective and practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals. (3-20-97)

10. Bioaccumulation. The process by which a compound is taken up by, and accumulated in the tissues of an aquatic organism from the environment, both from water and through food. (8-24-94)

11. Biological Monitoring or Biomonitoring. The use of a biological entity as a detector and its response as a measure to determine environmental conditions. Toxicity tests and biological surveys, including habitat monitoring, are common biomonitoring methods. (8-24-94)

12. Board. The Idaho Board of Environmental Quality. (7-1-93)

13. Chronic. A stimulus that persists or continues for a long period of time relative to the life span of an organism. In aquatic toxicity tests, chronic refers to continuous exposure to a concentration of a toxic substance or effluent which results in mortality, injury, reduced growth, impaired reproduction, or other adverse effect to aquatic organisms. The test duration is long enough that sub-lethal effects can be reliably measured. When referring to human health, a chronic effect is usually measured in terms of estimated changes in rates (# of cases/ 1000 persons) of illness over a lifetime of exposure. (3-30-07)

14. Chronic Criteria. Unless otherwise specified in these rules, the four (4) day average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from chronic toxicity due to exposure to the toxic substance or effluent. Chronic criteria are expected to adequately protect the designated aquatic life use if not exceeded more than once every three (3) years. This is also known as the Criterion Continuous Concentration (CCC). Human health chronic criteria are based on lifetime exposure. (3-30-07)

15. Compliance Schedule or Schedule Of Compliance. A schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard. (8-24-94)

16. Cost-Effective and Reasonable Best Management Practices (BMPs) for Nonpoint Sources. All approved BMPs specified in Subsections 350.03 and 055.07 of these rules. BMPs for activities not specified are, in accordance with Section 350, determined on a case-by-case basis. (3-18-11)

17. Daily Maximum (Minimum). The highest (lowest) value measured during one (1) calendar day or a twenty-four (24) hour period, as appropriate. For ambient monitoring of dissolved oxygen, pH, and temperature, multiple measurements should be obtained at intervals short enough that the difference between consecutive measurements around the daily maximum (minimum) is less than zero point two (0.2) ppm for dissolved oxygen, zero point one (0.1) SU for pH, or zero point five (0.5) degree C for temperature. (3-30-07)

18. Daily Mean. The average of at least two (2) appropriately spaced measurements, acceptable to the Department, calculated over a period of one (1) day: (8-20-97)

a. Confidence bounds around the point estimate of the mean may be required to determine the sample size necessary to calculate a daily mean; (8-24-94)

b. If any measurement is greater or less than five-tenths (0.5) times the average, additional measurements over the one-day period may be needed to obtain a more representative average; (3-20-97)

c. In calculating the daily mean for dissolved oxygen, values used in the calculation shall not exceed the dissolved oxygen saturation value. If a measured value exceeds the dissolved oxygen saturation value, then the dissolved oxygen saturation value will be used in calculating the daily mean. (8-24-94)

d. For ambient monitoring of temperature, the daily mean should be calculated from equally spaced measurements, at intervals such that the difference between any two (2) consecutive measurements does not exceed one point zero (1.0) degree C. (3-30-07)

19. Degradation or Lower Water Quality. “Degradation” or “lower water quality” means, for purposes of antidegradation review, a change in a pollutant that is adverse to designated or existing uses, as calculated for a new point source, and based upon monitoring or calculated information for an existing point source increasing its discharge. Such degradation shall be calculated or measured after appropriate mixing of the discharge and receiving water body. ()

~~19~~**20. Deleterious Material.** Any nontoxic substance which may cause the tainting of edible species of fish, taste and odors in drinking water supplies, or the reduction of the usability of water without causing physical injury to water users or aquatic and terrestrial organisms. (8-24-94)

~~20~~**1. Department.** The Idaho Department of Environmental Quality. (7-1-93)

~~21~~**2. Design Flow.** The critical flow used for steady-state wasteload allocation modeling. (8-24-94)

~~22~~**3. Designated Agency.** The department of lands for timber harvest activities, oil and gas exploration and development, and mining activities; the soil conservation commission for grazing and agricultural activities; the transportation department for public road construction; the department of agriculture for aquaculture; and the Department’s division of environmental quality for all other activities. (3-20-97)

234. Designated Beneficial Use or Designated Use. Those beneficial uses assigned to identified waters in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, “Water Quality Standards and Wastewater Treatment Requirements,” Sections 110 through 160, whether or not the uses are being attained. (4-5-00)

245. Desirable Species. Species indigenous to the area or those introduced species identified as desirable by the Idaho Department of Fish and Game. (3-15-02)

256. Director. The Director of the Idaho Department of Environmental Quality or his authorized agent. (7-1-93)

267. Discharge. When used without qualification, any spilling, leaking, emitting, escaping, leaching, or disposing of a pollutant into the waters of the state. For purposes of antidegradation review, means “discharge” as used in Section 401 of the Clean Water Act. (3-18-11)

278. Dissolved Oxygen (DO). The measure of the amount of oxygen dissolved in the water, usually expressed in mg/l. (7-1-93)

289. Dissolved Product. Petroleum product constituents found in solution with water. (8-24-94)

2930. Dynamic Model. A computer simulation model that uses real or derived time series data to predict a time series of observed or derived receiving water concentrations. Dynamic modeling methods include continuous simulation, Monte Carlo simulations, lognormal probability modeling, or other similar statistical or deterministic techniques. (8-24-94)

301. E. coli (Escherichia coli). A common fecal and intestinal organism of the coliform group of bacteria found in warm-blooded animals. (4-5-00)

312. Effluent. Any wastewater discharged from a treatment facility. (7-1-93)

323. Effluent Biomonitoring. The measurement of the biological effects of effluents (e.g., toxicity, biostimulation, bioaccumulation, etc.). (8-24-94)

334. EPA. The United States Environmental Protection Agency. (7-1-93)

345. Ephemeral Waters. A stream, reach, or water body that flows naturally only in direct response to precipitation in the immediate watershed and whose channel is at all times above the water table. (4-11-06)

356. Existing Activity or Discharge. An activity or discharge that has been previously authorized or did not previously require authorization. (3-18-11)

367. Existing Beneficial Use Or Existing Use. Those beneficial uses actually attained in waters on or after November 28, 1975, whether or not they are designated for those waters in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, “Water Quality Standards.”

(4-11-06)

378. Facility. As used in Section 850 only, any building, structure, installation, equipment, pipe or pipeline, well pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft, area, place or property from which an unauthorized release of hazardous materials has occurred. (8-24-94)

389. Four Day Average. The average of all measurements within a period of ninety-six (96) consecutive hours. While a minimum of one (1) measurement per each twenty-four (24) hours is preferred, for toxic chemicals in Section 210, any number of data points is acceptable. (3-30-07)

3940. Free Product. A petroleum product that is present as a nonaqueous phase liquid. Free product includes the presence of petroleum greater than one-tenth (0.1) inch as measured on the water surface for surface water or the water table for ground water. (7-1-93)

401. Full Protection, Full Support, or Full Maintenance of Designated Beneficial Uses of Water. Compliance with those levels of water quality criteria listed in Sections 200, 210, 250, 251, 252, 253, and 275 (if applicable) or where no major biological group such as fish, macroinvertebrates, or algae has been modified by human activities significantly beyond the natural range of the reference streams or conditions approved by the Director in consultation with the appropriate basin advisory group. (3-15-02)

42. General Permit. An NPDES permit issued by the U.S. Environmental Protection Agency authorizing a category of discharges under the federal Clean Water Act or a nationwide or regional permit issued by the U.S. Army Corps of Engineers under the federal Clean Water Act. ()

413. Geometric Mean. The geometric mean of “n” quantities is the “nth” root of the product of the quantities. (7-1-93)

424. Ground Water. Any water of the state which occurs beneath the surface of the earth in a saturated geological formation of rock or soil. (3-30-07)

435. Harmonic Mean Flow. The number of daily flow measurements divided by the sum of the reciprocals of the flows (i.e., the reciprocal of the mean of reciprocals). (8-24-94)

446. Hazardous Material. A material or combination of materials which, when discharged in any quantity into state waters, presents a substantial present or potential hazard to human health, the public health, or the environment. Unless otherwise specified, published guides such as Quality Criteria for Water (1976) by EPA, Water Quality Criteria (Second Edition, 1963) by the state of California Water Quality Control Board, their subsequent revisions, and more recent research papers, regulations and guidelines will be used in identifying individual and specific materials and in evaluating the tolerances of the identified materials for the beneficial uses indicated. (7-1-93)

457. Highest Statutory and Regulatory Requirements for Point Sources. All applicable effluent limits required by the Clean Water Act and other permit conditions. It also

includes any compliance schedules or consent orders requiring measures to achieve applicable effluent limits and other permit conditions required by the Clean Water Act. (3-18-11)

468. Hydrologic Unit Code (HUC). A unique eight (8) digit number identifying a subbasin. A subbasin is a United States Geological Survey cataloging unit comprised of water body units. (4-5-00)

479. Hydrologically-Based Design Flow. A statistically derived receiving water design flow based on the selection and identification of an extreme value (e.g., 1Q10, 7Q10). The underlying assumption is that the design flow will occur X number of times in Y years, and limits the number of years in which one (1) or more excursions below the design flow can occur. (8-24-94)

4850. Hypolimnion. The bottom layer in a thermally-stratified body of water. It is fairly uniform in temperature and lays beneath a zone of water which exhibits a rapid temperature drop with depth such that mixing with overlying water is inhibited. (3-30-07)

4951. Integrated Report. Refers to the consolidated listing and reporting of the state's water quality status pursuant to Sections 303(d), 305(b), and 314 of the Clean Water Act. (3-18-11)

502. Inter-Departmental Coordination. Consultation with those agencies responsible for enforcing or administering the practices listed as approved best management practices in Subsection 350.03. (7-1-93)

513. Intermittent Waters. A stream, reach, or water body which naturally has a period of zero (0) flow for at least one (1) week during most years. Where flow records are available, a stream with a 7Q2 hydrologically-based unregulated flow of less than one-tenth (0.1) cubic feet per second (cfs) is considered intermittent. Streams with natural perennial pools containing significant aquatic life uses are not intermittent. (4-11-06)

524. LC-50. The toxicant concentration killing fifty percent (50%) of exposed organisms at a specific time of observation (e.g., ninety-six (96) hours). (3-20-97)

535. Load Allocation (LA). The portion of a receiving water's loading capacity that is attributed either to one (1) of its existing or future nonpoint sources of pollution or to natural background sources. (8-24-94)

546. Loading Capacity. The greatest amount of pollutant loading that a water can receive without violating water quality standards. (8-24-94)

557. Lowest Observed Effect Concentration (LOEC). The lowest concentration of a toxic substance or an effluent that results in observable adverse effects in the aquatic test population. (3-30-07)

568. Man-Made Waterways. Canals, flumes, ditches, wasteways, drains, laterals, and/ or associated features, constructed for the purpose of water conveyance. This may include channels modified for such purposes prior to November 28, 1975. These waterways may have

uniform and rectangular cross-sections, straight channels, follow rather than cross topographic contours, be lined to reduce water loss, and be operated or maintained to promote water conveyance. (3-30-07)

579. Maximum Weekly Maximum Temperature (MWMT). The weekly maximum temperature (WMT) is the mean of daily maximum temperatures measured over a consecutive seven (7) day period ending on the day of calculation. When used seasonally, e.g., spawning periods, the first applicable WMT occurs on the seventh day into the time period. The MWMT is the single highest WMT that occurs during a given year or other period of interest, e.g., a spawning period. (3-30-07)

5860. Milligrams Per Liter (mg/l). Milligrams of solute per liter of solution, equivalent to parts per million, assuming unit density. (7-1-93)

5961. Mixing Zone. A defined area or volume of the receiving water surrounding or adjacent to a wastewater discharge where the receiving water, as a result of the discharge, may not meet all applicable water quality criteria or standards. It is considered a place where wastewater mixes with receiving water and not as a place where effluents are treated. (7-1-93)

602. National Pollutant Discharge Elimination System (NPDES). Point source permitting program established pursuant to Section 402 of the federal Clean Water Act. (8-24-94)

613. Natural Background Conditions. The physical, chemical, biological, or radiological conditions existing in a water body without human sources of pollution within the watershed. Natural disturbances including, but not limited to, wildfire, geologic disturbance, diseased vegetation, or flow extremes that affect the physical, chemical, and biological integrity of the water are part of natural background conditions. Natural background conditions should be described and evaluated taking into account this inherent variability with time and place. (3-30-07)

624. Nephelometric Turbidity Units (NTU). A measure of turbidity based on a comparison of the intensity of the light scattered by the sample under defined conditions with the intensity of the light scattered by a standard reference suspension under the same conditions. (8-24-94)

635. New Activity or Discharge. An activity or discharge that has not been previously authorized. Existing activities or discharges not currently permitted or licensed will be presumed to be new unless the Director determines to the contrary based on review of available evidence. An activity or discharge that has previously taken place without need for a license or permit is not a new activity or discharge when first licensed or permitted. (3-18-11)

646. Nonpoint Source Activities. Activities on a geographical area on which pollutants are deposited or dissolved or suspended in water applied to or incident on that area, the resultant mixture being discharged into the waters of the state. Nonpoint source activities on ORWs do not include issuance of water rights permits or licenses, allocation of water rights, operation of diversions, or impoundments. Nonpoint sources activities include, but are not limited to: (3-20-97)

- a. Irrigated and nonirrigated lands used for: (7-1-93)
 - i. Grazing; (7-1-93)
 - ii. Crop production; (7-1-93)
 - iii. Silviculture; (7-1-93)
- b. Log storage or rafting; (7-1-93)
- c. Construction sites; (7-1-93)
- d. Recreation sites; (3-20-97)
- e. Septic tank disposal fields. (8-24-94)
- f. Mining; (3-20-97)
- g. Runoff from storms or other weather related events; and (3-20-97)
- h. Other activities not subject to regulation under the federal national pollutant discharge elimination system. (3-20-97)

657. Nuisance. Anything which is injurious to the public health or an obstruction to the free use, in the customary manner, of any waters of the state. (7-1-93)

668. Nutrients. The major substances necessary for the growth and reproduction of aquatic plant life, consisting of nitrogen, phosphorus, and carbon compounds. (7-1-93)

679. One Day Minimum. The lowest daily instantaneous value measured. (3-20-97)

6870. One Hour Average. The mean of at least two (2) appropriately spaced measurements, as determined by the Department, calculated over a period of one (1) hour. When three (3) or more measurements have been taken, and if any measurement is greater or less than five-tenths (0.5) times the mean, additional measurements over the one-hour period may be needed to obtain a more representative mean. (3-20-97)

6971. Operator. For purposes of Sections 851 and 852, any person presently or who was at any time during a release in control of, or having responsibility for, the daily operation of the petroleum storage tank (PST) system. (4-2-03)

702. Outstanding Resource Water (ORW). A high quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational or ecological significance, which has been designated by the legislature and subsequently listed in this chapter. ORW constitutes an outstanding national or state resource that requires protection from point and nonpoint source activities that may lower water quality. (3-20-97)

713. Outstanding Resource Water Mixing Zone. An area or volume of an ORW

where pollutants are allowed to mix with the ORW receiving water at a location distinct from the sampling point where compliance with ORW quality standards is measured. An ORW mixing zone will be downstream from the discharge of a tributary or a segment immediately upstream which contains man caused pollutants as a result of nonpoint source activities occurring on that tributary or segment. As a result of the discharge, the mixing zone may not meet all water quality standards applicable to the ORW, but shall still be protected for existing beneficial uses. The Department, after consideration of input from interested parties, will determine the size, configuration and location of mixing zones which are necessary to meet the requirements of this chapter. (7-1-93)

724. Owner. For purposes of Sections 851 and 852, any person who owns or owned a petroleum storage tank (PST) system any time during a release and the current owner of the property where the PST system is or was located. (4-2-03)

735. Permit or License. A permit or license for an activity that is subject to certification by the state under Section 401 of the Clean Water Act, including, for example, NPDES permits, dredge and fill permits, and FERC licenses. (3-18-11)

746. Person. An individual, public or private corporation, partnership, association, firm, joint stock company, joint venture, trust, estate, state, municipality, commission, political subdivision of the state, state or federal agency, department or instrumentality, special district, interstate body or any legal entity, which is recognized by law as the subject of rights and duties. (3-20-97)

757. Petroleum Products. Products derived from petroleum through various refining processes. (7-1-93)

768. Petroleum Storage Tank (PST) System. Any one (1) or combination of storage tanks or other containers, including pipes connected thereto, dispensing equipment, and other connected ancillary equipment, and stationary or mobile equipment, that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. (7-1-93)

779. Point Source. Any discernible, confined, and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture, discharges from dams and hydroelectric generating facilities or any source or activity considered a nonpoint source by definition. (7-1-93)

780. Pollutant. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, unitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, silt, cellar dirt; and industrial, municipal and agricultural waste, gases entrained in water; or other materials which, when discharged to water in excessive quantities, cause or contribute to water pollution. Provided however, biological materials shall not include live or occasional dead fish that may accidentally escape into the waters of the state from aquaculture facilities. (3-20-97)

7981. Project Plans. Documents which describe actions to be taken under a proposed

activity. These documents include environmental impact statements, environmental assessments, and other land use or resource management plans. (7-1-93)

802. Public Swimming Beaches. Areas indicated by features such as signs, swimming docks, diving boards, slides, or the like, boater exclusion zones, map legends, collection of a fee for beach use, or any other unambiguous invitation to public swimming. Privately owned swimming docks or the like which are not open to the general public are not included in this definition. (4-11-06)

813. Receiving Waters. Those waters which receive pollutants from point or nonpoint sources. (7-1-93)

824. Reference Stream or Condition. A water body which represents the minimum conditions necessary to fully support the applicable designated beneficial uses as further specified in these rules, or natural conditions with few impacts from human activities and which are representative of the highest level of support attainable in the basin. In highly mineralized areas or in the absence of such reference streams or water bodies, the Director, in consultation with the basin advisory group and the technical advisors to it, may define appropriate hypothetical reference conditions or may use monitoring data specific to the site in question to determine conditions in which the beneficial uses are fully supported. (3-20-97)

835. Release. Any unauthorized spilling, leaking, emitting, discharging, escaping, leaching, or disposing into soil, ground water, or surface water. (8-24-94)

846. Resident Species. Those species that commonly occur in a site including those that occur only seasonally or intermittently. This includes the species, genera, families, orders, classes, and phyla that: (8-24-94)

- a. Are usually present at the site; (8-24-94)
- b. Are present only seasonally due to migration; (8-24-94)
- c. Are present intermittently because they periodically return or extend their ranges into the site; (8-24-94)
- d. Were present at the site in the past but are not currently due to degraded conditions, and are expected to be present at the site when conditions improve; and (8-24-94)
- e. Are present in nearby bodies of water but are not currently present at the site due to degraded conditions, and are expected to be present at the site when conditions improve. (8-24-94)

857. Responsible Persons in Charge. Any person who: (8-24-94)

- a. By any acts or omissions, caused, contributed to or exacerbated an unauthorized release of hazardous materials; (8-24-94)
- b. Owns or owned the facility from which the unauthorized release occurred and the

current owner of the property where the facility is or was located; or (8-24-94)

c. Presently or who was at any time during an unauthorized release in control of, or had responsibility for, the daily operation of the facility from which an unauthorized release occurred. (8-24-94)

~~868~~. **Sediment.** Undissolved inorganic matter. (3-30-07)

~~879~~. **Seven Day Mean.** The average of the daily mean values calculated over a period of seven (7) consecutive days. (3-20-97)

~~8890~~. **Sewage.** The water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present. (8-24-94)

~~891~~. **Short-Term or Temporary Activity.** An activity which is as short as possible but lasts for no more than one (1) year, is limited in scope and is expected to have only minimal impact on water quality as determined by the Director. Short-term or temporary activities include, but are not limited to, those activities described in Subsection 080.02. (3-30-07)

~~902~~. **Silviculture.** Those activities associated with the regeneration, growing and harvesting of trees and timber including, but not limited to, disposal of logging slash, preparing sites for new stands of trees to be either planted or allowed to regenerate through natural means, road construction and road maintenance, drainage of surface water which inhibits tree growth or logging operations, fertilization, application of herbicides or pesticides, all logging operations, and all forest management techniques employed to enhance the growth of stands of trees or timber. (3-20-97)

~~913~~. **Sludge.** The semi-liquid mass produced by partial dewatering of potable or spent process waters or wastewater. (7-1-93)

~~92~~. **Special Resource Water.** *Those specific segments or bodies of water which are recognized as needing intensive protection:* (7-1-93)

~~a~~. *To preserve outstanding or unique characteristics; or* (7-1-93)

~~b~~. *To maintain current beneficial use.* (7-1-93)

~~934~~. **Specialized Best Management Practices.** Those practices designed with consideration of geology, land type, soil type, erosion hazard, climate and cumulative effects in order to fully protect the beneficial uses of water, and to prevent or reduce the pollution generated by nonpoint sources. (3-3-87)

~~945~~. **State.** The state of Idaho. (7-1-93)

~~956~~. **State Water Quality Management Plan.** The state management plan developed and updated by the Department in accordance with Sections 205, 208, and 303 of the Clean Water Act. (3-20-97)

967. Suspended Sediment. The undissolved inorganic fraction of matter suspended in surface water. (3-30-07)

978. Suspended Solids. The undissolved organic and inorganic matter suspended in surface water. (3-30-07)

989. Technology-Based Effluent Limitation. Treatment requirements under Section 301(b) of the Clean Water Act that represent the minimum level of control that must be imposed in a permit issued under Section 402 of the Clean Water Act. (8-24-94)

99100. Total Maximum Daily Load (TMDL). The sum of the individual wasteload allocations (WLAs) for point sources, load allocations (LAs) for nonpoint sources, and natural background. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality. (8-24-94)

1001. Toxicity Test. A procedure used to determine the toxicity of a chemical or an effluent using living organisms. A toxicity test measures the degree of response of an exposed test organism to a specific chemical or effluent. (8-24-94)

1012. Toxic Substance. Any substance, material or disease-causing agent, or a combination thereof, which after discharge to waters of the State and upon exposure, ingestion, inhalation or assimilation into any organism (including humans), either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, malignancy, genetic mutation, physiological abnormalities (including malfunctions in reproduction) or physical deformations in affected organisms or their offspring. Toxic substances include, but are not limited to, the one hundred twenty-six (126) priority pollutants identified by EPA pursuant to Section 307(a) of the federal Clean Water Act. (8-24-94)

1023. Treatment. A process or activity conducted for the purpose of removing pollutants from wastewater. (7-1-93)

1034. Treatment System. Any physical facility or land area for the purpose of collecting, treating, neutralizing or stabilizing pollutants including treatment by disposal plants, the necessary intercepting, outfall and outlet sewers, pumping stations integral to such plants or sewers, equipment and furnishing thereof and their appurtenances. A treatment system may also be known as a treatment facility. (4-11-06)

1045. Twenty-Four Hour Average. The mean of at least two (2) appropriately spaced measurements, as determined by the Department, calculated over a period of twenty-four (24) consecutive hours. When three (3) or more measurements have been taken, and if any measurement is greater or less than five-tenths (0.5) times the mean, additional measurements over the twenty-four (24)-hour period may be needed to obtain a more representative mean. (3-20-97)

1056. Unique Ecological Significance. The attribute of any stream or water body which

is inhabited or supports an endangered or threatened species of plant or animal or a species of special concern identified by the Idaho Department of Fish and Game, which provides anadromous fish passage, or which provides spawning or rearing habitat for anadromous or desirable species of lake dwelling fishes. (8-24-94)

1067. Wasteload Allocation (WLA). The portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. (8-24-94)

1078. Wastewater. Unless otherwise specified, sewage, industrial waste, agricultural waste, and associated solids or combinations of these, whether treated or untreated, together with such water as is present. (7-1-93)

1089. Water Body Unit. Includes all named and unnamed tributaries within a drainage and is considered a single unit unless designated otherwise. (4-5-00)

10910. Water Pollution. Any alteration of the physical, thermal, chemical, biological, or radioactive properties of any waters of the state, or the discharge of any pollutant into the waters of the state, which will or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to fish and wildlife, or to domestic, commercial, industrial, recreational, aesthetic, or other beneficial uses. (8-24-94)

1101. Water Quality-Based Effluent Limitation. An effluent limitation that refers to specific levels of water quality that are expected to render a body of water suitable for its designated or existing beneficial uses. (8-24-94)

1142. Water Quality Limited Water Body. After monitoring, evaluation of required pollution controls, and consultation with the appropriate basin and watershed advisory groups, a water body identified by the Department, which does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards after the application of required pollution controls. A water body identified as water quality limited shall require the development of a TMDL or other equivalent process in accordance with Section 303 of the Clean Water Act and Sections 39-3601 et seq., Idaho Code. (3-20-97)

1123. Waters and Waters Of The State. All the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state. (7-1-93)

1134. Watershed. The land area from which water flows into a stream or other body of water which drains the area. (3-20-97)

1145. Watershed Advisory Group. An advisory group appointed by the Director, with the advice of the appropriate Basin Advisory Group, which will recommend to the Department those specific actions needed to control point and nonpoint sources of pollution affecting water quality limited water bodies within the watershed. Members of each watershed advisory group shall be representative of the industries and interests affected by the management of that watershed, along with representatives of local government and the land managing or regulatory agencies with an interest in the management of that watershed and the quality of the water bodies within it. (3-20-97)

1156. Whole-Effluent Toxicity. The aggregate toxic effect of an effluent measured directly with a toxicity test. (8-24-94)

1167. Zone of Initial Dilution (ZID). An area within a Department authorized mixing zone where acute criteria may be exceeded. This area should be as small as practicable and assure that drifting organisms are not exposed to acute concentrations for more than one (1) hour more than once in three (3) years. The actual size of the ZID will be determined by the Department for a discharge on a case-by-case basis, taking into consideration mixing zone modeling and associated size recommendations and any other pertinent chemical, physical, and biological data available. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

051. ANTIDegradation POLICY.

01. Maintenance of Existing Uses for All Waters (Tier I Protection). The existing in stream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected. (3-18-11)

02. High Quality Waters (Tier II Protection). Where the quality of the waters exceeds levels necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the Department finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the Department's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the Department shall assure water quality adequate to protect existing uses fully. Further, the Department shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and cost-effective and reasonable best management practices for nonpoint source control. In providing such assurance, the Department may enter together into an agreement with other state of Idaho or federal agencies in accordance with Sections 67-2326 through 67-2333, Idaho Code. (3-18-11)

03. Outstanding Resource Waters (Tier III Protection). Where *high quality waters* an outstanding resource water has been designated by the legislature ~~constitute an outstanding national resource, such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance~~, that water quality shall be maintained and protected from the impacts of point and nonpoint source activities. (3-18-11)()

04. Thermal Discharges. In those cases where potential water quality impairment associated with a thermal discharge is involved, antidegradation shall be implemented consistent with Section 316 of the Clean Water Act. (3-18-11)

05. Waters Subject to the Antidegradation Policy. Idaho's antidegradation policy

only applies to waters subject to the jurisdiction of the Clean Water Act. (3-18-11)

052. ANTIDegradation IMPLEMENTATION.

The antidegradation policy shall be implemented as follows: (3-18-11)

01. Waters Protected. All waters receive Tier I protection. Waters receiving Tier II protection will be identified using a water body by water body approach during the antidegradation review. Waters given Tier III protection are designated in law. (3-18-11)

02. Restoration Projects. Changes in water quality may be allowed by the Department without an antidegradation review where determined necessary to secure long-term water quality improvement through restoration projects designed to trend toward natural characteristics and associated uses to a water body where those characteristics and uses have been lost or diminished. Restoration projects shall implement best management practices. (3-18-11)

03. General Permits. For general permits issued on or after July 1, 2011, the Department will conduct an antidegradation review, including any required Tier II analysis, at the time at which general permits are certified. For general permits that the Department determines adequately address antidegradation, review of individual applications for coverage will not be required unless it is required by the general permit. For general permits that the Department determines do not adequately address antidegradation, the Department may conclude that other conditions, such as the submittal of additional information or individual certification at the time an application is submitted for coverage under a general permit, may be necessary in the general permit to provide reasonable assurance of compliance with the antidegradation policy. If supported by the permit record, the Department may also presume that discharges authorized under a general permit are insignificant or that the pollution controls required in the general permit are the least degrading alternative as specified in Subsection 052.08.c. ()

034. Initiation of Antidegradation Review. Review of degradation potential and application of the appropriate level of protection from degradation will be triggered by an application for a new or reissued permit or license. (3-18-11)

05. Identification of Tier II Waters. The Department will utilize a water body by water body approach in determining where Tier II protection is appropriate in addition to Tier I protection. This approach shall be based on an assessment of the chemical, physical, biological and other information regarding the water body. The most recent federally approved Integrated Report and supporting data will be used to determine the appropriate level of protection as follows: ()

a. Water bodies identified in the Integrated Report as fully supporting assessed uses will be provided Tier II protection. ()

b. Water bodies identified in the Integrated Report as not assessed will be provided an appropriate level of protection on a case-by-case basis using information available at the time of a proposal for a new or reissued permit or license. ()

c. Water bodies identified in the Integrated Report as not fully supporting assessed uses will receive Tier I protection for the impaired aquatic life or recreational use, except as

follows:

()

i. For aquatic life uses identified as impaired for dissolved oxygen, pH or temperature, if biological or aquatic habitat parameters show a healthy, balanced biological community is present, as described in the “Water Body Assessment Guidance” published by the Idaho Department of Environmental Quality, then the water body shall receive Tier II protection for aquatic life uses.

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ii. For recreational uses, if water quality data show compliance with those levels of water quality criteria listed in Sections 200, 210, 251, and 275 (where applicable), then the water body shall receive Tier II protection for recreational uses.

()

046. Evaluation of Effect of an Activity or Discharge on Water Quality. The Department will evaluate the effect on water quality for each pollutant. The Department will determine whether an activity or discharge results in an improvement, no change, or degradation of water quality. (3-18-11)

a. Effect on water quality will be based on the calculated change in concentration in the receiving water as a result of a new or reissued permit or license. With respect to a discharge, this calculation will take into account dilution using appropriate mixing of the receiving water under critical conditions coupled with the design flow of the discharge. For a reissued permit or license, the calculated change will be the difference in water quality that would result from the activity or discharge as authorized in the current permit or license and the water quality that would result from the activity or discharge as proposed in the reissued permit or license. For a new permit or license, the calculated change will be the difference between the existing receiving water quality and water quality that would result from the activity or discharge as proposed in the new permit or license. (3-18-11)

i. **Current Discharge Quality.** For pollutants that are currently limited, current discharge quality shall be based on limits in the current permit or license. For pollutants not currently limited, current discharge quality shall be based on available discharge quality data collected within five years of the application for a permit or license or other relevant information. (3-18-11)

ii. **Proposed Quality for an Existing Discharge.** Future discharge quality shall be based on proposed permit limits. For pollutants not limited in the proposed permit or license, future discharge quality will be estimated from available discharge quality data since the last permit or license was issued accounting for any changes in production, treatment or operation. For the proposed discharge of a new pollutant or a proposed increased discharge of a pollutant, future discharge quality will be estimated based on information provided by the applicant or other relevant information. (3-18-11)

iii. **New Permit Limits for an Existing Discharge.** When new permit limits are proposed for the first time for a pollutant in an existing discharge, then for purposes of calculating the change in water quality, any statistical procedures used to derive the proposed new limits will be applied to past discharge quality as well, where appropriate. (3-18-11)

iv. **Proposed Quality for a New Discharge.** Future discharge quality shall be based on

proposed permit limits. For pollutants not limited in the proposed permit or license, future discharge quality will be based on information provided by the applicant or other relevant information. (3-18-11)

b. Receiving water quality will be the quality measured, or modeled as appropriate, immediately above the discharge for flowing waters and outside any Department authorized mixing zone for lakes and reservoirs. (3-18-11)

c. Offsets. In determining the effect of an activity or discharge on water quality of Tier II or Tier III waters, the Department may take into account reductions in pollution from other sources that are tied to the proposed activity or discharge. These offsets in pollution must be upstream of the degradation in water quality due to the proposed activity or discharge and occur before the activity or discharge is allowed to begin. The applicant seeking a permit or license for an activity or discharge based on offsets will be held responsible for assuring offsets are achieved and maintained as a condition of their permit or license. (3-18-11)

057. Tier I Review. Tier I review will be performed for all new or reissued permits or licenses. Existing uses and the water quality necessary to protect the existing uses must always be maintained and protected. No degradation or lowering of water quality may be allowed that would cause or contribute to violation of water quality criteria as calculated after authorized mixing of the discharge with the receiving water. Identification of existing uses and the water quality necessary for their protection will be based on all available information, including any water quality related data and information submitted during the public comment period for the permit or license. (3-18-11)

068. Tier II Analysis. A Tier II analysis will only be conducted for activities or discharges, subject to a permit or a license, that cause degradation. The Department may allow significant degradation of surface water quality that is better than assigned criteria only if it is determined to be necessary to accommodate important economic or social development in the area in which the waters are located. The process and standard for this determination are set forth below. (3-18-11)

a. Insignificant Activity or Discharge. The Department shall consider the size and character of an activity or discharge or the magnitude of its effect on the receiving stream and shall determine whether it is insignificant. If an activity or discharge is determined to be insignificant, then no further Tier II analysis for other source controls (Subsection 052.08.b.), alternatives analysis (Subsection 052.08.c.) or socioeconomic justification (Subsection 052.08.d.) is required. ()

i. The Department shall determine insignificance when the proposed change in an activity or discharge, from conditions as of July 1, 2011, will not cumulatively decrease assimilative capacity by more than ten percent (10%). ()

ii. The Department may request additional information from the applicant in making a determination whether a proposed change in an activity or discharge is insignificant. ()

#b. Other Source Controls. In allowing any degradation of high water quality, the Department must assure that there shall be achieved in the watershed the highest statutory and

regulatory requirements for all new and existing point sources and cost-effective and reasonable best management practices for all nonpoint source controls. In providing such assurance, the Department may enter together into an agreement with other State of Idaho or federal agencies in accordance with Sections 67-2326 through 67-2333, Idaho Code. (3-18-11)

bc. Alternatives Analysis. Degradation will be deemed necessary only if there are no reasonable alternatives to discharging at the levels proposed. The applicant seeking authorization to degrade high water quality must provide an analysis of alternatives aimed at selecting the best combination of site, structural, managerial and treatment approaches that can be reasonably implemented to avoid or minimize the degradation of water quality. To identify the least degrading alternative that is reasonable, the following principles shall be followed: (3-18-11)

i. Controls to avoid or minimize degradation should be considered at the earliest possible stage of project design. (3-18-11)

ii. Alternatives that must be evaluated as appropriate, are: (3-18-11)

(1) Relocation or configuration of outfall or diffuser; (3-18-11)

(2) Process changes/improved efficiency that reduces pollutant discharge; (3-18-11)

(3) Seasonal discharge to avoid critical time periods for water quality; (3-18-11)

(4) Non-discharge alternatives such as land application; and (3-18-11)

(5) Offsets to the activity or discharge's effect on water quality. (3-18-11)

iii. The Department retains the discretion to require the applicant to examine specific alternatives or provide additional information to conduct the analysis. (3-18-11)

iv. In selecting the preferred alternative the applicant shall: (3-18-11)

(1) Evaluate economic impacts (total cost effectiveness, incremental cost effectiveness) of all technologically feasible alternatives; (3-18-11)

(2) Rank all technologically feasible treatment alternatives by their cost effectiveness at pollutant reduction; (3-18-11)

(3) Consider the environmental costs and benefits across media and between pollutants; and (3-18-11)

(4) Select the least degrading option or show that a more degrading alternative is justified based on Subsections 052.068**bc**.iv.(1), 052.068**bc**.iv.(2), or 052.068**bc**.iv.(3) above.

(3-18-11)()

ed. Socioeconomic Justification. Degradation of water quality deemed necessary must also be determined by the Department to accommodate important economic or social development. Therefore, the applicant seeking authorization to degrade water quality must at a

minimum identify the important economic or social development for which lowering water quality is necessary and should use the following steps to demonstrate this: (3-18-11)

i. Identify the affected community; (3-18-11)

ii. Describe the important social or economic development associated with the activity which can include cleanup/restoration of a closed facility; (3-18-11)

iii. Identify the relevant social, economic and environmental health benefits and costs associated with the proposed degradation in water quality for the preferred alternative. Benefits and costs that must be analyzed include, but are not limited to: (3-18-11)

(1) Economic benefits to the community such as changes in employment, household incomes and tax base; (3-18-11)

(2) Provision of necessary services to the community; (3-18-11)

(3) Potential health impacts related to the proposed activity; (3-18-11)

(4) Impacts to direct and indirect uses associated with high quality water, e.g., fishing, recreation, and tourism; and (3-18-11)

(5) Retention of assimilative capacity for future activities or discharges. (3-18-11)

iv. Factors identified in the socioeconomic justification should be quantified whenever possible but for those factors that cannot be quantified a qualitative description of the impacts may be accepted; and (3-18-11)

v. If the Department determines that more information is required, then the Department may require the applicant to provide further information or seek additional sources of information. (3-18-11)

~~d~~e. Process. (3-18-11)

i. Analysis. The Department in cooperation with State of Idaho designated management agencies and/or federal agencies will collect information regarding the other source controls specified in Subsection 052.068.~~a~~b. The applicant for a new or reissued permit or license is responsible for providing information pertinent to determining significance/insignificance of proposed changes in water quality and completing an alternatives analysis and socioeconomic justification as appropriate and submitting them to the Department for review. (~~3-18-11~~)()

ii. Departmental review. The Department shall review all pertinent information and, after intergovernmental coordination, public notice and input, make a determination as to whether there is assurance that the other source controls specified in Subsection 052.068.~~a~~b. shall be achieved, and whether degradation of water quality is necessary to accommodate important economic or social development. (~~3-18-11~~)()

iii. Public Involvement. The Department will satisfy the public participation

provisions of Idaho's continuing planning process. Public notice and review of antidegradation will be coordinated with existing 401 certification notices for public review. (3-18-11)

079. Tier III - Outstanding Resource Waters (ORWs). ORWs are designated by the legislature. Subsection 052.079 describes the nomination, public notice and comment, public hearing, and board review process for directing the Department to develop legislation designating ORWs. Only the legislature may designate ORWs. Once designated by the legislature, the ORWs are listed in these rules. (3-18-11)

a. Nominations. Any person may request, in writing to the board, that a stream segment be considered for designation as an Outstanding Resource Water. To be considered for ORW designation, nominations must be received by the board by April 1 or ten (10) days after the adjournment sine die of that year's regular session of the legislature, whichever is later, for consideration during the next regular session of the legislature. All nominations shall be addressed to:

Idaho Board of Environmental Quality
Department of Environmental Quality
Outstanding Resource Water Nomination
1410 N. Hilton
Boise, Idaho 83706-1255

The nomination shall include the following information: (3-18-11)

- i. The name, description and location of the stream segment; (3-18-11)
- ii. The boundaries upstream and downstream of the stream segment; (3-18-11)
- iii. An explanation of what makes the segment a candidate for the designation; (3-18-11)
- iv. A description of the existing water quality and any technical data upon which the description is based as can be found in the most current basin status reports; (3-18-11)
- v. A discussion of the types of nonpoint source activities currently being conducted that may lower water quality, together with those activities that are anticipated during the next two (2) years, as described in the most current basin status reports; and (3-18-11)
- vi. Any additional evidence to substantiate such a designation. (3-18-11)

b. Public Notice and Public Comment. The board will give public notice that one (1) or more stream segments are being considered for recommendation to the legislature as outstanding resource waters. Public notice will also be given if a public hearing is being held. Public comments regarding possible designation will be accepted by the board for a period of at least forty-five (45) days. Public comments may include, but are not limited to, discussion of socioeconomic considerations; fish, wildlife or recreational values; and other beneficial uses. (3-18-11)

c. Public Hearing. A public hearing(s) may be held at the board's discretion on any stream segment nominated for ORW designation. Public notice will be given if a hearing is held. The decision to hold a hearing may be based on the following criteria: (3-18-11)

i. One (1) or more requests contain supporting documentation and valid reasons for designation; (3-18-11)

ii. A stream segment is generally recognized as constituting an outstanding national resource, such as waters of national and state parks, and wildlife refuges; (3-18-11)

iii. A stream segment is generally recognized as waters of exceptional recreational or ecological significance; (3-18-11)

iv. The board shall give special consideration to holding a hearing and to recommending for designation by the legislature, waters which meet criteria found in Subsections 052.079.c.ii. and 052.079.c.iii.; ~~(3-18-11)~~()

v. Requests for a hearing will be given due consideration by the board. Public hearings may be held at the board's discretion. (3-18-11)

d. Board Review. The board shall review the stream segments nominated for ORW designation and based on the hearing or other written record, determine the segments to recommend as ORWs to the legislature. The board shall submit a report for each stream segment it recommends for ORW designation. The report shall contain the information specified in Subsection 052.079.a. and information from the hearing record or other written record concerning the impacts the designation would have on socioeconomic conditions; fish, wildlife and recreational values; and other beneficial uses. The Department shall then prepare legislation for each segment that will be recommended to the legislature as an ORW. The legislation shall provide for the listing of designated segments in these rules without the need for formal rulemaking procedures, pursuant to Sections 67-5201, et seq., Idaho Code. ~~(3-18-11)~~()

e. Designated Waters. Those stream segments designated by the legislature as ORWs are listed in Sections 110 through 160. (3-18-11)

f. Restriction of Nonpoint Source Activities on ORWs. Nonpoint source activities on ORWs shall be restricted as follows: (3-18-11)

i. The water quality of ORWs shall be maintained and protected. After the legislature has designated a stream segment as an outstanding resource water, no person shall conduct a new or substantially modify an existing nonpoint source activity that can reasonably be expected to lower the water quality of that ORW, except for conducting short term or temporary nonpoint source activities which do not alter the essential character or special uses of a segment, allocation of water rights, or operation of water diversions or impoundments. Stream segments not designated as ORWs that discharge directly into an ORW shall not be subject to the same restrictions as an ORW, nor shall the ORW mixing zone be subject to the same restrictions as an ORW. A person may conduct a new or substantially modify an existing nonpoint source activity that can reasonably be expected to lower the water quality of a tributary or stream segment, which discharges directly into an ORW or an ORW mixing zone, provided that the water quality of that

ORW below the mixing zone shall not be lowered. (3-18-11)

ii. After the legislature has designated a stream segment as an outstanding resource water as outlined in Subsection 052.079.e., existing nonpoint source activities may continue and shall be conducted in a manner that maintains and protects the current water quality of an ORW. The provisions of this section shall not affect short term or temporary activities that do not alter the essential character or special uses of a segment, allocation of water rights, or operations of water diversions or impoundments, provided that such activities shall be conducted in conformance with applicable laws and regulations. (3-18-11)()

g. Restriction of Point Source Discharges to ORWs. The water quality of ORWs shall be maintained and protected. Point source discharges that may cause degradation to ORWs may be allowed only if they are offset by reductions in other discharges per Subsection 052.046.c. (3-18-11)()

(BREAK IN CONTINUITY OF SECTIONS)

~~056. SPECIAL RESOURCE WATERS.~~

~~01. Designations. Waters of the state may be designated as special resource waters. Designation as a special resource water recognizes at least one (1) of the following characteristics: (7-1-93)~~

~~a. The water is of outstanding high quality, exceeding both criteria for primary contact recreation and cold water aquatic life; (4-5-00)~~

~~b. The water is of unique ecological significance; (7-1-93)~~

~~c. The water possesses outstanding recreational or aesthetic qualities; (7-1-93)~~

~~d. Intensive protection of the quality of the water is in paramount interest of the people of Idaho; (7-1-93)~~

~~e. The water is a part of the National Wild and Scenic River System, is within a State or National Park or wildlife refuge and is of prime or major importance to that park or refuge; or (4-5-00)~~

~~f. Intensive protection of the quality of the water is necessary to maintain an existing, but jeopardized beneficial use. (4-5-00)~~

~~02. Designated Waters. Those waters of the state determined to be special resource waters are listed in Sections 110 through 160. (4-5-00)~~

~~03. Restrictions of Point Source Discharges to Special Resource Waters and Their Tributaries. Point source discharges to special resource waters and their tributaries shall be~~

restricted as specified in Subsection 400.01.b.

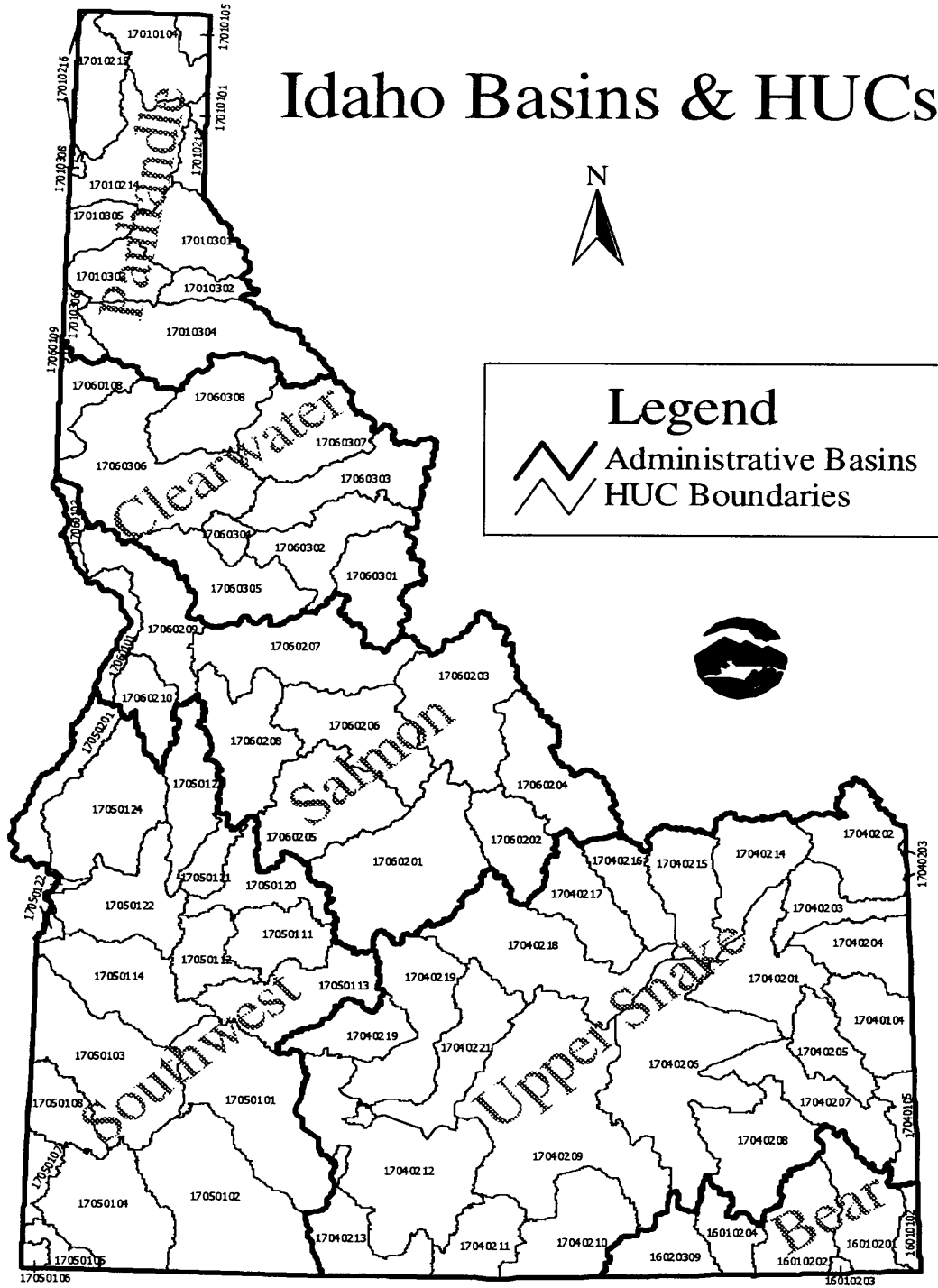
(7-1-93)

0576. -- 059. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

109. HUC INDEX AND ABBREVIATIONS FOR SECTIONS 110, 120, 130, 140, 150, AND 160.

- 01. Map.** The following map depicts the hydrologic units and basins described here in.
(4-5-00)



02. Table. The following table describes the hydrologic unit code (HUC), associated subbasin name, and the rule section describing the water bodies within the subbasin.

HUC	SUBBASIN	RULE SECTION	HUC	SUBBASIN	RULE SECTION
16010102	Central Bear	160.01	16010201	Bear Lake	160.02
16010202	Middle Bear	160.03	16010203	Little Bear-Logan	160.04
16010204	Lower Bear-Malad	160.05	16020309	Curlew Valley	160.06
17010101	Upper Kootenai	110.01	17010104	Lower Kootenai	110.02
17010105	Moyie	110.03	17010213	Lower Clark Fork	110.04
17010214	Pend Oreille Lake	110.05	17010215	Priest	110.06
17010216	Pend Oreille	110.07	17010301	Upper Coeur d'Alene	110.08
17010302	South Fork Coeur d'Alene	110.09	17010303	Coeur d'Alene Lake	110.10
17010304	St. Joe	110.11	17010305	Upper Spokane	110.12
17010306	Hangman	110.13	17010308	Little Spokane	110.14
17040104	Palisades	150.01	17040105	Salt	150.02
17040201	Idaho Falls	150.03	17040202	Upper Henrys	150.04
17040203	Lower Henrys	150.05	17040204	Teton	150.06
17040205	Willow	150.07	17040206	American Falls	150.08
17040207	Blackfoot	150.09	17040208	Portneuf	150.10
17040209	Lake Walcott	150.11	17040210	Raft	150.12
17040211	Goose	150.13	17040212	Upper Snake-Rock	150.14
17040213	Salmon Falls	150.15	17040214	Beaver-Camas	150.16
17040215	Medicine Lodge	150.17	17040216	Birch	150.18
17040217	Little Lost	150.19	17040218	Big Lost	150.20
17040219	Big Wood	150.21	17040220	Camas	150.22
17040221	Little Wood	150.23	17050101	C.J. Strike Reservoir	140.01
17050102	Bruneau	140.02	17050103	Middle Snake-Succor	140.03
17050104	Upper Owyhee	140.04	17050105	South Fork Owyhee	140.05
17050106	East Little Owyhee	140.06	17050107	Middle Owyhee	140.07
17050108	Jordan	140.08	17050111	North/Middle Fork Boise	140.09
17050112	Boise-Mores	140.10	17050113	South Fork Boise	140.11
17050114	Lower Boise	140.12	17050115	Middle Snake-Payette	140.13
17050120	South Fork Payette	140.14	17050121	Middle Fork Payette	140.15
17050122	Payette	140.16	17050123	North Fork Payette	140.17
17050124	Weiser	140.18	17050201	Brownlee Reservoir	140.19

HUC	SUBBASIN	RULE SECTION	HUC	SUBBASIN	RULE SECTION
17060101	Hells Canyon	130.01	17060103	Lower Snake-Asotin	130.02
17060108	Palouse	120.01	17060109	Rock	120.02
17060201	Upper Salmon	130.03	17060202	Pahsimeroi	130.04
17060203	Middle Salmon-Panther	130.05	17060204	Lemhi	130.06
17060205	U. Middle Fork Salmon	130.07	17060206	L. Middle Fork Salmon	130.08
17060207	Mid. Salmon-Chamberlain	130.09	17060208	South Fork Salmon	130.10
17060209	Lower Salmon	130.11	17060210	Little Salmon	130.12
17060301	Upper Selway	120.03	17060302	Lower Selway	120.04
17060303	Lochsa	120.05	17060304	Middle Fork Clearwater	120.06
17060305	South Fork Clearwater	120.07	17060306	Clearwater	120.08
17060307	U. North Fork Clearwater	120.09	17060308	L. North Fork Clearwater	120.10

(4-5-00)

03. Abbreviations.

(4-5-00)

a. COLD -- Cold Water Communities.

(4-5-00)

b. SS -- Salmonid Spawning.

(4-5-00)

c. SC -- Seasonal Cold Water Communities.

(4-5-00)

d. WARM -- Warm Water Communities.

(4-5-00)

e. MOD -- Modified Communities.

(4-5-00)

f. PCR -- Primary Contact Recreation.

(4-5-00)

g. SCR -- Secondary Contact Recreation.

(4-5-00)

h. DWS -- Domestic Water Supply.

(4-5-00)

~~**i.** SRW -- Special Resource Water.~~

~~(4-5-00)~~

ji. NONE -- Use Unattainable.

(4-5-00)

ki. No entry in the Aquatic Life or Recreation columns -- nondesignated waters for those uses. (3-15-02)

110. PANHANDLE BASIN.

Surface waters found within the Panhandle basin total fourteen (14) subbasins and are designated as follows: (4-5-00)

01. Upper Kootenai Subbasin. The Upper Kootenai Subbasin, HUC 17010101, is comprised of six (6) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Star Creek - source to Idaho/Montana border	COLD SS	PCR	
P-2	North Callahan Creek - source to Idaho/Montana border	COLD SS	PCR	
P-3	South Callahan Creek - Glad Creek to Idaho/Montana border	COLD SS	PCR	
P-4	South Callahan Creek - source to Glad Creek	COLD SS	PCR	
P-5	Glad Creek - source to mouth	COLD SS	PCR	
P-6	Keeler Creek - source to Idaho/Montana border	COLD SS	PCR	

(3-30-01)

02. Lower Kootenai Subbasin. The Lower Kootenai Subbasin, HUC 17010104, is comprised of forty (40) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Kootenai River - Shorty's Island to the Idaho/Canadian border	COLD SS	PCR	DWS <i>SRW</i>
P-2	Boundary Creek - Idaho/Canadian border to mouth	COLD SS	PCR	
P-3	Grass Creek - source to Idaho/Canadian border	COLD SS	PCR	
P-4	Blue Joe Creek - source to Idaho/Canadian border	COLD SS	PCR	
P-5	Smith Creek - Cow Creek to mouth	COLD SS	PCR	
P-6	Cow Creek - source to mouth	COLD SS	PCR	
P-7	Smith Creek - source to Cow Creek	COLD SS	PCR	
P-8	Long Canyon Creek - source to mouth	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
P-9	Parker Creek - source to mouth	COLD SS	PCR	
P-10	Trout Creek - source to mouth	COLD SS	PCR	
P-11	Ball Creek - source to mouth	COLD SS	PCR	
P-12	Kootenai River - Deep Creek to and including Shorty's Island	COLD SS	PCR	DWS <u>SRW</u>
P-13	Myrtle Creek - source to mouth	COLD SS	PCR	
P-14	Cascade Creek - source to mouth	COLD SS	PCR	
P-15	Deep Creek - Snow Creek to mouth	COLD SS	PCR	DWS <u>SRW</u>
P-16	Snow Creek - source to mouth	COLD SS	PCR	
P-17	Caribou Creek - source to mouth	COLD SS	PCR	
P-18	Deep Creek - Brown Creek to Snow Creek	COLD SS	PCR	DWS <u>SRW</u>
P-19	Deep Creek - Trail Creek to Brown Creek	COLD SS	PCR	DWS <u>SRW</u>
P-20	Ruby Creek - source to mouth	COLD SS	PCR	
P-21	Fall Creek - source to mouth	COLD SS	PCR	
P-22	Deep Creek - McArthur Lake to Trail Creek	COLD SS	PCR	DWS <u>SRW</u>
P-23	McArthur Lake	COLD		
P-24	Dodge Creek - source to mouth	COLD SS	SCR	
P-25	Deep Creek - source to McArthur Lake	COLD SS	PCR	
P-26	Trail Creek - source to mouth	COLD SS	PCR	
P-27	Brown Creek - source to mouth	COLD SS	PCR	
P-28	Twentymile Creek - source to mouth	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
P-29	Kootenai River - Moyie River to Deep Creek	COLD SS	PCR	DWS <u>SRW</u>
P-30	Cow Creek - source to mouth	COLD SS	SCR	
P-31	Kootenai River - Idaho/Montana to Moyie River	COLD SS	PCR	DWS <u>SRW</u>
P-32	Boulder Creek - East Fork Boulder Creek to mouth	COLD SS	PCR	
P-33	Boulder Creek - source to East Fork Boulder Creek	COLD SS	PCR	
P-34	East Fork Boulder Creek - source to mouth	COLD SS	PCR	
P-35	Curley Creek - source to mouth	COLD SS	SCR	
P-36	Flemming Creek - source to mouth	COLD SS	SCR	
P-37	Rock Creek - source to mouth	COLD SS	SCR	
P-38	Mission Creek - Brush Creek to mouth	COLD SS	PCR	
P-39	Brush Creek - source to mouth	COLD SS	SCR	
P-40	Mission Creek - Idaho/Canadian border to Brush Creek	COLD SS	SCR	

(3-30-01)()

03. Moyie Subbasin. The Moyie Subbasin, HUC 17010105, is comprised of twelve (12) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Moyie River - Moyie Falls Dam to mouth	COLD SS	PCR	DWS <u>SRW</u>
P-2	Moyie River - Meadow Creek to Moyie Falls Dam	COLD SS	PCR	DWS <u>SRW</u>
P-3	Skin Creek - Idaho/Montana border to mouth	COLD SS	PCR	
P-4	Deer Creek - source to mouth	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
P-5	Moyie River - Round Prairie Creek to Meadow Creek	COLD SS	PCR	DWS <i>SRW</i>
P-6	Moyie River - Idaho/Canadian border to Round Prairie Creek	COLD SS	PCR	DWS <i>SRW</i>
P-7	Canuck Creek - Idaho/Montana border to Idaho/Canadian border	COLD SS	SCR	
P-8	Round Prairie Creek - Gillon Creek to mouth	COLD SS	PCR	
P-9	Gillon Creek - Idaho/Canadian border to mouth	COLD SS	PCR	
P-10	Round Prairie Creek - source to Gillon Creek	COLD SS	PCR	
P-11	Miller Creek - source to mouth	COLD SS	PCR	
P-12	Meadow Creek - source to mouth	COLD SS	PCR	

(3-30-01)()

04. Lower Clark Fork Subbasin. The Lower Clark Fork Subbasin, HUC 17010213, is comprised of twenty-one (21) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Clark Fork River Delta - Mosquito Creek to Pend Oreille Lake	COLD SS	PCR	DWS <i>SRW</i>
P-2	Johnson Creek - source to mouth			
P-3	Clark Fork River - Cabinet Gorge Dam to Mosquito Creek	COLD SS	PCR	DWS <i>SRW</i>
P-4	Dry Creek - source to mouth			
P-5	Clark Fork River - Idaho/Montana border to Cabinet Gorge Dam	COLD SS	PCR	DWS <i>SRW</i>
P-6	West Fork Elk Creek - source to Idaho/Montana border			
P-7	West Fork Blue Creek - source to Idaho/Montana border			
P-8	Gold Creek - source to Idaho/Montana border			
P-9	Mosquito Creek - source to mouth			
P-10	Lightning Creek - Spring Creek to mouth	COLD SS	PCR	DWS <i>SRW</i>
P-11	Lightning Creek - Cascade Creek to Spring Creek	COLD SS	PCR	DWS <i>SRW</i>

Unit	Waters	Aquatic Life	Recreation	Other
P-12	Cascade Creek - source to mouth			
P-13	Lightning Creek - East Fork Creek to Cascade Creek	COLD SS	PCR	DWS SRW
P-14	East Fork Creek - Idaho/Montana border to mouth			
P-15	Savage Creek - Idaho/Montana border to mouth			
P-16	Lightning Creek - Wellington Creek to East Fork Creek	COLD SS	PCR	DWS SRW
P-17	Lightning Creek - Rattle Creek to Wellington Creek	COLD SS	PCR	DWS SRW
P-18	Rattle Creek - source to mouth			
P-19	Lightning Creek - source to Rattle Creek	COLD SS	PCR	DWS SRW
P-20	Wellington Creek - source to mouth			
P-21	Spring Creek - source to mouth			

(4-5-00)()

05. Pend Oreille Lake Subbasin. The Pend Oreille Lake Subbasin, HUC 17010214, is comprised of sixty-one (61) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Pend Oreille River - Priest River to Albeni Falls Dam	COLD	PCR	DWS
P-2	Pend Oreille River - Pend Oreille Lake to Priest River	COLD	PCR	DWS
P-3	Hoodoo Creek - source to mouth			
P-4	Kelso Lake and outlet	COLD SS	PCR	DWS
P-5	Granite Lake			
P-6	Beaver Lake			
P-7	Spirit Creek - source to mouth			
P-8	Blanchard Lake			
P-9	Spirit Lake	COLD SS	PCR	DWS SRW
P-10	Brickel Creek - Idaho/Washington border to mouth			
P-11	Jewell Lake			
P-12	Cocolalla Creek - Cocolalla Lake to mouth	COLD	PCR	DWS SRW

Unit	Waters	Aquatic Life	Recreation	Other
P-13	Cocolalla Lake	COLD	PCR	DWS SRW
P-14	Cocolalla Creek - source to Cocolalla Lake			
P-15	Fish Creek - source to mouth			
P-16	Fry Creek - source to mouth			
P-17	Shepard Lake			
P-18	Pend Oreille Lake	COLD SS	PCR	DWS SRW
P-19	Gamble Lake			
P-20	Mirror Lake			
P-21	Gold Creek - West Gold Creek to mouth			
P-22	West Gold Creek- source to mouth			
P-23	Gold Creek - source to West Gold Creek			
P-24	Chloride Creek - source to mouth			
P-25	North Gold Creek - source to mouth			
P-26	Cedar Creek - source to mouth			
P-27	Granite Creek - source to mouth	COLD SS	SCR	SRW
P-28	Riser Creek - source to mouth			
P-29	Strong Creek - source to mouth			
P-30	Trestle Creek - source to mouth	COLD SS	SCR	SRW
P-31	Lower Pack River - Sand Creek to mouth	COLD SS	PCR	DWS
P-32	Trout Creek - source to mouth			
P-33	Rapid Lightning Creek - source to mouth			
P-34	Gold Creek - source to mouth			
P-35	Grouse Creek - North Fork Grouse Creek to mouth			
P-36	Grouse Creek - source to North Fork Grouse Creek			
P-37	North Fork Grouse Creek - source to mouth			
P-38	Sand Creek - source to mouth			
P-39	Upper Pack River - Lindsey Creek to Sand Creek	COLD SS	PCR	DWS
P-40	Walsh Lake			
P-41	Upper Pack River - source to and including Lindsey Creek	COLD SS	PCR	DWS

Unit	Waters	Aquatic Life	Recreation	Other
P-42	McCormick Creek - source to mouth			
P-43	Jeru Creek - source to mouth			
P-44	Hellroaring Creek - source to mouth			
P-45	Caribou Creek - source to mouth			
P-46	Berry Creek - source to mouth			
P-47	Colburn Creek - source to mouth			
P-48	Sand Creek - Schweitzer Creek to mouth			
P-49	Sand Creek - source to Schweitzer Creek			
P-50	Spring Jack Creek - source to mouth			
P-51	Swede Creek - source to mouth			
P-52	Schweitzer Creek - source to mouth			
P-53	Little Sand Creek - source to mouth			
P-54	Syringa Creek - source to mouth			
P-55	Carr Creek - source to mouth			
P-56	Hornby Creek - source to mouth			
P-57	Smith Creek - source to mouth			
P-58	Johnson Creek - source to mouth			
P-59	Riley Creek - source to mouth			
P-60	Manley Creek - source to mouth			
P-61	Strong Creek - source to mouth			

(4-5-00)()

06. Priest Subbasin. The Priest Subbasin, HUC 17010215, is comprised of thirty-one (31) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Lower Priest River - Upper West Branch Priest River to mouth	COLD	PCR	DWS SRW
P-2	Big Creek - source to mouth			
P-3	Middle Fork East River - source to mouth			
P-4	North Fork East River - source to mouth			
P-5	Lower Priest River - Priest Lake to Upper West Branch Priest River	COLD	PCR	DWS SRW

Unit	Waters	Aquatic Life	Recreation	Other
P-6	Priest Lake	COLD SS	PCR	DWS <i>SRW</i>
P-7	Chase Lake			
P-8	Soldier Creek - source to mouth			
P-9	Hunt Creek - source to mouth			
P-10	Indian Creek - source to mouth			
P-11	Bear Creek - source to mouth			
P-12	Two Mouth Creek - source to mouth			
P-13	Lion Creek - source to mouth			
P-14	Priest Lake Thorofare - Upper Priest Lake to Priest Lake	COLD SS	PCR	DWS <i>SRW</i>
P-15	Caribou Creek - source to mouth			
P-16	Upper Priest Lake	COLD SS	PCR	DWS <i>SRW</i>
P-17	Trapper Creek - source to mouth			
P-18	Upper Priest River - Idaho/Canadian border to mouth	COLD SS	PCR	DWS <i>SRW</i>
P-19	Hughes Fork - source to mouth			
P-20	Beaver Creek - source to mouth			
P-21	Tango Creek - source to mouth			
P-22	Granite Creek - Idaho/Washington border to mouth			
P-23	Reeder Creek - source to mouth			
P-24	Kalispell Creek - Idaho/Washington border to mouth			
P-25	Lamb Creek - Idaho/Washington border to mouth			
P-26	Binarch Creek - Idaho/Washington border to mouth			
P-27	Upper West Branch Priest River - Idaho/Washington border to mouth			
P-28	Goose Creek - Idaho/Washington border to mouth			
P-29	Quartz Creek - source to mouth			
P-30	Lower West Branch Priest River - Idaho/Washington border to mouth			
P-31	Moore's Creek - source to mouth			

(4-5-00)()

07. Pend Oreille Subbasin. The Pend Oreille Subbasin, HUC 17010216, is comprised of two (2) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	South Salmo River - source to Idaho/Washington border			
P-2	Pend Oreille River - Albeni Falls Dam to Idaho/Washington border	COLD	PCR	DWS

(4-5-00)

08. Upper Coeur d'Alene Subbasin. The Upper Coeur d'Alene Subbasin, HUC 17010301, is comprised of thirty-nine (39) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	North Fork Coeur d'Alene River - Yellow Dog Creek to mouth	COLD SS	PCR	DWS SRW
P-2	Graham Creek - source to mouth			
P-3	Beaver Creek - source to mouth			
P-4	Prichard Creek - Butte Creek to mouth	COLD SS	PCR	
P-5	Prichard Creek - source to Butte Creek	COLD SS	PCR	DWS
P-6	Butte Creek - source to mouth			
P-7	Eagle Creek - source to mouth			
P-8	West Fork Eagle Creek - source to mouth			
P-9	Lost Creek - source to mouth			
P-10	Shoshone Creek - Falls Creek to mouth			
P-11	Falls Creek - source to mouth			
P-12	Shoshone Creek - source to Falls Creek			
P-13	North Fork Coeur d'Alene River - Jordan Creek to Yellow Dog Creek	COLD SS	PCR	DWS SRW
P-14	Jordan Creek - source to mouth			
P-15	North Fork Coeur d'Alene River - source to Jordan Creek	COLD SS	PCR	DWS SRW
P-16	Cataract Creek - source to mouth			
P-17	Tepee Creek - confluence of Trail Creek and Big Elk Creek to mouth			
P-18	Independence Creek - source to mouth			
P-19	Trail Creek - source to mouth			
P-20	Big Elk Creek - source to mouth			
P-21	Brett Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
P-22	Miners Creek - source to mouth			
P-23	Flat Creek - source to mouth			
P-24	Yellow Dog Creek - source to mouth			
P-25	Downey Creek - source to mouth			
P-26	Brown Creek - source to mouth			
P-27	Grizzly Creek - source to mouth			
P-28	Steamboat Creek - source to mouth			
P-29	Cougar Gulch - source to mouth			
P-30	Little North Fork Coeur d'Alene River - source to mouth			
P-31	Bumblebee Creek - source to mouth			
P-32	Laverne Creek - source to mouth			
P-33	Leiberg Creek - source to mouth			
P-34	Bootjack Creek - source to mouth			
P-35	Iron Creek - source to mouth			
P-36	Burnt Cabin Creek - source to mouth			
P-37	Deception Creek - source to mouth			
P-38	Skookum Creek - source to mouth			
P-39	Copper Creek - source to mouth			

(4-5-00)()

09. South Fork Coeur d'Alene Subbasin. The South Fork Coeur d'Alene Subbasin, HUC 17010302, is comprised of twenty (20) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	South Fork Coeur d'Alene River - Canyon Creek to mouth	COLD	SCR	
P-2	Pine Creek - East Fork Pine Creek to mouth	COLD SS	SCR	
P-3	Pine Creek - source to East Fork Pine Creek	COLD SS	PCR	DWS
P-4	East Fork Pine Creek - source to mouth			
P-5	Hunter Creek - source to mouth			
P-6	Government Gulch - source to mouth	COLD SS	SCR	
P-7a	Big Creek - source to mining impact area	COLD SS	PCR	DWS

Unit	Waters	Aquatic Life	Recreation	Other
P-7b	Big Creek - mining impact area to mouth	COLD SS	SCR	
P-8a	Shields Gulch - source to mining impact area	COLD SS	PCR	DWS
P-8b	Shields Gulch - mining impact area to mouth		SCR	
P-9a	Lake Creek - source to mining impact area	COLD SS	PCR	DWS
P-9b	Lake Creek - mining impact area to mouth	COLD SS	SCR	
P-10	Placer Creek - source to mouth			
P-11	South Fork Coeur d'Alene River - from and including Daisy Gulch to Canyon Creek	COLD	SCR	
P-12	Willow Creek - source to mouth			
P-13	South Fork Coeur d'Alene River - source to Daisy Gulch	COLD SS	PCR	DWS
P-14	Canyon Creek - from and including Gorge Gulch to mouth	COLD	SCR	
P-15	Canyon Creek - source to Gorge Gulch	COLD SS	PCR	DWS
P-16	Ninemile Creek - from and including East Fork Ninemile Creek to mouth	COLD SS	SCR	
P-17	Ninemile Creek - source to East Fork Ninemile Creek	COLD SS	PCR	DWS
P-18	Moon Creek - source to mouth			
P-19	West Fork Moon Creek - source to mouth			
P-20	Bear Creek - source to mouth	COLD SS	PCR	DWS

(3-15-02)

10. Coeur d'Alene Lake Subbasin. The Coeur d'Alene Lake Subbasin, HUC 17010303, is comprised of thirty-four (34) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Coeur d'Alene Lake	COLD SS	PCR	DWS <i>SRW</i>
P-2	Cougar Creek - source to mouth			
P-3	Kid Creek - source to mouth			
P-4	Mica Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
P-5	Fighting Creek - source to mouth			
P-6	Lake Creek - Idaho/Washington border to mouth			
P-7	Coeur d'Alene River - Latour Creek to mouth	COLD	PCR	
P-8	Anderson Lake			
P-9	Black Lake			
P-10	Medicine Lake			
P-11	Willow Creek - source to mouth			
P-12	Evans Creek - source to mouth			
P-13	Robinson Creek - source to mouth			
P-14	Bull Run Lake			
P-15	Latour Creek - source to mouth			
P-16	Coeur d'Alene River - South Fork Coeur d'Alene River to Latour Creek	COLD	PCR	
P-17	Skeel and Cataldo Creeks - source to mouth			
P-18	French Gulch - source to mouth			
P-19	Hardy and Hayden Gulch and Whitman Draw Creeks Complex - source to mouth			
P-20	Fourth of July Creek - source to mouth			
P-21	Rose Lake			
P-22	Killarney Lake			
P-23	Swan Lake			
P-24	Blue Lake			
P-25	Thompson Lake			
P-26	Carlin Creek - source to mouth			
P-27	Turner Creek - source to mouth			
P-28	Beauty Creek - source to mouth			
P-29	Wolf Lodge Creek - source to mouth	COLD SS	PCR	DWS SRW
P-30	Cedar Creek - source to mouth			
P-31	Marie Creek - source to mouth			
P-32	Fernan Creek - Fernan Lake to mouth	COLD SS	PCR	DWS
P-33	Fernan Lake	COLD SS	PCR	DWS
P-34	Fernan Creek - source to Fernan Lake			

(4-5-00)()

11. St. Joe Subbasin. The St. Joe Subbasin, HUC 17010304, is comprised of sixty-nine (69) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Chatcolet Lake			
P-2	Plummer Creek - source to mouth	COLD SS	SCR	
P-3	Pedee Creek - source to mouth			
P-4	Benewah Creek - source to mouth			
P-5	St. Joe River - St. Maries River to mouth	COLD	PCR	
P-6	Cherry Creek - source to mouth			
P-7	St. Maries River - Santa Creek to mouth	COLD	PCR	
P-8	Alder Creek - source to mouth			
P-9	John Creek - source to mouth			
P-10	Santa Creek - source to mouth	COLD SS	PCR	
P-11	Charlie Creek - source to mouth			
P-12	St. Maries River - Carpenter Creek to Santa Creek	COLD	PCR	
P-13	Tyson Creek - source to mouth			
P-14	Carpenter Creek - source to mouth			
P-15	St. Maries River - confluence of West Fork and Middle Fork St. Maries Rivers to Carpenter Creek	COLD	PCR	DWS <u>SRW</u>
P-16	Emerald Creek - source to mouth			
P-17	West Fork St. Maries River - source to mouth			
P-18	Middle Fork St. Maries River - source to mouth			
P-19	Gold Center Creek - source to mouth			
P-20	Merry Creek - source to mouth			
P-21	Childs Creek - source to mouth			
P-22	Olson Creek - source to mouth			
P-23	Crystal Creek - source to mouth			
P-24	Renfro Creek - source to mouth			
P-25	Beaver Creek - source to mouth			
P-26	Thorn Creek - source to mouth			
P-27	St. Joe River - North Fork St. Joe River to St. Maries River	COLD SS	PCR	DWS <u>SRW</u>

Unit	Waters	Aquatic Life	Recreation	Other
P-28	Bond Creek - source to mouth			
P-29	Hugus Creek- source to mouth			
P-30	Mica Creek - source to mouth			
P-31	Marble Creek - Hobo Creek to mouth			
P-32	Eagle Creek - source to mouth			
P-33	Bussel Creek - source to mouth			
P-34	Hobo Creek - source to mouth			
P-35	Marble Creek - source to Hobo Creek			
P-36	Homestead Creek - source to mouth			
P-37	Daveggio Creek - source to mouth			
P-38	Boulder Creek - source to mouth			
P-39	Fishhook Creek - source to mouth			
P-40	Siwash Creek - source to mouth			
P-41	St. Joe River - source to North Fork St. Joe River	COLD SS	PCR	DWS <u>SRW</u>
P-42	Sisters Creek - source to mouth			
P-43	Prospector Creek - source to mouth			
P-44	Nugget Creek - source to mouth			
P-45	Bluff Creek - source to mouth			
P-46	Mosquito Creek - source to mouth			
P-47	Fly Creek - source to mouth			
P-48	Beaver Creek - source to mouth			
P-49	Copper Creek - source to mouth			
P-50	Timber Creek - source to mouth			
P-51	Red Ives Creek - source to mouth			
P-52	Simmons Creek - source to mouth			
P-53	Gold Creek - source to mouth			
P-54	Bruin Creek - source to mouth			
P-55	Quartz Creek - source to mouth			
P-56	Eagle Creek - source to mouth			
P-57	Bird Creek - source to mouth			
P-58	Skookum Creek - source to mouth			
P-59	North Fork St. Joe River - Loop Creek to mouth			
P-60	Loop Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
P-61	North Fork St. Joe River - source to Loop Creek			
P-62	Slate Creek - source to mouth			
P-63	Big Creek - source to mouth			
P-64	Trout Creek - source to mouth			
P-65	Falls Creek - source to mouth			
P-66	Reeds Gulch Creek - source to mouth			
P-67	Rochat Creek - source to mouth			
P-68	Street Creek - source to mouth			
P-69	Deep Creek - source to mouth			

(4-5-00)()

12. Upper Spokane Subbasin. The Upper Spokane Subbasin, HUC 17010305, is comprised of eighteen (18) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Liberty Creek - source to Idaho/Washington border			
P-2	Cable Creek - source to Idaho/Washington border			
P-3	Spokane River - Post Falls Dam to Idaho/Washington border	COLD SS	PCR	DWS
P-4	Spokane River - Coeur d'Alene Lake to Post Falls Dam	COLD SS	PCR	DWS
P-5	Hayden Lake	COLD SS	PCR	DWS <i>SRW</i>
P-6	Yellowbank Creek - source to mouth			
P-7	Jim Creek - source to mouth			
P-8	Mokins Creek - source to mouth			
P-9	Nilsen Creek - source to mouth			
P-10	Hayden Creek -source to mouth			
P-11	Sage Creek and Lewellen Creek - source to mouth			
P-12	Rathdrum Creek - Twin Lakes to mouth			
P-13	Twin Lakes	COLD	PCR	DWS
P-14	Fish Creek - Idaho/Washington border to Twin Lakes			
P-15	Hauser Lake outlet - Hauser Lake to mouth			
P-16	Hauser Lake	COLD	PCR	DWS

Unit	Waters	Aquatic Life	Recreation	Other
P-17	Lost Lake, Howell, and Lost Creeks - source to mouth			
P-18	Hauser Creek - source to mouth			

(4-5-00)()

13. Hangman Subbasin. The Hangman Subbasin, HUC 17010306, is comprised of five (5) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Hangman Creek - source to Idaho/Washington border	COLD	SCR	
P-2	Little Hangman Creek - source to Idaho/Washington border			
P-3	Rock Creek - source to Idaho/Washington border		SCR	
P-4	Middle Fork Rock Creek - source to Idaho/Washington border			
P-5	North Fork Rock Creek - source to Idaho/Washington border			

(4-5-00)

14. Little Spokane Subbasin. The Little Spokane Subbasin, HUC 17010308, is comprised of one (1) water body unit.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	McDonald Creek - source to mouth			

(4-5-00)

111. -- 119. (RESERVED)

120. CLEARWATER BASIN.

Surface waters found within the Clearwater basin total ten (10) subbasins and are designated as follows:

(4-5-00)

01. Palouse Subbasin. The Palouse Subbasin, HUC 17060108, is comprised of thirty-three (33) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	Cow Creek - source to Idaho/Washington border	COLD	SCR	
C-2	South Fork Palouse River - Gnat Creek to Idaho/Washington border	COLD SS	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
C-3	South Fork Palouse River - source to Gnat Creek	COLD SS	SCR	
C-4a	Gnat Creek - source to T40N, R05W, Sec. 26	COLD	SCR	
C-4b	Gnat Creek - T40N, R05W, Sec. 26 to mouth	COLD	SCR	
C-5	Paradise Creek - source to Idaho/Washington border	COLD	SCR	
C-6a	Missouri Flat Creek - source to T40N, R5W, Sec. 17	COLD	SCR	
C-6b	Missouri Flat Creek-T40N, R5W, Sec. 17 to Idaho/Washington border	COLD	SCR	
C-7a	Fourmile Creek - source to T40N, R5W, Sec. 5	COLD	SCR	
C-7b	Fourmile Creek - T40N, R5W, Sec. 5 to Idaho/Washington border	COLD	SCR	
C-8a	Silver Creek - source to T43, R5W, Sec. 29	COLD	SCR	
C-8b	Silver Creek - T43, R5W, Sec. 29 to Idaho/Washington border	COLD	SCR	
C-9	Palouse River - Deep Creek to Idaho/Washington border	COLD	SCR	
C-10	Palouse River - Hatter Creek to Deep Creek	COLD	SCR	
C-11a	Flannigan Creek - source to T41N, R05W, Sec. 23	COLD	SCR	
C-11b	Flannigan Creek - T41N, R05W, Sec. 23 to mouth	COLD	SCR	
C-12	Rock Creek - confluence of West and East Fork Rock Creeks to mouth	COLD	SCR	
C-13a	West Fork Rock Creek - source to T41N, R04W, Sec. 30	COLD	SCR	
C-13b	West Fork Rock Creek - T41N, R04W, Sec. 30 to mouth	COLD	SCR	
C-14a	East Fork Rock Creek - source to T41N, R 04W, Sec. 29	COLD	SCR	
C-14b	East Fork Rock Creek - T41N, R 04W, Sec. 29 to mouth	COLD	SCR	
C-15a	Hatter Creek - source to T40N, R04W, Sec. 3	COLD	SCR	
C-15b	Hatter Creek - T40N, R04W, Sec. 3 to mouth	COLD	SCR	
C-16	Palouse River - Strychnine Creek to Hatter Creek	COLD SS	PCR	DWS
C-17	Flat Creek - source to mouth	COLD	SCR	
C-18	Palouse River - source to Strychnine Creek	COLD SS	PCR	DWS
C-19	Little Sand Creek - source to mouth	COLD SS	SCR	
C-20	Big Sand Creek - source to mouth	COLD SS	SCR	
C-21	North Fork Palouse River - source to mouth	COLD SS	SCR	
C-22	Strychnine Creek - source to mouth	COLD SS	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
C-23	Meadow Creek - East Fork Meadow Creek to mouth	COLD	SCR	
C-24	East Fork Meadow Creek - source to mouth	COLD SS	SCR	
C-25	Meadow Creek - source to East Fork Meadow Creek	COLD SS	SCR	
C-26	White Pine Creek - source to mouth	COLD SS	SCR	
C-27a	Big Creek - source to T42N, R03W, Sec. 08	COLD SS	SCR	
C-27b	Big Creek - T42N, R03W, Sec. 08 to mouth	COLD	SCR	
C-28	Jerome Creek - source to mouth	COLD SS	SCR	
C-29	Gold Creek - T42N, R04W, Sec. 28 to mouth	COLD	SCR	
C-30	Gold Creek - source to T42N, R04W, Sec. 28	COLD SS	SCR	
C-31a	Crane Creek - source to T42N, 04W, Sec. 28	COLD	SCR	
C-31b	Crane Creek - T42N, 04W, Sec. 08 to mouth	COLD	SCR	
C-32a	Deep Creek - source to T42, R05, Sec. 02	COLD	SCR	
C-32b	Deep Creek - T42, R05, Sec. 02 to mouth	COLD	SCR	
C-33a	Cedar Creek - source to T43N, R05W, Sec. 28	COLD	SCR	
C-33b	Cedar Creek - T43N, R05W, Sec. 28 to Idaho/Washington border	COLD	SCR	

(5-3-03)

02. Rock Subbasin. The Rock Subbasin, HUC 17060109, is comprised of three (3) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	South Fork Pine Creek - source to Idaho/Washington border	COLD	SCR	
C-2	North Fork Pine Creek - source to Idaho/Washington border	COLD	SCR	
C-3	Unnamed Tributaries - source to Idaho/Washington border (T44N, R05W, Sec.31 / T43N, R05W, Sec. 6)	COLD	SCR	

(5-3-03)

03. Upper Selway Subbasin. The Upper Selway Subbasin, HUC 17060301, is comprised of fifty-eight (58) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	Selway River - Bear Creek to Moose Creek	COLD SS	PCR	DWS <u>SRW</u>
C-2	Magpie Creek - source to mouth			
C-3	Bitch Creek - source to mouth			
C-4	Selway River - White Cap Creek to Bear Creek	COLD SS	PCR	DWS <u>SRW</u>
C-5	Ditch Creek - source to mouth			
C-6	Elk Creek - source to mouth			
C-7	Goat Creek - source to mouth			
C-8	Running Creek - Lynx Creek to mouth			
C-9	Running Creek - source to Lynx Creek			
C-10	South Fork Running Creek - source to mouth			
C-11	Lynx Creek - source to mouth			
C-12	Eagle Creek - source to mouth			
C-13	Crooked Creek - source to mouth			
C-14	Selway River - Deep Creek to White Cap Creek	COLD SS	PCR	DWS <u>SRW</u>
C-15	Little Clearwater River- Flat Creek to mouth			
C-16	Short Creek - source to mouth			
C-17	Little Clearwater River - source to Flat Creek			
C-18	Burnt Knob Creek - source to mouth			
C-19	Salamander Creek - source to mouth			
C-20	Flat Creek - source to mouth			
C-21	Magruder Creek - source to mouth			
C-22	Selway River - confluence of Hidden and Surprise Creeks to Deep Creek	COLD SS	PCR	DWS <u>SRW</u>
C-23	Three Lakes Creek - source to mouth			
C-24	Swet Creek - source to mouth			
C-25	Stripe Creek - source to mouth			
C-26	Hidden Creek - source to mouth			
C-27	Surprise Creek - source to mouth			
C-28	Wilkerson Creek - Storm Creek to mouth			
C-29	Wilkerson Creek - source to Storm Creek			
C-30	Storm Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
C-31	Deep Creek - source to mouth			
C-32	Vance Creek - source to mouth			
C-33	Lazy Creek - source to mouth			
C-34	Pete Creek - source to mouth			
C-35	Cayuse Creek - source to mouth			
C-36	Indian Creek - source to mouth			
C-37	Schofield Creek - source to mouth			
C-38	Snake Creek - source to mouth			
C-39	White Cap Creek - Canyon Creek to mouth			
C-40	Canyon Creek - source to mouth			
C-41	Cooper Creek - source to mouth			
C-42	White Cap Creek - source to Canyon Creek			
C-43	Paloma Creek - source to mouth			
C-44	Bad Luck Creek - source to mouth			
C-45	Gardner Creek - source to mouth			
C-46	North Star Creek - source to mouth			
C-47	Bear Creek - Cub Creek to mouth			
C-48	Cub Creek - Brushy Fork Creek to mouth			
C-49	Brushy Fork Creek - source to mouth			
C-50	Cub Creek - source to Brushy Fork Creek			
C-51	Paradise Creek - source to mouth			
C-52	Bear Creek - Wahoo Creek to Cub Creek			
C-53	Bear Creek - source to Wahoo Creek			
C-54	Granite Creek - source to mouth			
C-55	Wahoo Creek - source to mouth			
C-56	Pettibone Creek - source to mouth			
C-57	Cow Creek - source to mouth			
C-58	Dog Creek - source to mouth			

(4-5-00)()

04. Lower Selway Subbasin. The Lower Selway Subbasin, HUC 17060302, is comprised of fifty-five (55) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	Selway River - O'Hara Creek to mouth	COLD SS	PCR	DWS <i>SRW</i>
C-2	Goddard Creek - source to mouth	COLD SS	SCR	
C-3	O'Hara Creek - confluence of West and East Fork O'Hara Creeks to mouth	COLD SS	SCR	
C-4	West Fork O'Hara Creek - source to mouth			
C-5	East Fork O'Hara Creek - source to mouth			
C-6	Selway River - Meadow Creek to O'Hara Creek	COLD SS	PCR	DWS <i>SRW</i>
C-7	Falls Creek - source to mouth	COLD SS	SCR	
C-8	Meadow Creek - Buck Lake Creek to mouth	COLD SS	SCR	
C-9	Horse Creek - source to mouth			
C-10	Fivemile Creek - source to mouth			
C-11	Little Boulder Creek - source to mouth			
C-12	Meadow Creek - East Fork Meadow Creek to Buck Lake Creek	COLD SS	SCR	
C-13	Butte Creek - source to mouth	COLD SS	SCR	
C-14	Sable Creek - source to mouth	COLD SS	SCR	
C-15	Simmons Creek - source to mouth	COLD SS	SCR	
C-16	Meadow Creek - source to East Fork Meadow Creek			
C-17	Butter Creek - source to mouth			
C-18	Three Prong Creek - source to mouth			
C-19	East Fork Meadow Creek - source to mouth			
C-20	Schwar Creek - source to mouth			
C-21	Buck Lake Creek - source to mouth			
C-22	Selway River - Moose Creek to Meadow Creek	COLD SS	PCR	DWS <i>SRW</i>
C-23	Otter Creek - source to mouth			
C-24	Mink Creek - source to mouth			
C-25	Marten Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
C-26	Trout Creek - source to mouth			
C-27	Moose Creek - East Fork Moose Creek to mouth			
C-28	East Fork Moose Creek - Cedar Creek to Moose Creek			
C-29	Freeman Creek - source to mouth			
C-30	Monument Creek - source to mouth			
C-31	Elbow Creek - source to mouth			
C-32	Battle Creek - source to mouth			
C-33	East Fork Moose Creek - source to Cedar Creek			
C-34	Chute Creek - source to mouth			
C-35	Dead Elk Creek - source to mouth			
C-36	Cedar Creek - source to mouth			
C-37	Maple Creek - source to mouth			
C-38	Double Creek - source to mouth			
C-39	Fitting Creek - source to mouth			
C-40	North Fork Moose Creek - Rhoda Creek to mouth			
C-41	North Fork Moose Creek - West Moose Creek to Rhoda Creek			
C-42	North Fork Moose Creek - source to West Fork Moose Creek			
C-43	West Fork Moose Creek - source to mouth			
C-44	Rhoda Creek - Wounded Doe Creek to mouth			
C-45	Wounded Doe Creek - source to mouth			
C-46	Rhoda Creek - source to Wounded Doe Creek			
C-47	Lizard Creek - Lizard Lakes to mouth			
C-48	Meeker Creek - source to mouth			
C-49	Three Links Creek - source to mouth			
C-50	Gedney Creek - West Fork Gedney Creek to mouth			
C-51	Gedney Creek - source to West Fork Gedney Creek			
C-52	West Fork Gedney Creek - source to mouth			
C-53	Glover Creek - source to mouth	COLD SS	SCR	
C-54	Boyd Creek - source to mouth	COLD SS	SCR	
C-55	Rackliff Creek - source to mouth	COLD SS	SCR	

(5-3-03)()

05. Lochsa Subbasin. The Lochsa Subbasin, HUC 17060303, is comprised of sixty-five (65) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	Lochsa River - Deadman Creek to mouth	COLD SS	PCR	DWS SRW
C-2	Kerr Creek - source to mouth			
C-3	Lochsa River - Old Man Creek to Deadman Creek	COLD SS	PCR	DWS SRW
C-4	Coolwater Creek - source to mouth			
C-5	Fire Creek - source to mouth			
C-6	Split Creek - source to mouth			
C-7	Old Man Creek - source to mouth			
C-8	Lochsa River - Fish Creek to Old Man Creek	COLD SS	PCR	DWS SRW
C-9	Lochsa River - Indian Grave Creek to Fish Creek	COLD SS	PCR	DWS SRW
C-10	Boulder Creek - source to mouth			
C-11	Stanley Creek - source to mouth			
C-12	Eagle Mountain Creek - source to mouth			
C-13	Lochsa River- Warm Springs Creek to Indian Grave Creek	COLD SS	PCR	DWS SRW
C-14	Sponge Creek - Fish Lake Creek to mouth			
C-15	Sponge Creek - source to Fish Lake Creek			
C-16	Fish Lake Creek - source to mouth			
C-17	Warm Springs Creek - Wind Lakes Creek to mouth			
C-18	Warm Springs Creek - source to Wind Lakes Creek			
C-19	Wind Lakes Creek - source to mouth			
C-20	Lochsa River - confluence of Crooked Fork, White Sand Creek, and Walton Creek to Warm Springs Creek	COLD SS	PCR	DWS SRW
C-21	Jay Creek - source to mouth			
C-22	Cliff Creek - source to mouth			
C-23	Walton Creek - source to mouth			
C-24	White Sand Creek - Storm Creek to mouth			
C-25	White Sand Creek - source to Storm Creek			
C-26	Colt Creek - source to mouth			
C-27	Big Sand Creek - Hidden Creek to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
C-28	Swamp Creek - source to mouth			
C-29	Big Sand Creek - source to Hidden Creek			
C-30	Hidden Creek - source to mouth			
C-31	Big Flat Creek - source to mouth			
C-32	Storm Creek - source to mouth			
C-33	Beaver Creek - source to mouth			
C-34	Crooked Fork - Brushy Fork to mouth			
C-35	Brushy Fork - Spruce Creek to mouth			
C-36	Spruce Creek - source to mouth			
C-37	Brushy Fork - source to Spruce Creek			
C-38	Crooked Fork - source to Brushy Fork			
C-39	Hopeful Creek - source to mouth			
C-40	Boulder Creek - source to mouth			
C-41	Papoose Creek - source to mouth			
C-42	Parachute Creek - source to mouth			
C-43	Wendover Creek - source to mouth			
C-44	Badger Creek - source to mouth			
C-45	Squaw Creek - source to mouth			
C-46	West Fork Squaw Creek - source to mouth			
C-47	Doe Creek - source to mouth			
C-48	Postoffice Creek - source to mouth			
C-49	Weir Creek - source to mouth			
C-50	Indian Grave Creek - source to mouth			
C-51	Bald Mountain Creek - source to mouth			
C-52	Fish Creek - Hungery Creek to mouth			
C-53	Willow Creek - source to mouth			
C-54	Hungery Creek - Obia Creek to mouth			
C-55	Obia Creek - source to mouth			
C-56	Hungery Creek - source to Obia Creek			
C-57	Fish Creek - source to Hungery Creek			
C-58	Bimerick Creek - source to mouth			
C-59	Deadman Creek - East Fork Deadman Creek to mouth			
C-60	East Fork Deadman Creek - source to mouth			
C-61	Deadman Creek - source to East Fork Deadman Creek			

Unit	Waters	Aquatic Life	Recreation	Other
C-62	Canyon Creek - source to mouth			
C-63	Pete King Creek - Walde Creek to mouth			
C-64	Walde Creek - source to mouth			
C-65	Pete King Creek - source to Walde Creek			

(4-5-00)()

06. Middle Fork Clearwater Subbasin. The Middle Fork Clearwater Subbasin, HUC 17060304, is comprised of eleven (11) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	Middle Fork Clearwater River - confluence of Lochsa and Selway River to mouth	COLD SS	PCR	DWS <u>SRW</u>
C-2	Clear Creek - South Fork Clear Creek to mouth			
C-3	West Fork Clear Creek - source to mouth			
C-4	South Fork Clear Creek - source to mouth			
C-5	Kay Creek - source to mouth			
C-6	Clear Creek - source to South Fork Clear Creek	COLD SS	SCR	
C-7	Middle Fork Clear Creek - source to mouth			
C-8	Browns Spring Creek - source to mouth	COLD SS	SCR	
C-9	Pine Knob Creek - source to mouth	COLD SS	SCR	
C-10	Lodge Creek - source to mouth	COLD SS	SCR	
C-11	Maggie Creek - source to mouth			

(5-3-03)()

07. South Fork Clearwater Subbasin. The South Fork Clearwater Subbasin, HUC 17060305, is comprised of eighty-two (82) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	South Fork Clearwater River - Butcher Creek to mouth	COLD SS	PCR	<u>SRW</u>
C-2	Cottonwood Creek - Cottonwood Creek waterfall (9.0 miles upstream) to mouth	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
C-3	Cottonwood Creek - source to Cottonwood Creek waterfall (9.0 miles upstream)	COLD SS	PCR	
C-4	Red Rock Creek - Red Rock Creek waterfall (3.6 miles upstream) to mouth			
C-5	Red Rock Creek - source to Red Rock Creek waterfall (3.6 miles upstream)			
C-6	Stockney Creek - source to mouth			
C-7	Shebang Creek - source to mouth			
C-8	South Fork Cottonwood Creek - source to mouth			
C-9	Long Haul Creek - source to mouth			
C-10	Threemile Creek - source to mouth	COLD SS	SCR	
C-11a	Butcher Creek - unnamed tributary (4.5 miles above mouth) in T30N, R03E, Sec. 1 to mouth	COLD SS	SCR	
C-11b	Butcher Creek - source to unnamed tributary (4.5 miles above mouth) in T30N, R03E, Sec. 1	COLD	SCR	
C-12	South Fork Clearwater River - Johns Creek to Butcher Creek	COLD SS	PCR	SRW
C-13	Mill Creek - source to mouth			
C-14	Johns Creek - Gospel Creek to mouth	COLD SS	SCR	
C-15	Gospel Creek - source to mouth	COLD SS	SCR	
C-16	West Fork Gospel Creek - source to mouth	COLD SS	SCR	
C-17	Johns Creek - Moores Creek to Gospel Creek	COLD SS	SCR	
C-18	Johns Creek - source to Moores Creek	COLD SS	SCR	
C-19	Moores Creek - source to mouth	COLD SS	SCR	
C-20	Square Mountain Creek - source to mouth	COLD SS	SCR	
C-21	Hagen Creek - source to mouth	COLD SS	SCR	
C-22	South Fork Clearwater River - Tenmile Creek to Johns Creek	COLD SS	PCR	SRW
C-23	Wing Creek - source to mouth	COLD SS	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
C-24	Twentymile Creek - source to mouth			
C-25	Tenmile Creek - Sixmile Creek to mouth			
C-26	Tenmile Creek - Williams Creek to Sixmile Creek	COLD SS	SCR	
C-27	Tenmile Creek - source to Williams Creek	COLD SS	SCR	
C-28	Williams Creek - source to mouth	COLD SS	SCR	
C-29	Sixmile Creek - source to mouth			
C-30	South Fork Clearwater River - Crooked River to Tenmile Creek	COLD SS	PCR	SRW
C-31	Crooked River - Relief Creek to mouth	COLD SS	SCR	
C-32	Crooked River - confluence of West and East Fork Crooked Rivers to Relief Creek	COLD SS	SCR	
C-33	West Fork Crooked River - source to mouth			
C-34	East Fork Crooked River - source to mouth			
C-35	Relief Creek - source to mouth			
C-36	South Fork Clearwater River - confluence of American River and Red River to Crooked River	COLD SS	PCR	SRW
C-37	Red River- Siegel Creek to mouth	COLD SS	PCR	DWS SRW
C-38	Red River - South Fork Red River to Siegel Creek	COLD SS	PCR	DWS SRW
C-39	Moose Butte Creek - source to mouth			
C-40	South Fork Red River - Trapper Creek to mouth	COLD SS	SCR	
C-41	South Fork Red River - West Fork Red River to Trapper Creek	COLD SS	SCR	
C-42	West Fork Red River - source to mouth	COLD SS	SCR	
C-43	South Fork Red River - source to West Fork Red River	COLD SS	SCR	
C-44	Trapper Creek - source to mouth	COLD SS	SCR	
C-45	Red River - source to South Fork Red River	COLD SS	SCR	DWS SRW
C-46	Soda Creek - source to mouth	COLD SS	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
C-47	Bridge Creek - source to mouth	COLD SS	SCR	
C-48	Otterson Creek - source to mouth	COLD SS	SCR	
C-49	Trail Creek - source to mouth	COLD SS	SCR	
C-50	Siegel Creek - source to mouth	COLD SS	SCR	
C-51	Red Horse Creek - source to mouth			
C-52	American River - East Fork American River to mouth	COLD SS	PCR	DWS <i>SRW</i>
C-53	Kirks Fork - source to mouth			
C-54	East Fork American River - source to mouth			
C-55	American River - source to East Fork American River	COLD SS	PCR	DWS <i>SRW</i>
C-56	Elk Creek - confluence of Big Elk and Little Elk Creeks to mouth			
C-57	Little Elk Creek - source to mouth	COLD SS	SCR	
C-58	Big Elk Creek - source to mouth	COLD SS	SCR	
C-59	Buffalo Gulch - source to mouth			
C-60	Whiskey Creek - source to mouth	COLD SS	SCR	
C-61	Maurice Creek - source to mouth			
C-62	Newsome Creek - Beaver Creek to mouth			
C-63	Bear Creek - source to mouth			
C-64	Nugget Creek - source to mouth			
C-65	Beaver Creek - source to mouth			
C-66	Newsome Creek - Mule Creek to Beaver Creek			
C-67	Mule Creek - source to mouth	COLD SS	SCR	
C-68	Newsome Creek - source to Mule Creek			
C-69	Haysfork Creek - source to mouth			
C-70	Baldy Creek - source to mouth	COLD SS	SCR	
C-71	Pilot Creek - source to mouth			
C-72	Sawmill Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
C-73	Sing Lee Creek - source to mouth			
C-74	West Fork Newsome Creek - source to mouth			
C-75	Leggett Creek - source to mouth			
C-76	Fall Creek - source to mouth			
C-77	Silver Creek - source to mouth	COLD SS	SCR	
C-78	Peasley Creek - source to mouth			
C-79	Cougar Creek - source to mouth			
C-80	Meadow Creek - source to mouth			
C-81	Sally Ann Creek - source to mouth			
C-82	Rabbit Creek - source to mouth			

(5-3-03)()

08. Clearwater Subbasin. The Clearwater Subbasin, HUC 17060306, is comprised of sixty-seven (67) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	Lower Granite Dam pool	COLD	PCR	DWS
C-2	Clearwater River - Potlatch River to Lower Granite Dam pool	COLD SS	PCR	DWS <i>SRW</i>
C-3	Lindsay Creek - source to mouth	COLD	SCR	<i>SRW</i>
C-4	Lapwai Creek - Sweetwater Creek to mouth	COLD	PCR	
C-5	Sweetwater Creek - Webb Creek to mouth			
C-6	Sweetwater Creek - source to Webb Creek			
C-7	Webb Creek - source to mouth			
C-8	Lapwai Creek - Winchester Lake to Sweetwater Creek	COLD	PCR	
C-9	Winchester Lake	COLD	PCR	DWS <i>SRW</i>
C-10	Lapwai Creek - source to Winchester Lake	COLD SS	PCR	DWS
C-11	Mission Creek - source to mouth			
C-12	Tom Beall Creek - source to mouth			
C-13	Clearwater River - North Fork Clearwater River to mouth	COLD SS	PCR	DWS <i>SRW</i>

Unit	Waters	Aquatic Life	Recreation	Other
C-14	Cottonwood Creek - source to mouth	COLD SS	SCR	
C-15	Jacks Creek - source to mouth			
C-16	Big Canyon Creek - source to mouth	COLD SS	PCR	
C-17	Cold Springs Creek - source to mouth			
C-18	Little Canyon Creek - confluence of Holes and Long Hollow Creeks to mouth			
C-19	Holes Creek - source to mouth			
C-20	Long Hollow Creek - source to mouth			
C-21	Clearwater River - Lolo Creek to North Fork Clearwater River	COLD SS	PCR	DWS SRW
C-22	Clearwater River - confluence of South and Middle Fork Clearwater Rivers to Lolo Creek	COLD SS	PCR	DWS SRW
C-23	Sixmile Creek - source to mouth			
C-24	Lawyer Creek - source to mouth	COLD SS	PCR	
C-25	Sevenmile Creek - source to mouth			
C-26	Lolo Creek - Yakus Creek to mouth			
C-27	Yakus Creek - source to mouth			
C-28	Lolo Creek - source to Yakus Creek			
C-29	Eldorado Creek - source to mouth			
C-30	Yoosa Creek - source to mouth			
C-31	Jim Brown Creek - source to mouth			
C-32	Musselshell Creek - source to mouth			
C-33	Big Creek - source to mouth			
C-34	Jim Ford Creek - Jim Ford Creek waterfall (12.5 miles upstream) to mouth	COLD	PCR	
C-35	Jim Ford Creek - source to Jim Ford Creek waterfall (12.5 miles upstream)	COLD	PCR	
C-36	Grasshopper Creek - source to mouth	COLD	PCR	DWS
C-37	Winter Creek - Winter Creek waterfall (3.4 miles upstream) to mouth			
C-38	Winter Creek - source to Winter Creek waterfall (3.4 miles upstream)			
C-39	Orofino Creek - source to mouth	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
C-40	Whiskey Creek - source to mouth			
C-41	Bedrock Creek - source to mouth			
C-42	Louse Creek - source to mouth			
C-43	Pine Creek - source to mouth			
C-44	Potlatch River - Big Bear Creek to mouth	COLD SS	PCR	DWS
C-45	Potlatch River - Corral Creek to Big Bear Creek	COLD SS	PCR	DWS
C-46	Cedar Creek - source to mouth			
C-47	Boulder Creek - source to mouth			
C-48	Potlatch River - Moose Creek to Corral Creek	COLD SS	PCR	DWS
C-49	Potlatch River - source to Moose Creek	COLD SS	PCR	DWS <i>SRW</i>
C-50	Little Boulder Creek - source to mouth			
C-51	East Fork Potlatch River - source to mouth			
C-52	Ruby Creek - source to mouth			
C-53	Moose Creek - source to mouth			
C-54	Corral Creek - source to mouth			
C-55	Pine Creek - source to mouth			
C-56	Big Bear Creek - confluence of West and East Fork Big Bear Creeks to mouth			
C-57	East Fork Big Bear Creek - source to mouth			
C-58	West Fork Big Bear Creek - source to mouth			
C-59	Dry Creek - source to mouth			
C-60	Little Bear Creek - source to mouth	COLD SS	SCR	
C-61	West Fork Little Bear Creek - source to mouth			
C-62	Middle Potlatch Creek - source to mouth	COLD	SCR	
C-63	Bethel Canyon - source to mouth			
C-64	Little Potlatch Creek - source to mouth	COLD	SCR	
C-65	Howard Gulch - source to mouth			
C-66	Catholic Creek - source to mouth			
C-67	Hatwai Creek - source to mouth			

(5-3-03)()

09. Upper North Fork Clearwater Subbasin. The Upper North Fork Clearwater Subbasin, HUC 17060307, is comprised of forty-nine (49) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	North Fork Clearwater River - Skull Creek to Aquarius Campground (T40N, R07E, Sec. 05)	COLD SS	PCR	DWS SRW
C-2	North Fork Clearwater River- Washington Creek to Skull Creek	COLD SS	PCR	DWS SRW
C-3	Washington Creek - source to mouth	COLD SS	SCR	
C-4	North Fork Clearwater River - Orogrande Creek to Washington Creek	COLD SS	PCR	DWS SRW
C-5	Orogrande Creek - French Creek to mouth			
C-6	Orogrande Creek - source to French Creek			
C-7	French Creek - source to mouth	COLD	SCR	
C-8	North Fork Clearwater River - Weitas Creek to Orogrande Creek	COLD SS	PCR	DWS SRW
C-9	Weitas Creek - Hemlock Creek to mouth			
C-10	Hemlock Creek - source to mouth			
C-11	Weitas Creek - Windy Creek to Hemlock Creek			
C-12	Middle Creek - source to mouth	COLD SS	SCR	
C-13	Little Weitas Creek - source to mouth	COLD	SCR	
C-14	Weitas Creek - source to Windy Creek	COLD SS	SCR	
C-15	Windy Creek - source to mouth	COLD	SCR	
C-16	North Fork Clearwater River - Kelly Creek to Weitas Creek	COLD SS	PCR	DWS SRW
C-17	Fourth of July Creek - source to mouth			
C-18	Kelly Creek - Cayuse Creek to mouth			
C-19	Cayuse Creek - Gravey Creek to mouth			
C-20	Monroe Creek - source to mouth	COLD SS	SCR	
C-21	Gravey Creek - source to mouth	COLD SS	SCR	
C-22	Cayuse Creek - source to Gravey Creek			
C-23	Toboggan Creek - source to mouth	COLD	SCR	
C-24	Kelly Creek - confluence of North and Middle Fork Kelly Creek to Cayuse Creek			

Unit	Waters	Aquatic Life	Recreation	Other
C-25	South Fork Kelly Creek - source to mouth			
C-26	Middle Fork Kelly Creek - source to mouth			
C-27	North Fork Kelly Creek - source to mouth			
C-28	Moose Creek - Osier Creek to mouth			
C-29	Little Moose Creek - source to mouth			
C-30	Osier Creek - source to mouth	COLD SS	SCR	
C-31	Moose Creek - source to Osier Creek			
C-32	North Fork Clearwater River - Lake Creek to Kelly Creek	COLD SS	PCR	DWS <i>SRW</i>
C-33	Lake Creek - source to mouth	COLD SS	SCR	
C-34	North Fork Clearwater River - Vanderbilt Gulch to Lake Creek	COLD SS	PCR	DWS <i>SRW</i>
C-35	Long Creek - source to mouth	COLD SS	SCR	
C-36	North Fork Clearwater River - source to Vanderbilt Gulch	COLD SS	PCR	DWS <i>SRW</i>
C-37	Vanderbilt Gulch - source to mouth			
C-38	Meadow Creek - source to mouth			
C-39	Elizabeth Creek - source to mouth	COLD SS	SCR	
C-40	Cold Springs Creek - source to mouth	COLD SS	SCR	
C-41	Sprague Creek - source to mouth			
C-42	Larson Creek - source to mouth	COLD	SCR	
C-43	Rock Creek - source to mouth	COLD SS	SCR	
C-44	Quartz Creek - source to mouth			
C-45	Cougar Creek - source to mouth			
C-46	Skull Creek - Collins Creek to mouth	COLD	SCR	
C-47	Skull Creek - source to Collins Creek			
C-48	Collins Creek - source to mouth	COLD SS	SCR	

(5-3-03)()

10. Lower North Fork Clearwater Subbasin. The Lower North Fork Clearwater

Subbasin, HUC 17060308, is comprised of thirty-four (34) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	North Fork Clearwater River - Dworshak Reservoir Dam to mouth	COLD SS	PCR	DWS SRW
C-2	Dworshak Reservoir	COLD SS	PCR	DWS SRW
C-3	Reeds Creek - Alder Creek to Dworshak Reservoir	COLD SS	PCR	DWS
C-4	Reeds Creek - source to Alder Creek	COLD SS	PCR	DWS
C-5	Alder Creek - source to mouth			
C-6	Silver Creek - source to Dworshak Reservoir			
C-7	Benton Creek - source to Dworshak Reservoir			
C-8	North Fork Clearwater River - Aquarius Campground (T40N, R07E, Sec. 05) to Dworshak Reservoir	COLD SS	PCR	DWS SRW
C-9	Beaver Creek - source to mouth	COLD SS	SCR	
C-10	Isabella Creek - source to mouth			
C-11	Little North Fork Clearwater River - Foehl Creek to Dworshak Reservoir			
C-12	Little North Fork Clearwater River - Spotted Louis Creek to Foehl Creek			
C-13	Sawtooth Creek - source to mouth			
C-14	Canyon Creek - source to mouth			
C-15	Spotted Louis Creek - source to mouth			
C-16	Little North Fork Clearwater River - Rutledge Creek to Spotted Louis Creek			
C-17	Rutledge Creek - source to mouth			
C-18	Little North Fork Clearwater River - source to Rutledge Creek			
C-19	Foehl Creek - source to mouth			
C-20	Stoney Creek - Glover Creek to Dworshak Reservoir			
C-21	Floodwood Creek - source to mouth			
C-22	Glover Creek - source to mouth			
C-23	Stoney Creek - source to Glover Creek	COLD SS	SCR	
C-24	Isabella Creek - source to mouth			
C-25	Breakfast Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
C-26	Gold Creek - source to Dworshak Reservoir			
C-27	Weitas Creek - source to Dworshak Reservoir			
C-28	Swamp Creek - source to Dworshak Reservoir			
C-29	Cranberry Creek - source to Dworshak Reservoir			
C-30	Elk Creek - source to Dworshak Reservoir	COLD SS	PCR	DWS
C-31	Bull Run Creek - confluence of Squaw and Shattuck Creeks to mouth			
C-32	Shattuck Creek - source to mouth			
C-33	Squaw Creek - source to mouth			
C-34	Long Meadow Creek - source to Dworshak Reservoir			
C-35	Dicks Creek - source to Dworshak Reservoir			

(5-3-03)()

121. -- 129. (RESERVED).

130. SALMON BASIN.

Surface waters found within the Salmon basin total twelve (12) subbasins and are designated as follows: (4-5-00)

01. Hells Canyon Subbasin. The Hells Canyon Subbasin, HUC 17060101, is comprised of twenty-eight (28) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Snake River - Wolf Creek to Salmon River	COLD SS	PCR	DWS SRW
S-2	Snake River - Sheep Creek to Wolf Creek	COLD SS	PCR	DWS SRW
S-3	Snake River - Hells Canyon Dam to Sheep Creek	COLD SS	PCR	DWS SRW
S-4	Deep Creek - source to mouth			
S-5	Brush Creek - source to mouth			
S-6	Granite Creek - source to mouth			
S-7	Little Granite Creek - source to mouth			
S-8	Bernard Creek - source to mouth			
S-9	Sheep Creek - confluence of West and East Fork Sheep Creeks to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-10	West Fork Sheep Creek - source to mouth			
S-11	East Fork Sheep Creek - source to mouth			
S-12	Clarks Fork - source to mouth			
S-13	Caribou Creek - source to mouth			
S-14	Kirkwood Creek - source to mouth			
S-15	Kirby Creek - source to mouth			
S-16	Corral Creek - source to mouth			
S-17	Klopton Creek - source to mouth			
S-18	Kurry Creek - source to mouth			
S-19	West Creek - source to mouth			
S-20	Big Canyon Creek - source to mouth			
S-21	Jones Creek - source to mouth			
S-22	Highrange Creek - source to mouth			
S-23	Getta Creek - source to mouth			
S-24	Wolf Creek - Basin Creek to mouth			
S-25	Wolf Creek - source to Basin Creek			
S-26	Basin Creek - source to mouth			
S-27	Dry Creek - source to mouth			
S-28	Divide Creek - source to mouth			

(4-5-00)()

02. Lower Snake-Asotin Subbasin. The Lower Snake-Asotin Subbasin, HUC 17060103, is comprised of sixteen (16) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Snake River - Asotin River (Idaho/Oregon border) to Lower Granite Dam pool	COLD	PCR	DWS
S-2	Snake River - Captain John Creek to Asotin River (Idaho/Oregon border)	COLD	PCR	DWS <i>SRW</i>
S-3	Snake River - Cottonwood Creek to Captain John Creek	COLD	PCR	DWS <i>SRW</i>
S-4	Snake River - Salmon River to Cottonwood Creek	COLD	PCR	DWS <i>SRW</i>
S-5	Cottonwood Creek - source to mouth			
S-6	Cave Gulch - source to mouth	COLD	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
S-7	Corral Creek - source to mouth			
S-8	Middle Creek - source to mouth	COLD	SCR	
S-9	Dough Creek - source to mouth	COLD	SCR	
S-10	Billy Creek - source to mouth			
S-11	Captain John Creek - source to mouth			
S-12	Redbird Creek - source to mouth	COLD	SCR	
S-13	Tenmile Canyon - source to mouth	COLD	SCR	
S-14	Tammany Creek - Unnamed Tributary (T34N, R05W, Sec. 24) to mouth	COLD	SCR	
S-15	Unnamed Tributary - source to mouth (T34N, R05W, Sec. 24)	COLD	SCR	
S-16	Tammany Creek - source to Unnamed Tributary (T34N, R05W, Sec. 24)	COLD	SCR	

(5-3-03)()

03. Upper Salmon Subbasin. The Upper Salmon Subbasin, HUC 17060201, is comprised of one hundred thirty-two (132) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Salmon River - Pennal Gulch to Pashsimeroi River	COLD SS	PCR	DWS SRW
S-2	Morgan Creek - West Creek to mouth			
S-3	Morgan Creek - source to West Creek			
S-4	West Creek - Blowfly Creek to mouth			
S-5	Blowfly Creek - source to mouth			
S-6	West Creek - source to Blowfly Creek			
S-7	Challis Creek - Darling Creek to mouth			
S-8	Darling Creek - source to mouth			
S-9	Challis Creek - Bear Creek to Darling Creek			
S-10	Eddy Creek - source to mouth			
S-11	Bear Creek - source to mouth			
S-12	Challis Creek - source to Bear Creek			
S-13	Mill Creek - source to mouth			
S-14	Salmon River - Garden Creek to Pennal Gulch	COLD SS	PCR	DWS SRW
S-15	Garden Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-16	Salmon River - East Fork Salmon River to Garden Creek	COLD SS	PCR	DWS SRW
S-17	Bayhorse Creek - source to mouth			
S-18	Lyon Creek - source to mouth			
S-19	Salmon River - Squaw Creek to East Fork Salmon River	COLD SS	PCR	DWS SRW
S-20	Kinnikinic Creek - source to mouth			
S-21	Squaw Creek - Cash Creek to mouth	COLD SS	SCR	
S-22	Cash Creek - source to mouth			
S-23	Squaw Creek - confluence of Aspen and Cinnabar Creeks to Cash Creek	COLD SS	SCR	
S-24	Aspen Creek - source to mouth			
S-25	Cinnabar Creek - source to mouth			
S-26	Bruno Creek - source to mouth			
S-27	Salmon River - Thompson Creek to Squaw Creek	COLD SS	PCR	DWS SRW
S-28	Thompson Creek - source to mouth	COLD SS	SCR	
S-29	Pat Hughes Creek - source to mouth			
S-30	Buckskin Creek - source to mouth			
S-31	Salmon River - Yankee Fork Creek to Thompson Creek	COLD SS	PCR	DWS SRW
S-32	Yankee Fork Creek - Jordan Creek to mouth	COLD SS	PCR	DWS SRW
S-33	Ramey Creek - source to mouth			
S-34	Yankee Fork Creek - source to Jordan Creek	COLD SS	PCR	DWS SRW
S-35	Fivemile Creek - source to mouth			
S-36	Elevenmile Creek - source to mouth			
S-37	McKay Creek - source to mouth			
S-38	Twentymile Creek - source to mouth			
S-39	Tenmile Creek - source to mouth			
S-40	Eightmile Creek - source to mouth			
S-41	Jordan Creek - from and including Unnamed Tributary (T13N, R15E, Sec. 29) to mouth			
S-42	Jordan Creek - source to Unnamed Tributary (T13N, R15E, Sec. 29)			

Unit	Waters	Aquatic Life	Recreation	Other
S-43	West Fork Yankee Fork Creek - Lightning Creek to mouth			
S-44	Lightning Creek - source to mouth			
S-45	West Fork Yankee Fork Creek - source to Lightning Creek			
S-46	Cabin Creek - source to mouth			
S-47	Salmon River - Valley Creek to Yankee Fork Creek	COLD SS	PCR	DWS SRW
S-48	Basin Creek - East Basin Creek to mouth			
S-49	East Basin Creek - source to mouth			
S-50	Basin Creek - source to East Basin Creek			
S-51	Valley Creek - Trap Creek to mouth			
S-52	Stanley Creek - source to mouth			
S-53	Valley Creek - source to Trap Creek			
S-54	Trap Creek - Meadow Creek to mouth			
S-55	Trap Creek - source to Meadow Creek			
S-56	Meadow Creek - source to mouth			
S-57	Elk Creek - source to mouth			
S-58	Stanley Creek - source to mouth			
S-59	Crooked Creek - source to mouth			
S-60	Iron Creek - source to mouth			
S-61	Goat Creek - source to mouth			
S-62	Meadow Creek - source to mouth			
S-63	Salmon River - Redfish Lake Creek to Valley Creek	COLD SS	PCR	DWS SRW
S-64	Redfish Lake Creek - Redfish Lake to mouth			
S-65	Fishhook Creek - source to mouth			
S-66	Redfish Lake			
S-67	Redfish Lake Creek - source to Redfish Lake			
S-68	Salmon River - Unnamed Tributary (T19N, R13E, Sec. 25) to Redfish Lake Creek	COLD SS	PCR	DWS SRW
S-69	Decker Creek - Huckleberry Creek to mouth			
S-70	Decker Creek - source to Huckleberry Creek			
S-71	Huckleberry Creek - source to mouth			
S-72	Salmon River - Fisher Creek to Decker Creek	COLD SS	PCR	DWS SRW

Unit	Waters	Aquatic Life	Recreation	Other
S-73	Salmon River - Alturas Lake Creek to Fisher Creek	COLD SS	PCR	DWS SRW
S-74	Hell Roaring Creek - source to mouth			
S-75	Alturas Lake Creek - Alturas Lake to mouth			
S-76	Toxaway/Farley Lake - source to mouth			
S-77	Pettit Lake			
S-78	Alturas Lake			
S-79	Alturas Lake Creek - source to Alturas Lake			
S-80	Alpine Creek - source to mouth			
S-81	Salmon River - source to Alturas Lake Creek	COLD SS	PCR	DWS SRW
S-82	Beaver Creek - source to mouth			
S-83	Smiley Creek - source to mouth			
S-84	Frenchman Creek - source to mouth			
S-85	Pole Creek - source to mouth			
S-86	Champion Creek - source to mouth			
S-87	Fourth of July Creek - source to mouth			
S-88	Fisher Creek - source to mouth			
S-89	Williams Creek - source to mouth			
S-90	Gold Creek - source to mouth			
S-91	Little Casino Creek - source to mouth			
S-92	Big Casino Creek - source to mouth			
S-93	Rough Creek - source to mouth			
S-94	Warm Springs Creek - Swimm Creek to mouth			
S-95	Warm Springs Creek - Pigtail Creek to Swimm Creek			
S-96	Pigtail Creek - source to mouth			
S-97	Warm Springs Creek - source to Pigtail Creek			
S-98	Swimm Creek - source to mouth			
S-99	Slate Creek - source to mouth			
S-100	Holman Creek - source to mouth			
S-101	Sullivan Creek - source to mouth			
S-102	East Fork Salmon River - Herd Creek to mouth	COLD SS	PCR	DWS SRW
S-103	East Fork Salmon River - Germania Creek to Herd Creek	COLD SS	PCR	DWS SRW

Unit	Waters	Aquatic Life	Recreation	Other
S-104	Big Lake Creek - source to mouth			
S-105	Big Boulder Creek - source to mouth			
S-106	Little Boulder Creek - source to mouth			
S-107	Germania Creek - Chamberlain Creek to mouth			
S-108	Chamberlain Creek - source to mouth			
S-109	Germania Creek - source to Chamberlain Creek			
S-110	East Fork Salmon River - confluence of South and West Fork Salmon Rivers to Germania	COLD SS	PCR	DWS SRW
S-111	West Fork East Fork Salmon River - source to mouth			
S-112	South Fork East Fork Salmon River - source to mouth			
S-113	Ibex Creek - source to mouth			
S-114	West Pass Creek - source to mouth			
S-115	Bowery Creek - source to mouth			
S-116	Pine Creek - source to mouth			
S-117	McDonald Creek - source to mouth			
S-118	Herd Creek - confluence of West Fork Herd Creek and East Pass Creek to mouth			
S-119	East Pass Creek - source to mouth			
S-120	Taylor Creek - source to mouth			
S-121	West Fork Herd Creek - source to mouth			
S-122	East Fork Herd Creek - source to mouth			
S-123	Lake Creek - source to mouth			
S-124	Road Creek - Corral Basin Creek to mouth			
S-125	Road Creek - source to Corral Basin Creek			
S-126	Mosquito Creek - source to mouth			
S-127	Corral Basin Creek - source to mouth			
S-128	Horse Basin Creek - source to mouth			
S-129	Spar Canyon Creek - source to mouth			
S-130	Bradshaw Gulch - source to mouth			
S-131	Warm Spring Creek - Hole-in-Rock Creek to mouth			
S-132	Warm Spring Creek - source to Hole-in-Rock Creek			
S-133	Broken Wagon Creek - source to mouth			
S-134	Hole-in-Rock Creek - source to mouth			
S-135	Pennal Gulch - source to mouth			

(3-30-01)()

04. Pahsimeroi Subbasin. The Pahsimeroi Subbasin, HUC 17060202, is comprised of thirty-nine (39) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Pahsimeroi River - Patterson Creek to mouth	COLD SS	PCR	DWS <i>SRW</i>
S-2	Pahsimeroi River - Meadow Creek to Patterson Creek	COLD SS	PCR	DWS <i>SRW</i>
S-3	Lawson Creek - confluence of North and South Fork Lawson Creeks to mouth			
S-4	North Fork Lawson Creek - source to mouth			
S-5	South Fork Lawson Creek - source to mouth			
S-6	Meadow Creek - source to mouth			
S-7	Pahsimeroi River - Furley Road (T15S, R22E) to Meadow Creek	COLD SS	PCR	DWS <i>SRW</i>
S-8	Pahsimeroi River - Big Creek to Furley Road (T15S, R22E)	COLD SS	PCR	DWS <i>SRW</i>
S-9	Grouse Creek - source to mouth			
S-10	Pahsimeroi River - Goldberg Creek to Big Creek	COLD SS	PCR	DWS <i>SRW</i>
S-11	Pahsimeroi River - Unnamed Tributary (T12N, R23E, Sec. 22) to Goldberg Creek	COLD SS	PCR	DWS <i>SRW</i>
S-12	Unnamed Tributary - source to mouth (T12N, R23E, Sec. 22)			
S-13	Doublespring Creek - Christian Gulch to mouth			
S-14	Christian Gulch - source to mouth			
S-15	Doublespring Creek - source to Christian Gulch			
S-16	Mud Spring Canyon Complex			
S-17	Pahsimeroi River - Burnt Creek to Unnamed Tributary (T12N, R23E, Sec. 22)	COLD SS	PCR	DWS <i>SRW</i>
S-18	Pahsimeroi River - Mahogany Creek to Burnt Creek	COLD SS	PCR	DWS <i>SRW</i>
S-19	Mahogany Creek - source to mouth			
S-20	Pahsimeroi River - confluence of Rock Creek and East Fork Pahsimeroi River to Mahogany Creek	COLD SS	PCR	DWS <i>SRW</i>
S-21	Rock Creek - source to mouth			
S-22	East Fork Pahsimeroi River - source to mouth			
S-23	Burnt Creek - Long Creek to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-24	Burnt Creek - source to Long Creek			
S-25	Long Creek - Short Creek to mouth			
S-26	Short Creek - source to mouth			
S-27	Long Creek - source to Short Creek			
S-28	Goldburg Creek - Donkey Creek to mouth			
S-29	Donkey Creek -source to mouth			
S-30	Goldburg Creek - source to Donkey Creek			
S-31	Big Creek - confluence of North and South Fork Big Creeks to mouth			
S-32	South Fork Big Creek - source to mouth			
S-33	North Fork Big Creek - source to mouth			
S-34	Patterson Creek - Inyo Creek to mouth			
S-35	Patterson Creek - source to and including Inyo Creek			
S-36	Falls Creek - source to mouth			
S-37	Morse Creek - Irrigation junction to mouth			
S-38	Morse Creek - source to Irrigation junction (T15S, R23E)			
S-39	Morgan Creek - source to mouth			

(4-5-00)()

05. Middle Salmon-Panther Subbasin. The Middle Salmon-Panther Subbasin, HUC 17060203, is comprised of eighty-eight (88) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Salmon River - Panther Creek to Middle Fork Salmon River	COLD SS	PCR	DWS <u>SRW</u>
S-2	Panther Creek - Big Deer Creek to mouth	COLD SS	SCR	
S-3	Garden Creek - source to mouth			
S-4	Clear Creek - source to mouth			
S-5	Big Deer Creek - South Fork Big Deer Creek to mouth			
S-6	Big Deer Creek - source to South Fork Big Deer Creek			
S-7	South Fork Big Deer Creek - Bucktail Creek to mouth			
S-8	South Fork Big Deer Creek -source to Bucktail Creek			
S-9	Bucktail Creek - source to mouth	NONE	NONE	

Unit	Waters	Aquatic Life	Recreation	Other
S-10	Panther Creek - Napias Creek to Big Deer Creek	COLD SS	SCR	
S-11	Panther Creek - Blackbird Creek to Napias Creek	COLD SS	SCR	
S-12a	Blackbird Creek - source to Blackbird Reservoir Dam	COLD SS	SCR	
S-12b	Blackbird Creek - Blackbird Reservoir Dam to mouth	NONE	SCR	
S-13a	West Fork Blackbird Creek - source to concrete channel	COLD SS	SCR	
S-13b	West Fork Blackbird Creek - concrete channel to mouth only	NONE	SCR	
S-14	Panther Creek - Porphyry Creek to Blackbird Creek	COLD SS	PCR	DWS <i>SRW</i>
S-15	Musgrove Creek - source to mouth			
S-16	Porphyry Creek - source to mouth			
S-17	Panther Creek - source to Porphyry Creek	COLD SS	PCR	DWS <i>SRW</i>
S-18	Moyer Creek - source to mouth			
S-19	Woodtick Creek - source to mouth			
S-20	Deep Creek - Little Deep Creek to mouth			
S-21	Little Deep Creek - source to mouth			
S-22	Deep Creek - source to Little Deep Creek			
S-23	Napias Creek - Moccasin Creek to mouth			
S-24	Napias Creek - Arnett Creek to and including Moccasin Creek			
S-25	Napias Creek - source to Arnett Creek			
S-26	Arnett Creek - source to mouth			
S-27	Trail Creek - source to mouth			
S-28	Beaver Creek - source to mouth			
S-29	Salmon River - Indian Creek to Panther Creek	COLD SS	PCR	DWS <i>SRW</i>
S-30	Pine Creek - source to mouth			
S-31	East Boulder Creek - source to mouth			
S-32	Salmon River - North Fork Sheep Creek to Indian Creek	COLD SS	PCR	DWS <i>SRW</i>
S-33	Moose Creek - Little Moose Creek to mouth			
S-34	Little Moose Creek - source to mouth			
S-35	Moose Creek - Dolly Creek to Little Moose Creek			

Unit	Waters	Aquatic Life	Recreation	Other
S-36	Moose Creek - source to Dolly Creek			
S-37	Dolly Creek - source to mouth			
S-38	Dump Creek - Moose Creek to mouth			
S-39	Salmon River - Carmen Creek to North Fork Salmon River	COLD SS	PCR	DWS SRW
S-40	Wallace Creek - source to mouth			
S-41	Salmon River - Pollard Creek to Carmen Creek	COLD SS	PCR	DWS SRW
S-42	Salmon River - Williams Creek to Pollard Creek	COLD SS	PCR	DWS SRW
S-43	Williams Creek - confluence of North and South Fork Williams Creek to mouth			
S-44	North Fork Williams Creek - source to mouth			
S-45	South Fork Williams Creek - source to mouth			
S-46	Salmon River - Twelvemile Creek to Williams Creek	COLD SS	PCR	DWS SRW
S-47	Salmon River - Iron Creek to Twelvemile Creek	COLD SS	PCR	DWS SRW
S-48	Iron Creek - North Fork Iron Creek to mouth			
S-49	North Fork Iron Creek - source to mouth			
S-50	Iron Creek - source to North Fork Iron Creek			
S-51	West Fork Iron Creek - source to mouth			
S-52	South Fork Iron Creek - source to mouth			
S-53	Salmon River - Pahsimeroi River to Iron Creek	COLD SS	PCR	DWS SRW
S-54	Hot Creek - source to mouth			
S-55	Cow Creek - source to mouth			
S-56	Allison Creek - source to mouth			
S-57	McKim Creek - source to mouth			
S-58	Poison Creek - source to mouth			
S-59	Warm Springs Creek - source to mouth			
S-60	Twelvemile Creek - source to mouth			
S-61	Carmen Creek - Freeman Creek to mouth			
S-62	Freeman Creek - source to mouth			
S-63	Carmen Creek - source to Freeman Creek			
S-64	Tower Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-65	Fourth of July Creek - Little Fourth of July Creek to mouth			
S-66	Fourth of July Creek - source to Little Fourth of July Creek			
S-67	Little Fourth of July Creek - source to mouth			
S-68	North Fork Salmon River - Hughes Creek to mouth	COLD SS	PCR	DWS <u>SRW</u>
S-69	Big Silverlead Creek - source to mouth			
S-70	North Fork Salmon River - Sheep Creek to Hughes Creek	COLD SS	PCR	DWS <u>SRW</u>
S-71	Sheep Creek - source to mouth			
S-72	North Fork Salmon River - Dahlonge Creek to Sheep Creek	COLD SS	PCR	DWS <u>SRW</u>
S-73	Dahlonge Creek - Nez Perce Creek to mouth			
S-74	Dahlonge Creek - source to Nez Perce Creek			
S-75	Nez Perce Creek - source to mouth			
S-76	Anderson Creek - source to mouth			
S-77	North Fork Salmon River - Twin Creek to Dahlonge Creek	COLD SS	PCR	DWS <u>SRW</u>
S-78	North Fork Salmon River - source to Twin Creek	COLD SS	PCR	DWS <u>SRW</u>
S-79	Pierce Creek - source to mouth			
S-80	Twin Creek - source to mouth			
S-81	Hughes Creek - source to mouth			
S-82	Hull Creek - source to mouth			
S-83	Indian Creek - source to mouth			
S-84	Squaw Creek - source to mouth			
S-85	Spring Creek - source to mouth			
S-86	Boulder Creek - source to mouth			
S-87	Owl Creek - East Fork Owl Creek to mouth			
S-88	East Fork Owl Creek - source to mouth			
S-89	Owl Creek - source to East Fork Owl Creek			
S-90	Colson Creek - source to mouth			

(3-15-02)()

06. Lemhi Subbasin. The Lemhi Subbasin, HUC 17060204, is comprised of sixty-six (66) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Lemhi River - Kenney Creek to mouth	COLD SS	PCR	DWS <i>SRW</i>
S-2	Mulkey Creek - source to mouth			
S-3a	Withington Creek - diversion (T20N, R23E, Sec. 09) to mouth			
S-3b	Withington Creek - source to diversion (T20N, R23E, Sec. 09)	COLD SS	SCR	
S-4	Haynes Creek - source to mouth			
S-5	Lemhi River - Hayden Creek to Kenney Creek	COLD SS	PCR	DWS <i>SRW</i>
S-6	Baldy Creek - source to mouth			
S-7a	McDevitt Creek - diversion (T19N, R23E, Sec. 36) to mouth			
S-7b	McDevitt Creek - source to diversion (T19N, R23E, Sec. 36)	COLD SS	SCR	
S-8	Muddy Creek - source to mouth			
S-9	Hayden Creek - Basin Creek to mouth	COLD SS	SCR	
S-10	Basin Creek - Lake Creek to mouth	COLD SS	SCR	
S-11	Basin Creek - confluence of McNutt Creek and Trail Creek to Lake Creek	COLD SS	SCR	
S-12	Trail Creek - source mouth			
S-13	McNutt Creek - source to mouth			
S-14	Lake Creek - source to mouth			
S-15	Hayden Creek - Bear Valley Creek to Basin Creek	COLD SS	SCR	
S-16	Bear Valley Creek -Wright Creek to mouth	COLD SS	SCR	
S-17	Bear Valley Creek - source to Wright Creek	COLD SS	SCR	
S-18	Wright Creek - source to mouth			
S-19	Kadletz Creek - source to mouth			
S-20	Hayden Creek -West Fork Hayden Creek to Bear Valley Creek	COLD SS	SCR	
S-21	Hayden Creek - source to West Fork Hayden Creek	COLD SS	SCR	
S-22	West Fork Hayden Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-23	East Fork Hayden Creek - source to mouth	COLD SS	SCR	
S-24	Lemhi River - Peterson Creek to Hayden Creek	COLD SS	PCR	DWS <i>SRW</i>
S-25	Lemhi River - confluence of Big and Little Eightmile Creeks to Peterson Creek	COLD SS	PCR	DWS <i>SRW</i>
S-26a	Mill Creek - diversion (T16N, R24E, Sec. 22) to mouth			
S-26b	Mill Creek - source to diversion (T16N, R24E, Sec. 22)	COLD SS	SCR	
S-27	Walter Creek - source to mouth			
S-28	Lee Creek - source to mouth			
S-29a	Big Eightmile Creek - diversion (T16N, R25E, Sec. 21) to mouth			
S-29b	Big Eightmile Creek - source to diversion (T16N, R25E, Sec. 21)	COLD SS	SCR	
S-30	Lemhi River - confluence of Eighteenmile Creek and Texas Creek to the confluence of Big and Little Eightmile Creeks	COLD SS	PCR	DWS <i>SRW</i>
S-31	Big Timber Creek - Little Timber Creek to mouth			
S-32a	Little Timber Creek - diversion (T15N, R25E, Sec. 24) to mouth			
S-32b	Little Timber Creek - source to diversion (T15N, R25E, Sec. 24)	COLD SS	SCR	
S-33	Big Timber Creek - Rocky Creek to Little Timber Creek	COLD SS	SCR	
S-34	Rocky Creek - source to mouth			
S-35	Big Timber Creek - source to Rocky Creek	COLD SS	SCR	
S-36	Texas Creek - Deer Creek to mouth			
S-37	Deer Creek - source to mouth			
S-38	Texas Creek - Meadow Creek to Deer Creek			
S-39	Meadow Lake Creek - source to mouth			
S-40	Texas Creek - source to Meadow Lake Creek			
S-41	Eighteenmile Creek - Hawley Creek to mouth			
S-42	Eighteenmile Creek - Clear Creek to Hawley Creek			
S-43	Eighteenmile Creek - Divide Creek to Hawley Creek	COLD	SCR	
S-44	Divide Creek - source to mouth			
S-45	Eighteenmile Creek - source to Divide Creek	COLD SS	SCR	
S-46	Clear Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-47	Tenmile Creek - Powderhorn Gulch to mouth			
S-48	Tenmile Creek - source to Powderhorn Gulch			
S-49	Powderhorn Gulch - source to mouth			
S-50a	Hawley Creek - diversion (T15N, R27E, Sec. 03) to mouth			
S-50b	Hawley Creek - source to diversion (T15N, R27E, Sec. 03)			
S-51a	Canyon Creek - diversion (T16N, R26E, Sec.22) to mouth			
S-51b	Canyon Creek - source to diversion (T16N, R26E, Sec.22)	COLD SS	SCR	
S-52a	Little Eightmile Creek - diversion (T16N, R25E, Sec. 02) to mouth			
S-52b	Little Eightmile Creek - source to diversion (T16N, R25E, Sec. 02)	COLD SS	SCR	
S-53	Peterson Creek - source to mouth			
S-54	Reese Creek - source to mouth			
S-55a	Yearian Creek - diversion (T17N, R24E, Sec. 03) to mouth			
S-55b	Yearian Creek - source to diversion (T17N, R24E, Sec. 03)	COLD SS	SCR	
S-56a	Agency Creek - diversion (T19N, R24E, Sec. 28) to mouth			
S-56b	Agency Creek - Cow Creek to diversion (T19N, R24E, Sec. 28)	COLD SS	SCR	
S-57	Cow Creek - source to mouth	COLD SS	SCR	
S-58	Agency Creek - source to Cow Creek	COLD SS	SCR	
S-59a	Pattee Creek - diversion (T19N, R24E, Sec. 16) to mouth			
S-59b	Pattee Creek - source to diversion (T19N, R24E, Sec. 16)	COLD SS	SCR	
S-60a	Pratt Creek - diversion (T20N, R23E, Sec. 11) to mouth			
S-60b	Pratt Creek - source to diversion (T20N, R23E, Sec. 11)	COLD SS	SCR	
S-61	Kenney Creek - source to mouth	COLD SS	SCR	
S-62a	Sandy Creek - diversion (T20N, R24E, Sec. 17) to mouth			
S-62b	Sandy Creek - source to diversion (T20N, R24E, Sec. 17)	COLD SS	SCR	
S-63	Wimpey Creek - source to mouth	COLD SS	SCR	
S-64a	Bohannon Creek - diversion (T21N, R23E, Sec. 22) to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-64b	Bohannon Creek - source to diversion (T21N, R23E, Sec. 22)	COLD SS	SCR	
S-65a	Geertson Creek - diversion (T21N, R23E, Sec. 20) to mouth			
S-65b	Geertson Creek - source to diversion (T21N, R23E, Sec. 20)	COLD SS	SCR	
S-66a	Kirtley Creek - diversion (T21N, R22E, Sec. 02) to mouth			
S-66b	Kirtley Creek - source to diversion (T21N, R22E, Sec. 02)	COLD SS	SCR	

(4-5-00)()

07. Upper Middle Fork Salmon Subbasin. The Upper Middle Fork Salmon Subbasin, HUC 17060205, is comprised of seventy (70) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Middle Fork Salmon River - confluence of Bear Valley Creek and Marsh Creek to Loon Creek	COLD SS	PCR	DWS <u>SRW</u>
S-2	Marble Creek - source to mouth			
S-3	Trail Creek - source to mouth			
S-4	Big Cottonwood Creek - source to mouth			
S-5	Dynamite Creek - source to mouth			
S-6	Indian Creek - source to mouth			
S-7	Pistol Creek - source to mouth			
S-8	Elkhorn Creek - source to mouth			
S-9	Sulphur Creek - source to mouth			
S-10	Boundary Creek - source to mouth			
S-11	Dagger Creek - source to mouth			
S-12	Bear Valley Creek - source to mouth			
S-13	Elk Creek - source to mouth			
S-14	Sheep Trail Creek - source to mouth			
S-15	Cub Creek - source to mouth			
S-16	Cache Creek - source to mouth			
S-17	Fir Creek - source to mouth			
S-18	Marsh Creek - Beaver Creek to mouth			
S-19	Marsh Creek - Knapp Creek to Beaver Creek			
S-20	Cape Horn Creek - Banner Creek to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-21	Cape Horn Creek - source to Banner Creek			
S-22	Banner Creek - source to mouth			
S-23	Swamp Creek - source to mouth			
S-24	Marsh Creek - source to Knapp Creek			
S-25	Knapp Creek - source to mouth			
S-26	Asher Creek - source to mouth			
S-27	Unnamed Tributary - source to mouth (T12N, R11E, Sec. 11)			
S-28	Beaver Creek - Bear Creek to mouth			
S-29	Beaver Creek - Winnemucca Creek to Bear Creek			
S-30	Winnemucca Creek - source to mouth			
S-31	Beaver Creek - source to Winnemucca Creek			
S-32	Bear Creek - source to mouth			
S-33	Soldier Creek - source to mouth			
S-34	Greyhound Creek - source to mouth			
S-35	Rapid River - Bell Creek to mouth			
S-36	Bell Creek - source to mouth			
S-37	Rapid River - Lucinda Creek to Bell Creek			
S-38	Rapid River - Float Creek to Lucinda Creek			
S-39	Float Creek - source to mouth			
S-40	Rapid River - Vanity Creek to Float Creek			
S-41	Vanity Creek - source to mouth			
S-42	Rapid River - source to Vanity Creek			
S-43	Lucinda Creek - source to mouth			
S-44	Sheep Creek - confluence of North and South Fork Sheep Creek to mouth			
S-45	South Fork Sheep Creek - source to mouth			
S-46	North Fork Sheep Creek - source to mouth			
S-47	Little Loon Creek - source to mouth			
S-48	Loon Creek - Cabin Creek to mouth			
S-49	Loon Creek - Warm Springs Creek to Cabin Creek			
S-50	Loon Creek - Cottonwood Creek to Warm Springs Creek			
S-51	Loon Creek - Shell Creek to Cottonwood Creek			
S-52	Shell Creek - source to mouth			
S-53	Loon Creek - Grouse Creek to Shell Creek			

Unit	Waters	Aquatic Life	Recreation	Other
S-54	Grouse Creek - source to mouth			
S-55	Loon Creek - Canyon Creek to Grouse Creek			
S-56	Canyon Creek - source to mouth			
S-57	Loon Creek - Pioneer Creek to Canyon Creek			
S-58	Trail Creek - source to mouth			
S-59	Loon Creek - source to Pioneer Creek			
S-60	Pioneer Creek - source to mouth			
S-61	No Name Creek - source to mouth			
S-62	Mayfield Creek - confluence of East and West Fork Mayfield Creek to mouth			
S-63	West Fork Mayfield Creek - source to mouth			
S-64	East Fork Mayfield Creek - source to mouth			
S-65	Cottonwood Creek - source to mouth			
S-66	South Fork Cottonwood Creek - source to mouth			
S-67	Warm Springs Creek - Trapper Creek to mouth			
S-68	Trapper Creek - source to mouth			
S-69	Warm Springs Creek - source to Trapper Creek			
S-70	Cabin Creek - source to mouth			

(4-5-00)()

08. Lower Middle Fork Salmon Subbasin. The Lower Middle Fork Salmon Subbasin, HUC 17060206, is comprised of fifty (50) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Middle Fork Salmon River - Loon Creek to mouth	COLD SS	PCR	DWS SRW
S-2	Papoose Creek - source to mouth			
S-3	Big Creek - source to mouth	COLD SS	PCR	DWS SRW
S-4	Cabin Creek - source to mouth			
S-5	Cave Creek - source to mouth			
S-6	Crooked Creek - source to mouth			
S-7	Big Ramey Creek - source to mouth			
S-8	Beaver Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-9	Smith Creek - source to mouth			
S-10	Logan Creek - source to mouth			
S-11	Little Marble Creek - source to mouth			
S-12	Monumental Creek - source to mouth	COLD SS	PCR	DWS <i>SRW</i>
S-13	Snowslide Creek - source to mouth			
S-14	West Fork Monumental Creek - source to mouth			
S-15	Rush Creek - source to mouth			
S-16	Two Point Creek - source to mouth			
S-17	Soldier Creek - source to mouth			
S-18	Brush Creek - source to mouth			
S-19	Sheep Creek - source to mouth			
S-20	Camas Creek - Yellowjacket Creek to mouth			
S-21	Camas Creek - Forge Creek to Yellowjacket Creek			
S-22	Camas Creek - Duck Creek to Forge Creek			
S-23	Camas Creek - Silver Creek to Duck Creek			
S-24	West Fork Camas Creek - source to mouth			
S-25	Camas Creek - Castle Creek to Silver Creek			
S-26	Camas Creek - Furnance Creek to Castle Creek			
S-27	Camas Creek - White Goat Creek to Furnance Creek			
S-28	Camas Creek - South Fork Camas Creek to White Goat Creek			
S-29	South Fork Camas Creek - source to mouth			
S-30	Camas Creek - source to South Fork Camas Creek			
S-31	White Goat Creek - source to mouth			
S-32	Furnance Creek - source to mouth			
S-33	Castle Creek - source to mouth			
S-34	Silver Creek - source to mouth			
S-35	Duck Creek - source to mouth			
S-36	Forge Creek - source to mouth			
S-37	Yellowjacket Creek - Jenny Creek to mouth			
S-38	Yellowjacket Creek - Hoodoo Creek to Jenny Creek			
S-39	Yellowjacket Creek - Little Jacket Creek to Hoodoo Creek			
S-40	Little Jacket Creek - source to mouth			
S-41	Yellowjacket Creek - Trail Creek to Little Jacket Creek			

Unit	Waters	Aquatic Life	Recreation	Other
S-42	Trail Creek - source to mouth			
S-43	Yellowjacket Creek - source to Trail Creek			
S-44	Hoodoo Creek - source to mouth			
S-45	Jenny Creek - source to mouth			
S-46	Wilson Creek - source to mouth			
S-47	Waterfall Creek - source to mouth			
S-48	Ship Island Creek - source to mouth			
S-49	Roaring Creek - source to mouth			
S-50	Goat Creek - source to mouth			

(4-5-00)()

09. Middle Salmon-Chamberlain Subbasin. The Middle Salmon-Chamberlain Subbasin, HUC 17060207, is comprised of seventy-seven (77) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Salmon River - South Fork Salmon River to river mile 106 (T24N, R04E, Sec. 18)	COLD	PCR	DWS <u>SRW</u>
S-2	Fall Creek - source to mouth			
S-3	Carey Creek - source to mouth			
S-4	California Creek - source to mouth			
S-5	Cottontail Creek - source to mouth			
S-6	Rabbit Creek - source to mouth			
S-7	Warren Creek - source to mouth			
S-8	Salmon River - Chamberlain Creek to South Fork Salmon River	COLD SS	PCR	DWS <u>SRW</u>
S-9	Fivemile Creek - source to mouth			
S-10	Little Fivemile Creek - source to mouth			
S-11	Lemhi Creek - source to mouth			
S-12	Fall Creek - source to mouth			
S-13	Trout Creek - source to mouth			
S-14	Richardson Creek - source to mouth			
S-15	Dillinger Creek - source to mouth			
S-16	Hot Springs Creek - source to mouth			
S-17	Big Bear Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-18	Salmon River - Horse Creek to Chamberlain Creek	COLD SS	PCR	DWS SRW
S-19	Chamberlain Creek - McCalla Creek to mouth			
S-20	Chamberlain Creek - Game Creek to McCalla Creek			
S-21	Queen Creek - source to mouth			
S-22	Game Creek - source to mouth			
S-23	West Fork Game Creek - source to mouth			
S-24	Chamberlain Creek - confluence of Rim and South Fork Chamberlain Creeks to Game Creek			
S-25	Flossie Creek - source to mouth			
S-26	Rim Creek - source to mouth			
S-27	South Fork Chamberlain Creek - source to mouth			
S-28	Moose Creek - source to mouth			
S-29	Lodgepole Creek - source to mouth			
S-30	McCalla Creek - source to mouth			
S-31	Whimstick Creek - source to mouth			
S-32	Disappointment Creek - source to mouth			
S-33	Starvation Creek - source to mouth			
S-34	Hungry Creek - source to mouth			
S-35	Cottonwood Creek - source to mouth			
S-36	Peak Creek - source to mouth			
S-37	Salmon River - Middle Fork Salmon River to Horse Creek	COLD SS	PCR	DWS SRW
S-38	Butts Creek - source to mouth			
S-39	Kitchen Creek - source to mouth			
S-40	Corn Creek - source to mouth			
S-41	Horse Creek - Little Horse Creek to mouth			
S-42	Little Horse Creek - source to mouth			
S-43	Horse Creek - Reynolds Creek to Little Horse Creek			
S-44	Horse Creek - source to Reynolds Creek			
S-45	East Fork Reynolds Creek - source to mouth			
S-46	Reynolds Creek - source to mouth			
S-47	West Horse Creek - source to mouth			
S-48	Little Squaw Creek - source to mouth			
S-49	Harrington Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-50	Sabe Creek - Hamilton Creek to mouth			
S-51	Hamilton Creek - source to mouth			
S-52	Sabe Creek - source to Hamilton Creek			
S-53	Center Creek - source to mouth			
S-54	Rattlesnake Creek - source to mouth			
S-55	Bargamin Creek - source to mouth			
S-56	Porcupine Creek - source to mouth			
S-57	Prospector Creek - source to mouth			
S-58	Cache Creek - source to mouth			
S-59	Salt Creek - source to mouth			
S-60	Rainey Creek - source to mouth			
S-61	Big Mallard Creek - source to mouth			
S-62	Little Mallard Creek - source to mouth			
S-63	Rhett Creek - source to mouth			
S-64	Big Blowout Creek - source to mouth			
S-65	Jersey Creek - source to mouth			
S-66	Indian Creek - source to mouth			
S-67	Crooked Creek - Lake Creek to mouth			
S-68	Crooked Creek - source to Lake Creek			
S-69	Big Creek - source to mouth			
S-70	Lake Creek - source to mouth			
S-71	Arlington Creek - source to mouth			
S-72	Bull Creek - source to mouth			
S-73	Elk Creek - source to mouth			
S-74	Sheep Creek - source to mouth			
S-75	Long Meadow Creek - source to mouth			
S-76	Wind River - source to mouth			
S-77	Meadow Creek - source to mouth			

(4-5-00)()

10. South Fork Salmon Subbasin. The South Fork Salmon Subbasin, HUC 17060208, is comprised of thirty-five (35) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	South Fork Salmon River - East Fork Salmon River to mouth	COLD SS	PCR	DWS SRW
S-2	Raines Creek - source to mouth	COLD SS	PCR	
S-3	Pony Creek - source to mouth	COLD SS	PCR	
S-4	Bear Creek - source to mouth	COLD SS	PCR	
S-5	Secesh River - confluence of Summitt Creek and Lake Creek to mouth	COLD SS	PCR	DWS SRW
S-6	Lake Creek - source to mouth	COLD SS	PCR	
S-7	Summit Creek - source to mouth	COLD SS	PCR	
S-8	Loon Creek - source to mouth	COLD SS	PCR	
S-9	Lick Creek - source to mouth	COLD SS	PCR	
S-10	South Fork Salmon River - source to East Fork of the South Fork Salmon River	COLD SS	PCR	DWS SRW
S-11	Fitsum Creek - source to mouth	COLD SS	PCR	
S-12	Buckhorn Creek - source to mouth	COLD SS	PCR	
S-13	Cougar Creek - source to mouth	COLD SS	PCR	
S-14	Blackmare Creek - source to mouth	COLD SS	PCR	
S-15	Dollar Creek - source to mouth	COLD SS	PCR	
S-16	Six-bit Creek - source to mouth	COLD SS	PCR	
S-17	Trail Creek - source to mouth	COLD SS	PCR	
S-18	Rice Creek - source to mouth	COLD SS	PCR	
S-19	Cabin Creek - source to mouth	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
S-20	Warm Lake	COLD	PCR	
S-21	Fourmile Creek - source to mouth	COLD SS	PCR	
S-22	Camp Creek - source to mouth	COLD SS	PCR	
S-23	East Fork of the South Fork Salmon River - source to mouth	COLD SS	PCR	DWS <i>SRW</i>
S-24	Caton Creek - source to mouth	COLD SS	PCR	
S-25	Johnson Creek - source to mouth	COLD SS	PCR	DWS <i>SRW</i>
S-26	Burntlog Creek - source to mouth	COLD SS	PCR	
S-27	Trapper Creek - source to mouth	COLD SS	PCR	
S-28	Riordan Creek - source to mouth	COLD SS	PCR	
S-29	Sugar Creek - source to mouth	COLD SS	PCR	
S-30	Tamarack Creek - source to mouth	COLD SS	PCR	
S-31	Profile Creek - source to mouth	COLD SS	PCR	
S-32	Quartz Creek - source to mouth	COLD SS	PCR	
S-33	Sheep Creek - source to mouth	COLD SS	PCR	
S-34	Elk Creek - source to mouth	COLD SS	PCR	
S-35	Porphyry Creek - source to mouth	COLD SS	PCR	

(3-15-02)()

11. Lower Salmon Subbasin. The Lower Salmon Subbasin, HUC 17060209, is comprised of sixty-five (65) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Salmon River - Rice Creek to mouth	COLD	PCR	DWS <i>SRW</i>
S-2	Flynn Creek - source to mouth			
S-3	Cottonwood Creek - source to mouth			
S-4	Billy Creek - source to mouth			
S-5	Burnt Creek - source to mouth			
S-6	Round Spring Creek - source to mouth			
S-7	Rice Creek - source to mouth			
S-8	Salmon River - Slate Creek to Rice Creek	COLD	PCR	DWS <i>SRW</i>
S-9	Sotin Creek - source to mouth			
S-10	Deer Creek - source to mouth			
S-11	Salmon River - Little Salmon River to Slate Creek	COLD	PCR	DWS <i>SRW</i>
S-12	China Creek- source to mouth			
S-13	Cow Creek - source to mouth			
S-14	Race Creek - confluence West and South Fork Race Creek to mouth			
S-15	West Fork Race Creek - source to mouth			
S-16	South Fork Race Creek - source to mouth			
S-17	Kessler Creek - source to mouth			
S-18	Grave Creek - source to mouth			
S-19	Salmon River - river mile 106 (T24N, R04E, Sec. 18) to Little Salmon River	COLD	PCR	DWS <i>SRW</i>
S-20	Lake Creek - source to mouth			
S-21	Partridge Creek - source to mouth			
S-22	Elkhorn Creek - source to mouth			
S-23	French Creek - Little French Creek to mouth			
S-24	Little French Creek - source to mouth			
S-25	French Creek - source to Little French Creek			
S-26	Kelly Creek - source to mouth			
S-27	Van Creek - source to mouth			
S-28	Allison Creek - West Fork Allison Creek to mouth			
S-29	Allison Creek - source to West Fork Allison Creek			
S-30	West Fork Allison Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-31	Berg Creek - source to mouth			
S-32	Fiddle Creek - source to mouth			
S-33	John Day Creek - source to mouth			
S-34	Slate Creek - from and including Hurley Creek to mouth			
S-35	Little Van Buren Creek - source to mouth			
S-36	Slate Creek - Little Slate Creek to Hurley Creek			
S-37	Little Slate Creek - source to mouth			
S-38	Deadhorse Creek - source to mouth			
S-39	Van Buren Creek - source to mouth			
S-40	Tumble Creek - source to mouth			
S-41	Slate Creek - source to Little Slate Creek			
S-42	North Fork Slate Creek - source to mouth			
S-43	McKinzie Creek - source to mouth			
S-44	Skookumchuck Creek - confluence North and South Fork Skookumchuck Creeks to mouth			
S-45	South Fork Skookumchuck Creek - source to mouth			
S-46	North Fork Skookumchuck Creek - source to mouth			
S-47	Whitebird Creek - confluence of North and South Fork Whitebird Creeks to mouth	COLD SS	PCR	DWS
S-48	South Fork Whitebird Creek - Little Whitebird Creek to mouth			
S-49	Little Whitebird Creek - source to mouth			
S-50	South Fork Whitebird Creek - source to Little Whitebird Creek			
S-51	Jungle Creek - source to mouth			
S-52	Asbestos Creek - source to mouth			
S-53	Teepee Creek - source to mouth			
S-54	Pinnacle Creek - source to mouth			
S-55	North Fork Whitebird Creek - source to mouth			
S-56	Rock Creek - Grave Creek to mouth	COLD SS	PCR	
S-57	Rock Creek - source to Grave Creek	COLD SS	PCR	
S-58	Grave Creek - source to mouth			
S-59	Telcher Creek - source to mouth			
S-60	Deep Creek - source to mouth			
S-61	Maloney Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-62	Deer Creek - source to mouth			
S-63	Eagle Creek - source to mouth			
S-64	China Creek - source to mouth			
S-65	Wapshilla Creek - source to mouth			

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12. Little Salmon Subbasin. The Little Salmon Subbasin, HUC 17060210, is comprised of sixteen (16) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Little Salmon River - Round Valley Creek to mouth	COLD SS	PCR	DWS <u>SRW</u>
S-2	Rapid River - source to mouth	COLD SS	PCR	DWS <u>SRW</u>
S-3	West Fork Rapid River - source to mouth			
S-4	Paradise Creek - source to mouth			
S-5	Boulder Creek - source to mouth			
S-6	Round Valley Creek - source to mouth			
S-7	Little Salmon River - source to Round Valley Creek	COLD SS	PCR	DWS <u>SRW</u>
S-8	Mud Creek - source to mouth			
S-9	Big Creek - source to mouth			
S-10	Goose Creek - source to mouth			
S-11	Brundage Reservoir			
S-12	Goose Lake			
S-13	Sixmile Creek - source to mouth			
S-14	Hazard Creek - source to mouth			
S-15	Hard Creek - source to mouth			
S-16	Elk Creek - source to mouth			

(4-5-00)()

131. -- 139. (RESERVED).

140. SOUTHWEST IDAHO BASIN.

Surface waters found within the Southwest basin total nineteen (19) subbasins and are designated as follows:

(4-5-00)

01. C.J. Strike Reservoir Subbasin. The C.J. Strike Reservoir Subbasin, HUC 17050101, is comprised of twenty-six (26) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Snake River - Browns Creek to C.J. Strike Dam	COLD	PCR	DWS SRW
SW-2	Dune's Lake			
SW-3	Browns Creek - source to mouth			
SW-4	West Fork Browns Creek - source to mouth			
SW-5	Snake River - Clover Creek to Browns Creek	COLD	PCR	DWS SRW
SW-6	Sailor Creek - source to mouth			
SW-7	Pot Hole Creek - source to mouth			
SW-8	Deadman Creek - source to mouth			
SW-9	Rosevear Gulch - source to mouth			
SW-10	King Hill Creek - source to mouth			
SW-11	West Fork King Hill Creek - source to mouth			
SW-12	Little Canyon Creek - source to mouth			
SW-13	Alkali Creek - source to mouth			
SW-14	Cold Springs Creek - source to mouth			
SW-15	Ryegrass Creek - source to mouth			
SW-16	Bennett Creek - source to mouth			
SW-17	Hot Springs Reservoir			
SW-18	Dive Creek - source to mouth			
SW-19	Rattlesnake Creek - source to mouth (T05S, R06E)			
SW-20	Mountain Home Reservoir			
SW-21	Canyon Creek - Fraiser Reservoir Dam to mouth			
SW-22	Fraiser Reservoir			
SW-23	Canyon Creek - confluence of Syrup and Long Tom Creeks to Fraiser Reservoir			
SW-24	Long Tom Creek - source to mouth			
SW-25	Syrup Creek - source to mouth			
SW-26	Squaw Creek - source to mouth			

(4-5-00)()

02. Bruneau Subbasin. The Bruneau Subbasin, HUC 17050102, is comprised of thirty-five (35) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	C.J. Strike Reservoir	COLD	PCR	SRW
SW-2	Jacks Creek - confluence of Little and Big Jacks Creeks to C.J. Strike Reservoir			
SW-3	Little Jacks Creek - source to mouth			
SW-4	Big Jacks Creek -source to mouth			
SW-5	Cottonwood Creek - source to mouth			
SW-6	Duncan Creek - source to mouth			
SW-7	Wickahoney Creek - source to mouth			
SW-8	Sugar Valley Creek - source to mouth			
SW-9	Bruneau River - Hot Creek to C.J. Strike Reservoir	COLD SS	PCR	
SW-10	Hot Creek - source to mouth			
SW-11	Bruneau River - Clover Creek (East Fork Bruneau River) to Hot Creek	COLD SS	PCR	DWS SRW
SW-12	Miller Water - source to mouth			
SW-13	Bruneau River - Jarbridge River to Clover Creek (East Fork Bruneau River)	COLD SS	PCR	DWS SRW
SW-14	Sheep Creek - Idaho/Nevada border to mouth	COLD	PCR	
SW-15	Louse Creek - source to mouth			
SW-16	Marys Creek - source to mouth			
SW-17	Bull Creek - source to mouth			
SW-18	Pole Creek - Idaho/Nevada border to mouth			
SW-19	Cat Creek - Idaho/Nevada border to mouth			
SW-20	Bruneau River - Idaho/Nevada border to Jarbridge River	COLD SS	PCR	DWS SRW
SW-21	Jarbridge River -Idaho/Nevada border to mouth	COLD SS	PCR	DWS SRW
SW-22	Cougar Creek - source to mouth			
SW-23	Dorsey Creek - Idaho/Nevada border to mouth			
SW-24	East Fork Jarbridge River - Idaho/Nevada border to mouth	COLD SS	PCR	
SW-25	Poison Creek - Idaho/Nevada border to mouth			
SW-26	Unnamed Tributary - source to mouth (T11S, R07E, Sec. 27)			
SW-27	Sheepshead Draw - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
SW-28	Clover Creek (East Fork Bruneau River) - confluence of Big Flat, Three, and Deadwood Creeks to mouth	COLD SS	PCR	DWS <i>SRW</i>
SW-29	Juniper Draw - source to mouth			
SW-30	Big Flat Creek - Idaho/Nevada border to mouth			
SW-31	Three Creek - Idaho/Nevada border to mouth			
SW-32	Cherry Creek - Idaho/Nevada border to mouth			
SW-33	Deer Creek - Idaho/Nevada border to mouth			
SW-34	Deadwood Creek - Idaho/Nevada to mouth			
SW-35	Buck Flat Draw - source to mouth			

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03. Middle Snake-Succor Subbasin. The Middle Snake-Succor Subbasin, HUC 17050103, is comprised of twenty-six (26) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Snake River - river mile 425 (T02N, R04W, Sec. 02) to Idaho/Oregon border	COLD	PCR	DWS
SW-2	Succor Creek - Idaho/Oregon border to mouth	COLD SS	PCR	
SW-3	Succor Creek - source to Idaho/Oregon border	COLD SS	PCR	
SW-4	McBride Creek - source to Idaho/Oregon border			
SW-5	Jump Creek - source to mouth	COLD	PCR	
SW-6	Snake River - C.J. Strike Dam to river mile 425 (T02N, R04W, Sec. 02)	COLD	PCR	DWS <i>SRW</i>
SW-7	Squaw Creek - source to mouth			
SW-8	Hardtrigger Creek - source to mouth			
SW-9	Reynolds Creek - source to mouth	COLD SS	PCR	
SW-10	West Rabbit Creek - source to mouth			
SW-11	Rabbit Creek - source to mouth			
SW-12	Sinker Creek - source to mouth	COLD SS	PCR	
SW-13	Fossil Creek - source to mouth			
SW-14	Castle Creek - source to mouth	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
SW-15	Catherine Creek - confluence of Hart and Pickett Creeks to mouth			
SW-16	Pickett Creek - source to mouth			
SW-17	Bates Creek - source to mouth			
SW-18	Hart Creek - source to mouth			
SW-19	Brown Creek - source to mouth			
SW-20	South Fork Castle Creek - source to mouth			
SW-21	Birch Creek - source to mouth			
SW-22	McKeeth Wash - source to mouth			
SW-23	Vinson Wash - source to mouth			
SW-24	Shoofly Creek - source to mouth			
SW-25	Corder Creek - source to mouth			
SW-26	Rabbit Creek - source to mouth			

(4-5-00)()

04. Upper Owyhee Subbasin. The Upper Owyhee Subbasin, HUC 17050104, is comprised of thirty-four (34) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Owyhee River - Juniper Creek to South Fork Owyhee River	COLD SS	PCR	DWS SRW
SW-2	Unnamed Tributaries and playas of YP Desert (T14S, R04W)			
SW-3	Piute Creek - source to mouth			
SW-4	Juniper Creek - Juniper Basin Reservoir Dam to mouth			
SW-5	Juniper Basin Reservoir			
SW-6	Owyhee River - Idaho/Nevada border to Juniper Creek	COLD SS	PCR	DWS SRW
SW-7	Blue Creek - Blue Creek Reservoir Dam to mouth			
SW-8	Boyle Creek Reservoir (Mt. View Lake)	COLD	PCR	
SW-9	Papoose/Mud Creek complex			
SW-10	Payne Creek - source to mouth			
SW-11	Squaw Creek - source to mouth			
SW-12	Little Blue Creek - source to mouth			
SW-13	Blue Creek - source to Blue Creek Reservoir Dam			
SW-14	Shoofly Creek - source to mouth			
SW-15	Harris Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
SW-16	Little Jarvis Lake			
SW-17	Rough Little Lake			
SW-18	Ross Lake			
SW-19	Juniper Lake			
SW-20	Henry Lake			
SW-21	Unnamed Tributary - source to mouth (T15S, R01W, Sec. 01)			
SW-22	Yatahoney Creek - source to mouth			
SW-23	Battle Creek - source to mouth			
SW-24	Dry Creek - source to mouth			
SW-25	Big Springs Creek - source to mouth			
SW-26	Deep Creek - source to mouth			
SW-27	Dickshooter Creek - source to mouth			
SW-28	Pole Creek - source to mouth			
SW-29	Camas Creek - source to mouth			
SW-30	Camel Creek - source to mouth			
SW-31	Nickel Creek - source to mouth			
SW-32	Castle Creek - source to mouth			
SW-33	Beaver Creek - source to mouth			
SW-34	Red Canyon Creek - source to mouth	COLD	PCR	

(4-5-00)()

05. South Fork Owyhee Subbasin. The South Fork Owyhee Subbasin, HUC 17050105, is comprised of five (5) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	South Fork Owyhee River - Idaho/Nevada border to mouth	COLD SS	PCR	DWS SRW
SW-2	Spring Creek - source to mouth			
SW-3	Bull Camp Reservoir			
SW-4	Homer Wells Reservoir			
SW-5	Coyote Flat - source to mouth			

(4-5-00)()

06. East Little Owyhee Subbasin. The East Little Owyhee Subbasin, HUC

17050106, is comprised of two (2) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Little Owyhee River - Idaho/Nevada border to mouth	COLD SS	PCR	DWS SRW
SW-2	Tent Creek- Idaho/Oregon border to mouth			

(4-5-00)()

07. Middle Owyhee Subbasin. The Middle Owyhee Subbasin, HUC 17050107, is comprised of fourteen (14) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Owyhee River - South Fork Owyhee River to Idaho/Oregon border	COLD SS	PCR	DWS SRW
SW-2	Oregon Lake Creek - source to Idaho/Oregon border			
SW-3	Field Creek - source to Idaho/Oregon border			
SW-4	Middle Fork Owyhee River - source to Idaho/Oregon border	COLD SS	PCR	DWS SRW
SW-5	Pole Creek - source to Idaho/Oregon border			
SW-6	Squaw Creek - source to Idaho/Oregon border	COLD SS	PCR	
SW-7	Cottonwood Creek - source to mouth			
SW-8	North Fork Owyhee River - source to Idaho/Oregon border	COLD SS	PCR	DWS SRW
SW-9	Pleasant Valley Creek - source to mouth	COLD	PCR	
SW-10	Noon Creek - source to mouth	COLD SS	PCR	
SW-11	Cabin Creek - source to mouth	COLD SS	PCR	
SW-12	Juniper Creek - source to mouth	COLD SS	PCR	
SW-13	Cherry Creek - source to Idaho/Oregon border			
SW-14	Soldier Creek - source to Idaho/Oregon border			

(5-3-03)()

08. Jordan Subbasin. The Jordan Subbasin, HUC 17050108, is comprised of twenty-three (23) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Jordan Creek - Williams Creek to Idaho/Oregon border	COLD SS	PCR	<i>SRW</i>
SW-2	Lone Tree Creek - source to mouth			
SW-3	Williams Creek - source to mouth	COLD	PCR	
SW-4	Jordan Creek - source to Williams Creek	COLD SS	PCR	<i>SRW</i>
SW-5	Big Boulder Creek - confluence of North and South Fork Boulder Creeks to mouth			
SW-6	South Fork Boulder Creek - source to mouth			
SW-7	North Fork Boulder Creek - source to mouth			
SW-8	Mammoth Creek - source to mouth			
SW-9	Combination Creek - source to mouth			
SW-10	Rock Creek -Triangle Reservoir Dam to mouth			
SW-11	Rose Creek - source to mouth			
SW-12	Josephine Creek - source to mouth			
SW-13	Rock Creek - source to and including Triangle Reservoir			
SW-14	Louisa Creek - source to Triangle Reservoir			
SW-15	Spring Creek - source to mouth			
SW-16	Deer Creek - source to mouth			
SW-17	Flint Creek - source to mouth			
SW-18	Louse Creek - source to mouth			
SW-19	Trout Creek - source to Idaho/Oregon border			
SW-20	Hooker Creek - source to Idaho/Oregon border			
SW-21	Cow Creek - source to Idaho/Oregon border			
SW-22	Soda Creek - source to mouth			
SW-23	Baxter Creek - source to Idaho/Oregon border			

(4-5-00)()

09. North and Middle Fork Boise Subbasin. The North and Middle Fork Boise Subbasin, HUC 17050111, is comprised of seventeen (17) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Middle Fork Boise River - source to mouth	COLD SS	PCR	DWS <i>SRW</i>

Unit	Waters	Aquatic Life	Recreation	Other
SW-2	East Fork Roaring River -source to mouth	COLD SS	PCR	
SW-3	Hot Creek - source to mouth	COLD SS	SCR	
SW-4	Yuba River - source to mouth	COLD SS	SCR	
SW-5	Decker Creek - source to mouth	COLD SS	SCR	
SW-6	Queens River - source to mouth	COLD SS	SCR	
SW-7	Little Queens River - source to mouth	COLD SS	SCR	
SW-8	Black Warrior Creek - source to mouth	COLD SS	SCR	
SW-9	Browns Creek - source to mouth	COLD SS	PCR	
SW-10	North Fork Boise River - source to mouth	COLD SS	PCR	DWS <i>SRW</i>
SW-11	Johnson Creek - source to mouth	COLD SS	SCR	
SW-12	Bear River - source to mouth	COLD SS	SCR	
SW-13	Big Owl/Little Owl Creeks - source to mouth	COLD SS	PCR	
SW-14	Crooked River - source to mouth	COLD SS	PCR	
SW-15	Rabbit Creek - source to mouth	COLD SS	PCR	
SW-16	Meadow Creek - source to mouth	COLD	SCR	
SW-17	French Creek - source to mouth	COLD SS	SCR	

(3-30-01)()

10. Boise-Mores Subbasin. The Boise-Mores Subbasin, HUC 17050112, is comprised of seventeen (17) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Lucky Peak Reservoir (Boise River)	COLD SS	PCR	DWS SRW
SW-2	Arrowrock Reservoir (Boise River)	COLD SS	PCR	DWS SRW
SW-3	Grouse Creek - source to Arrowrock Reservoir			
SW-4	Boise River - confluence of North and Middle Fork Boise Rivers to Arrowrock Reservoir	COLD SS	PCR	DWS SRW
SW-5	Sheep Creek - source to mouth			
SW-6	Brown Creek - source to mouth			
SW-7	Cottonwood Creek - source to Arrowrock Reservoir			
SW-8	Deer Creek - source to Lucky Peak Reservoir			
SW-9	Mores Creek - source to Lucky Peak Reservoir	COLD SS	PCR	DWS
SW-10	Smith Creek - source to mouth			
SW-11	Thorn Creek - source to mouth			
SW-12	Elk Creek - source to mouth			
SW-13	Grimes Creek - source to mouth			
SW-14	Granite Creek - source to mouth	COLD	PCR	
SW-15	Macks Creek - source to mouth	COLD SS	PCR	
SW-16	Daggett Creek - source to mouth			
SW-17	Robie Creek - source to Lucky Peak Reservoir	COLD SS	PCR	

(4-5-00)()

11. South Fork Boise Subbasin. The South Fork Boise Subbasin, HUC 17050113, is comprised of thirty-three (33) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Arrowrock Reservoir (Boise River)	COLD SS	PCR	DWS SRW
SW-2a	Willow Creek - Cottonwood Creek to Arrowrock Reservoir	COLD SS	PCR	
SW-2b	Willow Creek - source to Cottonwood Creek			
SW-3	Wood Creek - source to mouth	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
SW-4	South Fork Boise River - Anderson Ranch Dam to Arrowrock Reservoir	COLD SS	PCR	DWS SRW
SW-5	Anderson Ranch Reservoir (Boise River)	COLD SS	PCR	DWS SRW
SW-6	Little Camas Creek - Little Camas Reservoir Dam to Anderson Ranch Reservoir			
SW-7	Little Camas Creek Reservoir	SC	PCR	
SW-8	Little Camas Creek - source to Little Camas Creek Reservoir			
SW-9	Wood Creek - source to Anderson Ranch Reservoir			
SW-10	Lime Creek - source to Anderson Ranch Reservoir	COLD SS	SCR	
SW-11	South Fork Lime Creek - source to mouth			
SW-12	Deer Creek - source to Anderson Ranch Reservoir	COLD SS	SCR	
SW-13	South Fork Boise River - Willow Creek to Anderson Ranch Reservoir	COLD SS	PCR	DWS SRW
SW-14	Grouse Creek - source to mouth	COLD SS	PCR	
SW-15	South Fork Boise River - Little Smoky Creek to Willow Creek	COLD SS	PCR	DWS SRW
SW-16	Beaver Creek - source to mouth	COLD SS	SCR	
SW-17	Boardman Creek - source to mouth	COLD SS		
SW-18	Little Smoky Creek - source to mouth	COLD SS	SCR	
SW-19	Big Smoky Creek - source to mouth	COLD SS	PCR	
SW-20	Paradise Creek - source to mouth	COLD SS	SCR	
SW-21	South Fork Boise River - confluence of Ross Fork and Johnson Creeks to Little Smoky Creek	COLD SS	PCR	DWS SRW
SW-22	Johnson Creek - source to mouth			
SW-23	Ross Fork - source to mouth	COLD SS	PCR	
SW-24	Skeleton Creek - source to mouth	COLD SS	PCR	
SW-25	Willow Creek - source to South Fork Boise River			

Unit	Waters	Aquatic Life	Recreation	Other
SW-26	Shake Creek - source to mouth	COLD SS	PCR	
SW-27	Feather Creek - source to mouth	COLD SS	PCR	
SW-28	Trinity Creek - source to mouth	COLD SS	PCR	
SW-29	Green Creek - source to mouth	COLD SS	SCR	
SW-30	Dog Creek - source to mouth	COLD SS	PCR	
SW-31	Fall Creek - source to Anderson Ranch Reservoir	COLD SS	PCR	
SW-32	Smith Creek - source to mouth	COLD SS	PCR	
SW-33	Rattlesnake Creek - source to Arrowrock Reservoir	COLD SS	SCR	

(3-30-01)()

12. Lower Boise Subbasin. The Lower Boise Subbasin, HUC 17050114, is comprised of seventeen (17) water body units

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Boise River- Indian Creek to mouth	COLD	PCR	
SW-2	Indian Creek - Sugar Ave. (T03N, R02W, Sec. 15) to mouth	COLD	SCR	
SW-3a	Split between New York Canal and historic creek bed to Sugar Ave. (T03N, R02W, Sec. 15)	COLD SS	SCR	
SW-3b	Indian Creek Reservoir to split between New York Canal and historic creek bed	MOD COLD	SCR	
SW-3c	Indian Creek Reservoir	WARM COLD	PCR	
SW-3d	Indian Creek - source to Indian Creek Reservoir	SC COLD	SCR	
SW-4	Lake Lowell	WARM	PCR	SRW
SW-5	Boise River - river mile 50 (T04N, R02W, Sec. 32) to Indian Creek	COLD SS	PCR	
SW-6	Mason Creek - New York Canal to mouth	MOD	SCR	
SW-7	Fifteenmile Creek - Miller Canal to mouth	MOD	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
SW-8	Tenmile Creek - Blacks Creek Reservoir Dam to Miller Canal	MOD COLD	SCR	
SW-9	Blacks Creek - source to and including Blacks Creek Reservoir			
SW-10	Fivemile Creek - source to Miller Canal	MOD COLD	SCR	
SW-11a	Boise River - Diversion Dam to river mile 50 (T04N, R02W, Sec. 32)	COLD SS	PCR	DWS SRW
SW-11b	Boise River - Lucky Peak Dam to Diversion Dam	COLD	PCR	DWS SRW
SW-12	Stewart Gulch, Cottonwood and Crane Creeks -source to mouth			
SW-13	Dry Creek - source to mouth			
SW-14	Big/Little Gulch Creek complex			
SW-15	Willow Creek - source to mouth			
SW-16	Langley/Graveyard Gulch complex			
SW-17	Sand Hollow Creek - source to mouth	MOD	SCR	

(3-15-02)()

13. Middle Snake-Payette Subbasin. The Middle Snake-Payette Subbasin, HUC 17050115, is comprised of five (5) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Snake River - the Idaho/Oregon border to Weiser River	COLD	PCR	DWS
SW-2	Homestead Gulch - source to mouth			
SW-3	Ashlock Gulch - source to mouth			
SW-4	Hurd Gulch - source to mouth			
SW-5	Sand Hollow - source to mouth			

(3-20-04)

14. South Fork Payette Subbasin. The South Fork Payette Subbasin, HUC 17050120, is comprised of twenty-one (21) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	South Fork Payette River - Trail Creek to mouth	COLD SS	PCR	DWS SRW
SW-2	Rock Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
SW-3	Tenmile Creek - source to mouth			
SW-4	Wapiti Creek - source to mouth			
SW-5	South Fork Payette River - source to and including Trail Creek	COLD SS	PCR	DWS SRW
SW-6	Goat Creek - source to mouth			
SW-7	Baron Creek - source to mouth			
SW-8	Bear Creek - source to mouth			
SW-9	Canyon Creek - source to mouth			
SW-10	Warm Spring Creek - source to mouth			
SW-11	Eightmile Creek - source to mouth			
SW-12	Fivemile Creek - source to mouth			
SW-13	Clear Creek - source to mouth			
SW-14	Deadwood River - Deadwood Reservoir Dam to mouth	COLD SS	PCR	DWS SRW
SW-15	Whitehawk Creek - source to mouth			
SW-16	Warm Springs Creek - source to mouth			
SW-17	Wilson Creek - source to mouth			
SW-18	Deadwood Reservoir	COLD SS	PCR	DWS SRW
SW-19	Deadwood River - source to Deadwood Reservoir	COLD SS	PCR	DWS SRW
SW-20	Scott Creek - source to mouth			
SW-21	Big Pine Creek - source to mouth			

(4-5-00)()

15. Middle Fork Payette Subbasin. The Middle Fork Payette Subbasin, HUC 17050121, is comprised of ten (10) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Middle Fork Payette River - Big Bulldog Creek to mouth	COLD SS	PCR	DWS SRW
SW-2	Anderson Creek - source to mouth	COLD SS	PCR	
SW-3	Lightning Creek - source to mouth	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
SW-4	Big Bulldog Creek - source to mouth	COLD SS	PCR	
SW-5	Middle Fork Payette River - source to Big Bulldog Creek	COLD SS	PCR	DWS SRW
SW-6	Rattlesnake Creek - source to mouth	COLD SS	PCR	
SW-7	Silver Creek - source to mouth	COLD SS	PCR	
SW-8	Peace Creek - source to mouth	COLD SS	PCR	
SW-9	Bull Creek - source to mouth	COLD SS	PCR	
SW-10	Scriver Creek - source to mouth	COLD SS	PCR	

(4-5-00)()

16. Payette Subbasin. The Payette Subbasin, HUC 17050122, is comprised of twenty-one (21) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Payette River - Black Canyon Reservoir Dam to mouth	COLD SS	PCR	DWS
SW-2	Black Canyon Reservoir	COLD SS	PCR	DWS SRW
SW-3	Payette River - confluence of the North Fork and South Fork Payette Rivers to Black Canyon Reservoir	COLD SS	PCR	DWS SRW
SW-4	Shafer Creek - source to mouth	COLD SS	PCR	
SW-5	Harris Creek - source to mouth	COLD SS	PCR	
SW-6	Porter Creek - source to mouth			
SW-7	Hill Creek - source to mouth			
SW-8	South Fork Payette River - Middle Fork Payette River to mouth	COLD SS	PCR	DWS SRW
SW-9	Deer Creek - source to mouth			
SW-10	Squaw Creek - source to mouth	COLD SS	PCR	
SW-11	Little Squaw Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
SW-12	Soldier Creek - source to mouth			
SW-13	Pine Creek - source to mouth			
SW-14	Second Fork Squaw Creek - source to mouth			
SW-15	Bissel Creek - source to mouth			
SW-16	Sand Hollow - source to mouth			
SW-17	Big Willow Creek - source to mouth	COLD SS	PCR	
SW-18	Little Willow Creek - Paddock Valley Reservoir Dam to mouth			
SW-19	Indian Creek - source to mouth			
SW-20	Paddock Valley Reservoir			
SW-21	Little Willow Creek - source to Paddock Valley Reservoir			

(4-5-00)()

17. North Fork Payette Subbasin. The North Fork Payette Subbasin, HUC 17050123, is comprised of twenty-two (22) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	North Fork Payette River - Cascade Reservoir Dam to mouth	COLD SS	PCR	DWS <u>SRW</u>
SW-2	Round Valley Creek - source to mouth			
SW-3	Clear Creek - source to mouth			
SW-4	Big Creek - source to mouth			
SW-5	Horsethief Reservoir			
SW-6	Beaver Creek - source to mouth			
SW-7	Cascade Reservoir	COLD SS	PCR	DWS
SW-8	Gold Fork - source to Cascade Reservoir	COLD SS	PCR	DWS <u>SRW</u>
SW-9	Flat Creek - source to mouth			
SW-10	Kennally Creek - source to mouth			
SW-11	Boulder Creek - source to Cascade Reservoir			
SW-12	Lake Fork - Little Payette Lake to Cascade Reservoir	COLD SS	PCR	DWS <u>SRW</u>
SW-13	Little Payette Lake	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
SW-14	Lake Fork - source to Little Payette Lake	COLD SS	PCR	DWS <u>SRW</u>
SW-15	Mud Creek - source to Cascade Reservoir			
SW-16	North Fork Payette River - Payette Lake to Cascade Reservoir	COLD SS	PCR	DWS
SW-17	Payette Lake	COLD SS	PCR	DWS <u>SRW</u>
SW-18	North Fork Payette River - Upper Payette Lake to Payette Lake	COLD SS	PCR	DWS <u>SRW</u>
SW-19	Upper Payette Lake	COLD SS	PCR	DWS <u>SRW</u>
SW-20	Twentymile Creek - source to mouth	COLD SS	PCR	
SW-21	North Fork Payette River - source to Upper Payette Lake	COLD SS	PCR	DWS <u>SRW</u>
SW-22	Fisher Creek - source to mouth			

(4-5-00)()

18. Weiser Subbasin. The Weiser Subbasin, HUC 17050124, is comprised of thirty-three (33) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Weiser River - Keithly Creek to mouth	COLD	PCR	DWS
SW-2	Cove Creek - source to mouth			
SW-3	Crane Creek - Crane Creek Reservoir Dam to mouth	COLD	PCR	
SW-4	Crane Creek Reservoir	COLD	PCR	
SW-5	South Fork Crane Creek - source to Crane Creek Reservoir			
SW-6	North Crane Creek - source to Crane Creek Reservoir			
SW-7	Weiser River - source to Keithly Creek	COLD	PCR	DWS <u>SRW</u>
SW-8	Little Weiser River - source to mouth	COLD SS	PCR	DWS
SW-9	Ben Ross Creek - source to mouth			
SW-10	Mill Creek - source to mouth			
SW-11	Anderson Creek - source to mouth			
SW-12	Grays Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
SW-13	Bacon Creek - source to mouth			
SW-14	Middle Fork Weiser River - source to mouth	COLD SS	PCR	DWS SRW
SW-15	Cottonwood Creek - source to mouth			
SW-16	East Fork Weiser River - source to mouth			
SW-17	West Fork Weiser River - source to mouth	COLD SS	PCR	DWS SRW
SW-18	Lost Creek - Lost Valley Reservoir Dam to mouth			
SW-19	Lost Valley Reservoir			
SW-20	Lost Creek - source to Lost Valley Reservoir			
SW-21	Hornet Creek - source to mouth			
SW-22	Johnson Creek - source to mouth	COLD SS	PCR	
SW-23	Goodrich Creek - source to mouth			
SW-24	Cow Creek - source to mouth			
SW-25	Rush Creek - source to mouth			
SW-26	Spring Creek - source to mouth			
SW-27	Pine Creek - source to mouth	COLD SS	PCR	
SW-28	Keithly Creek - source to mouth			
SW-29	Sage Creek - source to mouth			
SW-30	Mann Creek - Mann Creek Reservoir Dam to mouth	COLD SS	PCR	
SW-31	Mann Creek Reservoir	COLD SS	PCR	
SW-32	Mann Creek - source to Mann Creek Reservoir	COLD SS	PCR	
SW-33	Monroe Creek - source to mouth			

(4-5-00)()

19. Brownlee Reservoir Subbasin. The Brownlee Reservoir Subbasin, HUC 17050201, is comprised of seventeen (17) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Snake River (Hells Canyon Reservoir) - Oxbow Dam to Hells Canyon Dam	COLD	PCR	DWS SRW

Unit	Waters	Aquatic Life	Recreation	Other
SW-2	Snake River (Oxbow Reservoir) - Brownlee Dam to Oxbow Dam	COLD	PCR	DWS SRW
SW-3	Snake River (Brownlee Reservoir) - Scott Creek to Brownlee Dam	COLD	PCR	DWS SRW
SW-4	Snake River - Weiser River to Scott Creek	COLD	PCR	DWS
SW-5	Jenkins Creek - source to mouth	COLD	PCR	
SW-6	Scott Creek - source to mouth			
SW-7	Warm Springs Creek - source to mouth			
SW-8	Hog Creek - source to mouth			
SW-9	Grouse Creek - source to mouth			
SW-10	Rock Creek - source to mouth			
SW-11	Wolf Creek - source to mouth			
SW-12	Dennett Creek - source to mouth			
SW-13	Sturgill Creek - source to mouth			
SW-14	Brownlee Creek - source to mouth			
SW-15	Wildhorse River - confluence of Bear Creek and including Crooked River to mouth	COLD SS	PCR	
SW-16	Bear Creek - source to mouth	COLD SS	PCR	
SW-17	Indian Creek - source to mouth			

(3-30-01)()

141. -- 149. (RESERVED).

150. UPPER SNAKE BASIN.

Surface waters found within the Upper Snake basin total twenty-three (23) subbasins and are designated as follows: (4-5-00)

01. Palisades Subbasin. The Palisades Subbasin, HUC 17040104, is comprised of thirty-one (31) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Snake River - Black Canyon Creek to river mile 856 (T03N, R41E, Sec. 16)	COLD SS	PCR	DWS SRW
US-2	Antelope Creek - source to mouth			
US-3	Snake River - Fall Creek to Black Canyon Creek	COLD SS	PCR	DWS SRW

Unit	Waters	Aquatic Life	Recreation	Other
US-4	Pritchard Creek - source to mouth			
US-5	Fall Creek - South Fork Fall Creek to mouth			
US-6	Fall Creek - source to South Fork Fall Creek			
US-7	South Fork Fall Creek - source to mouth			
US-8	Snake River - Palisades Reservoir Dam to Fall Creek	COLD SS	PCR	DWS <u>SRW</u>
US-9	Indian Creek - source to mouth			
US-10	Palisades Reservoir	COLD SS	PCR	DWS <u>SRW</u>
US-11	Bear Creek - North Fork Bear Creek to Palisades Reservoir			
US-12	North Fork Bear Creek - source to mouth			
US-13	Bear Creek - source to North Fork Bear Creek			
US-14	McCoy Creek - Fish Creek to Palisades Reservoir			
US-15	McCoy Creek - Iowa Creek to Fish Creek			
US-16	McCoy Creek - Clear Creek to Iowa Creek			
US-17	Wolverine Creek - source to mouth			
US-18	Clear Creek - source to mouth			
US-19	McCoy Creek - source to Clear Creek			
US-20	Iowa Creek - source to mouth			
US-21	Fish Creek - source to mouth			
US-22	Trout Creek - source to mouth			
US-23	Burns Creek - source to Idaho/Wyoming border			
US-24	Indian Creek - Idaho/Wyoming border to Palisades Reservoir			
US-25	Big Elk Creek - Idaho/Wyoming border to Palisades Reservoir			
US-26	Little Elk Creek - source to Palisades Reservoir			
US-27	Palisades Creek - source to mouth			
US-28	Rainey Creek - source to mouth			
US-29	Pine Creek - source to mouth			
US-30	Black Canyon Creek - source to mouth			
US-31	Burnt Canyon Creek - source to mouth			

(4-5-00)()

02. Salt Subbasin. The Salt Subbasin, HUC 17040105, is comprised of twelve (12) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Tributaries of Salt River - source to Idaho/Wyoming border (T04S, R46E)			
US-2	Jackknife Creek - source to Idaho/Wyoming border			
US-3	Tincup Creek - source to Idaho/Wyoming border			
US-4	South Fork Tincup Creek - source to mouth			
US-5	Tributaries of Salt River - source to Idaho/Wyoming border (T06S, R46E and T07S, R46E)			
US-6	Stump Creek - source to Idaho/Wyoming border			
US-7	Tygee Creek - source to mouth			
US-8	Crow Creek - source to Idaho/Wyoming border			
US-9	Sage Creek - source to mouth			
US-10	Deer Creek - source to mouth			
US-11	Rock Creek - source to mouth			
US-12	Spring Creek - source to mouth			

(4-5-00)

03. Idaho Falls Subbasin. The Idaho Falls Subbasin, HUC 17040201, is comprised of seventeen (17) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Snake River - Dry Bed Creek to river mile 791 (T01N, R37E, Sec. 10)	COLD SS	PCR	DWS
US-2	South Fork Willow Creek - source to mouth			
US-3	North Fork Willow Creek - source to mouth			
US-4	Dry Bed Creek - source to mouth			
US-5	Sand Creek complex			
US-6	Crow Creek - Willow Creek to mouth			
US-7	Crow Creek - source to Willow Creek			
US-8	Birch Creek - source to mouth			
US-9	Snake River - Annis Slough to Dry Bed Creek	COLD SS	PCR	DWS
US-10	Spring Creek - canal (T05N, R38E) to mouth			
US-11	Spring Creek - source to canal (T05N, R38E)			

Unit	Waters	Aquatic Life	Recreation	Other
US-12	Snake River - Dry Bed to Annis Slough	COLD SS	PCR	DWS
US-13	Snake River - river mile 856 (T03N, R41E, Sec. 16) to Dry Bed Creek	COLD SS	PCR	DWS
US-14	Lyons Creek - source to mouth			
US-15	Unnamed Tributary - source to mouth (T8N, R38E)			
US-16	Market Lake			
US-17	Kettle Butte complex			

(4-5-00)

04. Upper Henrys Subbasin. The Upper Henrys Subbasin, HUC 17040202, is comprised of fifty-five (55) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Henrys Fork - Warm River to Ashton Reservoir Dam	COLD SS	PCR	DWS SRW
US-2	Warm River - Warm River Spring to mouth	COLD SS	PCR	DWS SRW
US-3	Moose Creek - source to confluence with Warm River			
US-4	Partridge Creek - source to mouth			
US-5	Warm River - source to Warm River Spring	COLD SS	PCR	DWS SRW
US-6	Robinson Creek - Rock Creek to mouth			
US-7	Porcupine Creek - source to mouth	COLD SS	SCR	
US-8	Rock Creek - Wyoming Creek to mouth			
US-9	Wyoming Creek - Idaho/Wyoming border to mouth			
US-10	Rock Creek - source to Wyoming Creek			
US-11	Robinson Creek - Idaho/Wyoming border and sources west of border to Rock Creek			
US-12	Snow Creek - source to mouth			
US-13	Fish Creek - source to mouth			
US-14	Henrys Fork - Thurman Creek to Warm River	COLD SS	PCR	DWS SRW
US-15	Henrys Fork - Island Park Reservoir Dam to Thurman Creek	COLD SS	PCR	DWS SRW

Unit	Waters	Aquatic Life	Recreation	Other
US-16	Buffalo River - Elk Creek to mouth	COLD SS	PCR	DWS SRW
US-17	Toms Creek - source to mouth			
US-18	Buffalo River - source to Elk Creek	COLD SS	PCR	DWS SRW
US-19	Elk Creek - source to mouth			
US-20	Island Park Reservoir	COLD SS	PCR	DWS SRW
US-21	Henrys Fork - Confluence of Big Springs and Henrys Lake Outlet to Island Park Reservoir	COLD SS	PCR	DWS SRW
US-22	Moose Creek - source to confluence with Henrys Fork			
US-23	Big Springs - source to mouth	COLD SS	PCR	DWS SRW
US-24	Thirsty Creek - Idaho/ Wyoming border to mouth	COLD SS	SCR	
US-25	Henrys Lake Outlet - Henrys Lake Dam to mouth	COLD SS	PCR	DWS SRW
US-26	Meadows Creek - source to mouth			
US-27	Reas Pass Creek - source to sink			
US-28	Jones Creek - source to mouth			
US-29	Jesse Creek - source to mouth			
US-30	Twin Creek - source to mouth			
US-31	Tygee Creek - source to sink			
US-32	Henrys Lake	COLD	SCR	
US-33	Howard Creek - source to mouth	COLD SS	SCR	
US-34	Targhee Creek - source to mouth	COLD SS	SCR	
US-35	Timber Creek - source to mouth			
US-36	Duck Creek - source to mouth	COLD SS	SCR	
US-37	Rock Creek - source to mouth			
US-38	Hope Creek - source to mouth			
US-39	Crooked Creek - source to mouth			
US-40	Hotel Creek - source to mouth	COLD SS	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
US-41	Yale Creek - source to mouth	COLD SS	SCR	
US-42	Blue Creek - source to mouth			
US-43	Sheep Creek - source to mouth			
US-44	Icehouse Creek - source to Island Park Reservoir	COLD SS	SCR	
US-45	Sheridan Creek - Kilgore Road (T13N, R41E, Sec. 07) to mouth	COLD SS	SCR	
US-46	Willow Creek - source to mouth			
US-47	Myers Creek - source to mouth			
US-48	Sheridan Creek - source to Kilgore Road (T13N, R41E, Sec. 07)	COLD SS	SCR	
US-49	Sheridan Reservoir			
US-50	Dry Creek - source to Sheridan Reservoir			
US-51	Thurman Creek - source to mouth			
US-52	Rattlesnake Creek - source to mouth			

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05. Lower Henrys Subbasin. The Lower Henrys Subbasin, HUC 17040203, is comprised of sixteen (16) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Henrys Fork - South Fork Teton River to hydrologic unit boundary	COLD SS	PCR	DWS SRW
US-2	Henry's Fork - North Fork Teton River to South Fork Teton River	COLD SS	PCR	DWS SRW
US-3	Henrys Fork - Falls River to North Fork Teton River	COLD SS	PCR	DWS SRW
US-4	Falls River - Conant Creek to mouth	COLD SS	PCR	DWS SRW
US-5	Conant Creek - Squirrel Creek to mouth			
US-6	Conant Creek - Idaho/Wyoming border to Squirrel Creek			
US-7	Squirrel Creek - Idaho/Wyoming border to mouth			
US-8	Falls River - Boone Creek to Conant Creek	COLD SS	PCR	DWS SRW
US-9	Falls River - Idaho/Wyoming border to Boone Creek	COLD SS	PCR	DWS SRW

Unit	Waters	Aquatic Life	Recreation	Other
US-10	Boone Creek - Idaho/Wyoming border to mouth			
US-11	Boundary Creek - Idaho/Wyoming border (T12N, R46E, Sec. 06) to Idaho/Wyoming border, (T12N, R46E, Sec. 31)			
US-12	Henry's Fork - Ashton Reservoir Dam to Falls River	COLD SS	PCR	DWS SRW
US-13	Sand Creek - Pine Creek to mouth			
US-14	Pine Creek - source to mouth			
US-15	Sand Creek - source to Pine Creek			
US-16	Warm Slough - source to mouth			

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06. Teton Subbasin. The Teton Subbasin, HUC 17040204, is comprised of forty-four (44) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	South Fork Teton River - Teton River Forks to Henry's Fork	COLD SS	SCR	
US-2	North Fork Teton River - Teton River Forks to Henry's Fork	COLD SS	SCR	
US-3	Teton River - Teton Dam to Teton River Forks	COLD SS	PCR	DWS SRW
US-4	Teton River - Canyon Creek to Teton Dam	COLD SS	PCR	DWS SRW
US-5	Moody Creek - confluence of North and South Fork Moody Creeks to canal			
US-6	South Fork Moody Creek - source to mouth			
US-7	North Fork Moody Creek - source to mouth			
US-8	Canyon Creek - Warm Creek to mouth			
US-9	Canyon Creek - source to Warm Creek			
US-10	Calamity Creek - source to mouth			
US-11	Warm Creek - source to mouth			
US-12	Teton River - Milk Creek to Canyon Creek	COLD SS	PCR	DWS SRW
US-13	Milk Creek - source to mouth			
US-14	Teton River - Felt Dam outlet to Milk Creek	COLD SS	PCR	DWS SRW

Unit	Waters	Aquatic Life	Recreation	Other
US-15	Teton River - Felt Dam pool			
US-16	Teton River - Highway 33 bridge to Felt Dam pool	COLD SS	PCR	DWS <u>SRW</u>
US-17	Teton River - Cache Bridge (NW ¼, NE ¼, Sec. 1, T5N, R44E) to Highway 33 bridge	COLD SS	PCR	DWS <u>SRW</u>
US-18	Packsaddle Creek - diversion (NE ¼ Sec. 8, T5N, R44E) to mouth			
US-19	Packsaddle Creek - source to diversion (NE ¼ Sec. 8, T5N, R44E)			
US-20	Teton River - Teton Creek to Cache Bridge NW ¼, NE ¼, Sec. 1, T5N, R44E)	COLD SS	PCR	DWS <u>SRW</u>
US-21	Horseshoe Creek - pipeline diversion (SE ¼, NW ¼, Sec. 27, T5N, R44E) to mouth			
US-22	Horseshoe Creek - source to pipeline diversion (SE ¼, NW ¼, Sec. 27, T5N, R44E)			
US-23	Twin Creek - source to mouth			
US-24	Mahogany Creek - pipeline diversion (NE ¼, Sec. 27, T4N, R44E) to mouth			
US-25	Mahogany Creek - source to pipeline diversion (NE ¼, Sec. 27, T4N, R44E)			
US-26	Teton River - Trail Creek to Teton Creek	COLD SS	PCR	DWS <u>SRW</u>
US-27	Henderson Creek - source to sink			
US-28	Teton River - confluence of Warm Creek and Drake Creek to Trail Creek	COLD SS	PCR	DWS <u>SRW</u>
US-29	Patterson Creek - pump diversion (SE ¼, Sec. 31, T4N, R44E) to mouth			
US-30	Patterson Creek - source to pump diversion (SE ¼, Sec. 31, T4N, R44E)			
US-31	Grove Creek - source to sink			
US-32	Drake Creek - source to mouth			
US-33	Little Pine Creek - source to mouth			
US-34	Warm Creek - source to mouth			
US-35	Trail Creek - Trail Creek pipeline diversion (SW ¼, SE ¼, Sec 19, T3N, R46E) to mouth			
US-36	Game Creek - diversion (SW ¼, SW ¼, Sec. 17, T3N, R46E) to mouth			
US-37	Game Creek - source to diversion (SW ¼, SW ¼, Sec. 17, T3N, R46E)			

Unit	Waters	Aquatic Life	Recreation	Other
US-38	Trail Creek - Idaho/Wyoming border to Trail Creek pipeline diversion (SW ¼, SE ¼, Sec 19, T3N, R46E)			
US-39	Moose Creek - Idaho/Wyoming border to mouth			
US-40	Fox Creek - SE ¼, SW ¼, Sec. 28, T4N, R45E to confluence with Teton River, including spring creek tributaries			
US-41	Fox Creek - North Fox Creek Canal (NW ¼, Sec 29 T4N, R46E) to SE ¼, SW ¼, Sec. 28, T4N, R45E			
US-42	Fox Creek - Idaho/Wyoming border to North Fox Creek Canal (NW ¼, Sec 29 T4N, R46E)			
US-43	Foster Creek spring creek complex - south to Fox Creek and north to Darby Creek			
US-44	Darby Creek - SW ¼, SE ¼, S10, T4N, R45E, to mouth, including spring creek tributaries			
US-45	Darby Creek - Idaho/Wyoming border to SW ¼, SE ¼, Sec. 10, T4N, R45E			
US-46	Dick Creek spring complex - south to Darby Creek and north to Teton Creek			
US-47	Teton Creek - Highway 33 bridge to mouth, including spring creek tributaries			
US-48	Teton Creek - Idaho/Wyoming border to Highway 33 bridge			
US-49	Driggs Springs spring creek complex - located between Teton Creek and Woods Creek			
US-50	Woods Creek - source to mouth, including spring creek tributaries and spring creek complex north of Woods Creek to latitude 43 degrees, 45.5 minutes north.			
US-51	Dry Creek - Idaho/Wyoming border to sinks (SE ¼, NE ¼, S12, T5N, R45E)			
US-52	South Leigh Creek - SE ¼, NE ¼, Sec. 1 T5N, R44E to mouth			
US-53	South Leigh Creek - Idaho/Wyoming border to SE ¼, NE ¼, Sec. 1 T5N, R44			
US-54	Spring Creek - North Leigh Creek to mouth			
US-55	North Leigh Creek - Idaho/Wyoming border to mouth			
US-56	Spring Creek - source to North Leigh Creek, including Spring Creek complex north of Spring Creek to latitude 43 degrees, 49.9 minutes north			
US-57	Badger Creek - spring (NW ¼, SW ¼, Sec. 26 T7N, R44E) to mouth			
US-58	Badger Creek - diversion (NW ¼, SW ¼, Sec. 9, T6N, R45E) to spring (NW ¼, SW ¼, Sec. 26 T7N, R44E)			

Unit	Waters	Aquatic Life	Recreation	Other
US-59	Badger Creek - source to diversion (NW ¼, SW ¼, Sec. 9, T6N, R45E)			
US-60	South Fork Badger Creek - diversion (NE ¼, NE ¼, Sec. 12, T6N, R45E) to mouth			
US-61	South Fork Badger Creek - Idaho/Wyoming border to diversion (NE ¼, NE ¼, Sec. 12, T6N, R45E)			
US-62	North Fork Badger Creek - Idaho/Wyoming border to mouth			
US-63	Bitch Creek - Swanner Creek to mouth			
US-64	Swanner Creek - Idaho/Wyoming border to mouth			
US-65	Bitch Creek - Idaho/Wyoming border to Swanner Creek			

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07. Willow Subbasin. The Willow Subbasin, HUC 17040205, is comprised of thirty-two (32) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Willow Creek - Ririe Reservoir Dam to Eagle Rock Canal	COLD SS	SCR	
US-2	Ririe Reservoir (Willow Creek)	COLD SS	PCR	DWS <u>SRW</u>
US-3	Blacktail Creek - source to Ririe Reservoir			
US-4	Willow Creek - Bulls Fork to Ririe Reservoir	COLD SS	PCR	DWS <u>SRW</u>
US-5	Willow Creek - Birch Creek to Bulls Fork	COLD SS	PCR	DWS <u>SRW</u>
US-6	Birch Creek - source to mouth			
US-7	Squaw Creek - source to mouth			
US-8	Willow Creek - Mud Creek to Birch Creek	COLD SS	PCR	DWS <u>SRW</u>
US-9	Mud Creek - source to mouth			
US-10	Sellars Creek - source to mouth			
US-11	Willow Creek - Crane Creek to Mud Creek	COLD SS	PCR	DWS <u>SRW</u>
US-12	Mill Creek - source to mouth			
US-13	Willow Creek - source to Crane Creek	COLD SS	PCR	DWS <u>SRW</u>
US-14	Crane Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
US-15	Long Valley Creek - source to mouth			
US-16	Grays Lake outlet - Hell Creek to mouth			
US-17	Grays Lake outlet - Homer Creek to Hell Creek			
US-18	Homer Creek - source to mouth			
US-19	Grays Lake outlet - Brockman Creek to Homer Creek			
US-20	Grays Lake outlet - Grays Lake to Brockman Creek			
US-21	Grays Lake			
US-22	Little Valley Creek - source to mouth			
US-23	Gravel Creek - source to mouth			
US-24	Brockman Creek - Corral Creek to mouth			
US-25	Brockman Creek - source to Corral Creek			
US-26	Corral Creek - source to mouth			
US-27	Sawmill Creek - source to mouth			
US-28	Lava Creek - source to mouth			
US-29	Hell Creek - source to mouth			
US-30	Bulls Fork - source to mouth			
US-31	Tex Creek - source to mouth			
US-32	Meadow Creek - source to Ririe Reservoir			

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08. American Falls Subbasin. The American Falls Subbasin, HUC 17040206, is comprised of twenty-six (26) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	American Falls Reservoir (Snake River)	COLD	PCR	DWS
US-2	Bannock Creek - source to American Falls Reservoir	COLD	SCR	
US-3	Starlight Creek - source to mouth			
US-4	Blind Spring - source to mouth			
US-5	Sunbeam Creek - source to mouth			
US-6	Moonshine Creek - source to mouth			
US-7	Sawmill Creek - source to mouth			
US-8	West Fork Bannock Creek - source to mouth			
US-9	Knox Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
US-10	Rattlesnake Creek - source to mouth			
US-11	Clifton Creek - source to mouth			
US-12	Midnight Creek - source to mouth			
US-13	Michaud Creek - source to mouth			
US-14	Ross Fork - Gibson Canal to American Falls Reservoir			
US-15	Ross Fork - Indian Creek to Gibson Canal			
US-16	Indian Creek - source to mouth			
US-17	South Fork Ross Fork - source to mouth			
US-18	Ross Fork - source to South Fork Ross Fork			
US-19	Clear Creek - source to American Falls Reservoir			
US-20	Spring Creek - source to American Falls Reservoir			
US-21	Big Jimmy Creek - source to American Falls Reservoir			
US-22	Snake River - river mile 791 (T01N, R37E, Sec. 10) to American Falls Reservoir	COLD SS	PCR	DWS
US-23	Jeff Cabin Creek - source to mouth			
US-24	McTucker Creek - source to American Falls Reservoir			
US-25	Little Hole Draw - source to American Falls Reservoir			
US-26	Pleasant Valley - source to American Falls Reservoir			

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09. Blackfoot Subbasin. The Blackfoot Subbasin, HUC 17040207, is comprised of thirty-one (31) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Blackfoot River - Fort Hall Main Canal diversion to mouth		SCR	
US-2	Blackfoot River - Blackfoot Reservoir Dam to Fort Hall Main Canal diversion	COLD SS	PCR	
US-3	Garden Creek - source to mouth			
US-4	Wood Creek - source to mouth			
US-5	Grave Creek - source to mouth			
US-6	Corral Creek - source to mouth			
US-7	Grizzly Creek - source to mouth			
US-8	Thompson Creek - source to mouth			
US-9	Blackfoot Reservoir	COLD	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
US-10	Blackfoot River - confluence of Lanes and Diamond Creeks to Blackfoot Reservoir	COLD SS	PCR	DWS <u>SRW</u>
US-11	Trail Creek - source to mouth			
US-12	Slug Creek - source to mouth			
US-13	Dry Valley Creek - source to mouth			
US-14	Maybe Creek - source to mouth			
US-15	Mill Canyon - source to mouth			
US-16	Diamond Creek - source to mouth			
US-17	Timothy Creek - source to mouth			
US-18	Lanes Creek - source to mouth			
US-19	Bacon Creek - source to mouth			
US-20	Browns Canyon Creek - source to mouth			
US-21	Chippy Creek - source to mouth			
US-22	Sheep Creek - source to mouth			
US-23	Angus Creek - source to mouth			
US-24	Wooley Valley - source to mouth			
US-25	Meadow Creek - source to Blackfoot Reservoir			
US-26	Brush Creek - source to mouth			
US-27	Rawlins Creek - source to mouth			
US-28	Miner Creek - source to mouth			
US-29	Cedar Creek - source to mouth			
US-30	Wolverine Creek - source to mouth			
US-31	Jones Creek - source to mouth			

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10. Portneuf Subbasin. The Portneuf Subbasin, HUC 17040208, is comprised of twenty-six (26) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Portneuf River - Marsh Creek to American Falls Reservoir	COLD SS	SCR	
US-2	City Creek - source to mouth			
US-3	Gibson Jack Creek - source to mouth			
US-4	Mink Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
US-5	Indian Creek - source to mouth			
US-6	Marsh Creek - source to mouth	COLD	SCR	
US-7	Walker Creek - source to mouth			
US-8	Bell Marsh Creek - source to mouth			
US-9	Goodenough Creek - source to mouth			
US-10	Garden Creek - source to mouth			
US-11	Hawkins Creek - Hawkins Reservoir Dam to mouth			
US-12	Hawkins Reservoir			
US-13	Hawkins Creek - source to Hawkins Reservoir			
US-14	Cherry Creek - source to mouth			
US-15	Birch Creek - source to mouth			
US-16	Portneuf River - Chesterfield Reservoir Dam to Marsh Creek	COLD SS	PCR	DWS <i>SRW</i>
US-17	Dempsey Creek - source to mouth			
US-18	Twentyfourmile Creek - source to mouth			
US-19	Chesterfield Reservoir			
US-20	Portneuf River - source to Chesterfield Reservoir	COLD SS	PCR	DWS <i>SRW</i>
US-21	Toponce Creek - source to mouth			
US-22	Pebble Creek - source to mouth			
US-23	Rapid Creek - source to mouth			
US-24	Pocatello Creek - confluence of North and South Fork Pocatello Creeks to mouth			
US-25	South Fork Pocatello Creek - source to mouth			
US-26	North Fork Pocatello Creek - source to mouth			

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11. Lake Walcot Subbasin. The Lake Walcot Subbasin, HUC 17040209, is comprised of thirteen (13) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Snake River - Heyburn/Burley Bridge (T10S, R23E, Sec.17) to Milner-Gooding Canal	WARM	PCR	
US-2	Snake River - Minidoka Dam to Heyburn/Burley Bridge (T10S, R23E, Sec.17)	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
US-3	Marsh Creek - source to mouth			
US-4	Lake Walcott (Snake River)	COLD	PCR	DWS
US-5	Snake River - Raft River to Lake Walcott	COLD	PCR	DWS
US-6	Snake River - Rock Creek to Raft River	COLD	PCR	DWS
US-7	Fall Creek - source to mouth			
US-8	Rock Creek - confluence of South and East Fork Rock Creeks to mouth	COLD SS	PCR	
US-9	South Fork Rock Creek - source to mouth			
US-10	East Fork Rock Creek - source to mouth			
US-11	Snake River - American Falls Reservoir Dam to Rock Creek	COLD	PCR	DWS
US-12	Warm Creek - source to mouth			
US-13	Craters of the Moon complex			

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12. Raft Subbasin. The Raft Subbasin, HUC 17040210, is comprised of twenty-three (23) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Raft River - Heglar Canyon Creek to mouth			
US-2	Raft River - Cassia Creek to Heglar Canyon Creek	COLD SS	PCR	
US-3	Cassia Creek - Conner Creek to mouth			
US-4	Conner Creek - source to mouth			
US-5	Cassia Creek - Clyde Creek to Conner Creek			
US-6	Clyde Creek - source to mouth			
US-7	Cassia Creek - source to Clyde Creek			
US-8	Raft River - Cottonwood Creek to Cassia Creek	COLD SS	PCR	
US-9	Cottonwood Creek - source to mouth			
US-10	Raft River - Unnamed Tributary (T15S, R26E, Sec. 24) to Cottonwood Creek	COLD SS	PCR	
US-11	Grape Creek - source to mouth			
US-12	Edwards Creek - source to mouth			
US-13	Raft River - Idaho/Utah border to Edwards Creek	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
US-14	Junction Creek - source to Idaho/Utah border			
US-15	Cottonwood Creek - source to Idaho/Utah border			
US-16	Clear Creek - Idaho/Utah border to mouth			
US-17	Kelsaw Canyon Creek - source to mouth			
US-18	Meadow Creek - source to mouth			
US-19	Sublett Creek - Sublett Reservoir Dam to mouth			
US-20	Sublett Reservoir			
US-21	Sublett Creek - source to Sublett Reservoir			
US-22	Lake Fork - source to Sublett Reservoir			
US-23	Heglar Canyon Creek - source to mouth			

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13. Goose Subbasin. The Goose Subbasin, HUC 17040211, is comprised of fourteen (14) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Big Cottonwood Creek - source to mouth			
US-2	Lower Goose Creek Reservoir	COLD SS	PCR	
US-3	Trapper Creek - from and including Squaw Creek to Lower Goose Creek Reservoir			
US-4	Trapper Creek - source to Squaw Creek			
US-5	Goose Creek - Beaverdam Creek to Lower Goose Creek Reservoir	COLD SS	PCR	
US-6	Beaverdam Creek - source to mouth			
US-7	Trout Creek - source to Idaho/Utah border			
US-8	Goose Creek - source to Idaho/Utah border	COLD SS	PCR	
US-9	Birch Creek - Idaho/Utah border to mouth			
US-10	Blue Hill Creek - source to mouth			
US-11	Cold Creek - source to mouth			
US-12	Birch Creek - source to mouth			
US-13	Mill Creek - source to mouth			
US-14	Land/Willow/Smith Creek complex			

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14. Upper Snake-Rock Subbasin. The Upper Snake-Rock Subbasin, HUC 17040212, is comprised of forty-one (41) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Snake River - Lower Salmon Falls to Clover Creek	COLD SS	PCR	
US-2	Big Pilgrim Gulch - source to mouth			
US-3	Cassia Gulch - source to mouth			
US-4	Tuana Gulch - source to mouth			
US-5	Snake River - Box Canyon Creek to Lower Salmon Falls	COLD SS	PCR	
US-6	Riley Creek - source to mouth	COLD SS	PCR	DWS SRW
US-7	Snake River - Rock Creek to Box Canyon Creek	COLD SS	PCR	
US-8	Deep Creek - High Line Canal to mouth	COLD SS	SCR	
US-9	Deep Creek - source to High Line Canal	COLD SS	SCR	
US-10	Mud Creek - Deep Creek Road (T09S, R14E) to mouth	COLD SS	SCR	
US-11	Mud Creek - source to Deep Creek Road (T09S, R14E)			
US-12	Cedar Draw - source to mouth	COLD SS	SCR	
US-13	Rock Creek -river mile 25 (T11S, R18E, Sec. 36) to mouth	COLD SS	SCR	
US-14	Cottonwood Creek - source to mouth	COLD	SCR	
US-15	McMullen Creek - source to mouth	COLD	SCR	
US-16	Rock Creek - Fifth Fork Rock Creek to river mile 25 (T11S, R18E, Sec. 36)	COLD SS	PCR	DWS SRW
US-17	Fifth Fork Rock Creek - source to mouth	COLD	SCR	
US-18	Rock Creek - source to Fifth Fork Rock Creek	COLD SS	PCR	DWS SRW
US-19	Snake River - Twin Falls to Rock Creek	COLD SS	PCR	
US-20	Snake River - Milner Dam to Twin Falls	COLD SS	PCR	
US-21	Murtaugh Lake			

Unit	Waters	Aquatic Life	Recreation	Other
US-22	Dry Creek - source to mouth	COLD SS	SCR	
US-23	West Fork Dry Creek - source to mouth			
US-24	East Fork Dry Creek - source to mouth	COLD	SCR	
US-25	Big Cottonwood Creek - source to mouth			
US-26	Wilson Lake Reservoir			
US-27	Vinyard Creek - Vinyard Lake to mouth	COLD	SCR	
US-28	Clear Lakes	COLD	SCR	
US-29	Banbury Springs		PCR	
US-30	Box Canyon Creek - source to mouth	COLD	SCR	
US-31	Thousand Springs	COLD	SCR	
US-32	Bickel Springs	COLD	SCR	
US-33	Billingsley Creek - source to mouth	COLD SS	PCR	DWS <i>SRW</i>
US-34	Clover Creek - Pioneer Reservoir Dam to mouth	COLD SS	PCR	
US-35	Pioneer Reservoir			
US-36	Clover Creek - source to Pioneer Reservoir	COLD SS	PCR	
US-37	Cottonwood Creek - source to mouth			
US-38	Catchall Creek - source to mouth			
US-39	Deer Creek - source to mouth			
US-40	Calf Creek - source to mouth	COLD	SCR	
US-41	Dry Creek - source to mouth	COLD	SCR	

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15. Salmon Falls Subbasin. The Salmon Falls Subbasin, HUC 17040213, is comprised of seventeen (17) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Salmon Falls Creek - Devil Creek to mouth	COLD SS	PCR	
US-2	Devil Creek - source to mouth			
US-3	Salmon Falls Creek - Salmon Falls Creek Dam to Devil Creek	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
US-4	Cedar Creek Reservoir			
US-5	House Creek - source to Cedar Creek Reservoir			
US-6	Cedar Creek - source to Cedar Creek Reservoir			
US-7	Salmon Falls Creek Reservoir	COLD SS	PCR	
US-8	China, Browns, Corral, Whiskey Slough, Player Creeks - source to Salmon Falls Creek Reservoir			
US-9	Salmon Falls Creek - Idaho/Nevada border to Salmon Falls Creek Reservoir	COLD SS	PCR	
US-10	North Fork Salmon Falls Creek - source to Idaho/Nevada border			
US-11	Shoshone Creek - Hot Creek to Idaho/Nevada border			
US-12	Hot Creek - Idaho/Nevada border to mouth			
US-13	Shoshone Creek - Cottonwood Creek to Hot Creek			
US-14	Big Creek - source to mouth			
US-15	Cottonwood Creek - source to mouth			
US-16	Shoshone Creek - source to Cottonwood Creek			

(4-5-00)

16. Beaver-Camas Subbasin. The Beaver-Camas Subbasin, HUC 17040214, is comprised of twenty-six (26) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Camas Creek - Beaver Creek to Mud Lake	COLD SS	PCR	
US-2	Camas Creek - Spring Creek to Beaver Creek	COLD SS	PCR	
US-3	Beaver Creek - canal (T09N, R36E) to mouth	COLD SS	PCR	DWS
US-4	Spring Creek - Dry Creek to mouth			
US-5	Dry Creek - source to mouth			
US-6	Ching Creek - source to mouth			
US-7	Camas Creek - confluence of West and East Camas Creeks to Spring Creek	COLD SS	PCR	
US-8	Crooked/Crab Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
US-9	Warm Creek - Cottonwood Creek to mouth and East Camas Creek - T13N, R39E, Sec. 20, 6400 ft. elevation to Camas Creek			
US-10	East Camas Creek - from and including Larkspur Creek to T13N, R39E, Sec. 20, 6400 ft. elevation			
US-11	East Camas Creek - source to Larkspur Creek			
US-12	West Camas Creek - Targhee National Forest Boundary (T13N, R38E) to Camas Creek			
US-13	West Camas Creek - source to Targhee National Forest Boundary (T13N, R38E)			
US-14	Beaver Creek - Dry Creek to canal (T09N, R36E)	COLD SS	PCR	DWS
US-15	Beaver Creek - Rattlesnake Creek to Dry Creek	COLD SS	PCR	DWS
US-16	Rattlesnake Creek - source to mouth			
US-17	Threemile Creek - source to mouth			
US-18	Beaver Creek - Miners Creek to Rattlesnake Creek	COLD SS	PCR	DWS
US-19	Miners Creek - source to mouth			
US-20	Beaver Creek - Idaho Creek to Miners Creek	COLD SS	PCR	DWS
US-21	Beaver Creek - source to Idaho Creek	COLD SS	PCR	DWS
US-22	Idaho Creek - source to mouth			
US-23	Pleasant Valley Creek - source to mouth			
US-24	Huntley Canyon Creek - source to mouth			
US-25	Dry Creek - source to mouth			
US-26	Cottonwood Creek complex			

(4-5-00)

17. Medicine Lodge Subbasin. The Medicine Lodge Subbasin, HUC 17040215, is comprised of twenty-two (22) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Mud Lake			
US-2	Medicine Lodge Creek - Indian Creek to playas	COLD SS	PCR	DWS <i>SRW</i>

Unit	Waters	Aquatic Life	Recreation	Other
US-3	Indian Creek - confluence of West and East Fork Indian Creeks to mouth			
US-4	East Fork Indian Creek - source to mouth			
US-5	West Fork Indian Creek - source to mouth	COLD SS	SCR	
US-6	Medicine Lodge Creek - Edie Creek to Indian Creek	COLD SS	PCR	DWS <i>SRW</i>
US-7	Middle Creek - Dry Creek to mouth			
US-8	Middle Creek - source to Dry Creek			
US-9	Dry Creek - source to mouth			
US-10	Edie Creek - source to mouth	COLD SS	SCR	
US-11	Medicine Lodge Creek - confluence of Warm and Fritz Creeks to Edie Creek	COLD SS	PCR	DWS <i>SRW</i>
US-12	Irving Creek - source to mouth	COLD SS	SCR	
US-13	Warm Creek - source to mouth	COLD SS	SCR	
US-14	Divide Creek - source to mouth			
US-15	Horse Creek - source to mouth			
US-16	Fritz Creek - source to mouth	COLD SS	SCR	
US-17	Webber Creek - source to mouth	COLD SS	SCR	
US-18	Deep Creek - source to mouth			
US-19	Blue Creek - source to mouth			
US-20	Warm Springs Creek - source to mouth			
US-21	Crooked Creek - source to mouth			
US-22	Chandler Canyon complex			

(4-5-00)()

18. Birch Subbasin. The Birch Subbasin, HUC 17040216, is comprised of sixteen (16) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Birch Creek - Reno Ditch to playas	COLD SS	PCR	DWS <i>SRW</i>

Unit	Waters	Aquatic Life	Recreation	Other
US-2	Birch Creek - Pass Creek to Reno Ditch	COLD SS	PCR	DWS SRW
US-3	Birch Creek - Unnamed Tributary (T11N, R11W, Sec. 35) to Pass Creek	COLD SS	PCR	DWS SRW
US-4	Unnamed Tributary - source to mouth; includes Timber Canyon to Worthing Canyon Creeks (T11N, R11W, Sec. 35)			
US-5	Birch Creek - confluence of Mud and Scott Canyon Creeks to Unnamed Tributary (T11N, R11W, Sec. 35)	COLD SS	PCR	DWS SRW
US-6	Scott Canyon Creek - source to mouth			
US-7	Mud Creek - Willow Creek to Scott Canyon Creek	COLD SS	PCR	DWS SRW
US-8	Cedar Gulch and Irish Canyon - source to mouth			
US-9	Willow Creek - source to mouth			
US-10	Mud Creek - Unnamed Tributary (T12N, R11W, Sec. 29) to Willow Creek			
US-11	Mud Creek - source to Unnamed Tributary (T12N, R11W, Sec. 29)			
US-12	Unnamed Tributary - source to mouth (T12N, R11W, Sec. 29)			
US-13	Meadow Canyon Creek - source to mouth			
US-14	Rocky Canyon Creek - source to mouth			
US-15	Pass Creek - source to mouth			
US-16	Eightmile Canyon Creek - source to mouth			

(4-5-00)()

19. Little Lost Subbasin. The Little Lost Subbasin, HUC 17040217, is comprised of twenty-nine (29) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Little Lost River - canal (T06N, R28E) to playas	COLD SS	PCR	
US-2	Little Lost River - Big Spring Creek to canal (T06N, R28E)	COLD SS	PCR	
US-3	Big Spring Creek - source to mouth			
US-4	North Creek - source to mouth			
US-5	Uncle Ike Creek - source to mouth			
US-6	Unnamed Tributaries - source to mouth (T08N, R28E)			

Unit	Waters	Aquatic Life	Recreation	Other
US-7	Little Lost River - Badger Creek to Big Spring Creek	COLD SS	PCR	
US-8	Badger Creek - source to mouth			
US-9	Little Lost River - Wet Creek to Badger Creek	COLD SS	PCR	
US-10	Little Lost River - confluence of Summit and Sawmill Creeks to Wet Creek	COLD SS	PCR	
US-11	Deep Creek - source to mouth			
US-12	Sawmill Creek - Warm Creek to mouth			
US-13	Warm Creek - source to mouth			
US-14	Sawmill Creek - confluence of Timber Creek and Main Fork to Warm Creek			
US-15	Squaw Creek - source to mouth			
US-16	Bear Creek - source to mouth			
US-17	Main Fork - source to mouth			
US-18	Timber Creek - source to mouth			
US-19	Summit Creek - source to mouth			
US-20	Dry Creek - Dry Creek Canal to mouth			
US-21	Dry Creek - source to Dry Creek Canal			
US-22	Wet Creek - Squaw Creek to mouth			
US-23	Squaw Creek - source to mouth			
US-24	Wet Creek - source to Squaw Creek			
US-25	Deer Creek - source to mouth			
US-26	Taylor Canyon Creek - source to mouth			
US-27	Cabin Fork Creek - source to mouth			
US-28	Hurst Creek - source to mouth			
US-29	Unnamed Tributary - source to mouth (T5N, R29E, Sec. 04 and 09)			

(4-5-00)

20. Big Lost Subbasin. The Big Lost Subbasin, HUC 17040218, is comprised of sixty-one (61) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Big Lost River Sinks (playas) and Dry Channel	COLD SS	PCR	DWS SRW

Unit	Waters	Aquatic Life	Recreation	Other
US-2	Big Lost River - Spring Creek to Big Lost River Sinks (playas)	COLD SS	PCR	DWS <i>SRW</i>
US-3	Spring Creek - Lower Pass Creek to Big Lost River			
US-4	Big Lost River - Antelope Creek to Spring Creek	COLD SS	PCR	DWS <i>SRW</i>
US-5	King, Lime Kiln, Ramshorn, and Anderson Canyon Creek - source to mouth			
US-6	Lower Pass Creek - source to mouth			
US-7	Big Lost River - Alder Creek to Antelope Creek	COLD SS	PCR	DWS <i>SRW</i>
US-8	Elbow, Jepson, Clark, Maddock, and Jaggles Canyon Creek - source to mouth			
US-9	Pass Creek - source to mouth			
US-10	Big Lost River - Beck and Evan Ditch to Alder Creek	COLD SS	PCR	DWS <i>SRW</i>
US-11	Big Lost River - McKay Reservoir Dam to Beck and Evan Ditch	COLD SS	PCR	DWS <i>SRW</i>
US-12	McKay Reservoir	COLD SS	PCR	DWS <i>SRW</i>
US-13	Big Lost River - Jones Creek to McKay Reservoir	COLD SS	PCR	DWS <i>SRW</i>
US-14	Jones Creek - source to mouth			
US-15	Big Lost River - Thousand Springs Creek to Jones Creek	COLD SS	PCR	DWS <i>SRW</i>
US-16	Thousand Springs Creek - source to mouth			
US-17	Lone Cedar Creek - source to mouth			
US-18	Cedar Creek - source to mouth			
US-19	Rock Creek - source to mouth			
US-20	Willow Creek - source to mouth			
US-21	Arentson Gulch and Unnamed Tributaries - source to mouth (T10N, R22E)			
US-22	Sage Creek - source to mouth			
US-23	Parsons Creek - T8N, R22E, Sec. 24, point of perennial flow north of road to Mackay Reservoir			
US-24	Big Lost River - Burnt Creek to Thousand Springs Creek	COLD SS	PCR	DWS <i>SRW</i>
US-25	Big Lost River - Summit Creek to and including Burnt Creek	COLD SS	PCR	DWS <i>SRW</i>

Unit	Waters	Aquatic Life	Recreation	Other
US-26	Bridge Creek - source to mouth			
US-27	North Fork Big Lost River - source to mouth			
US-28	Summit Creek - source to mouth			
US-29	Kane Creek - source to mouth			
US-30	Wildhorse Creek - Fall Creek to mouth			
US-31	Wildhorse Creek - source to Fall Creek			
US-32	Fall Creek - source to mouth			
US-33	East Fork Big Lost River - Cabin Creek to mouth			
US-34	Fox Creek - source to mouth			
US-35	Star Hope Creek - Lake Creek to mouth			
US-36	Star Hope Creek - source to Lake Creek			
US-37	Muldoon Canyon Creek - source to mouth			
US-38	Lake Creek - source to mouth			
US-39	East Fork Big Lost River - source to Cabin Creek			
US-40	Cabin Creek - source to mouth			
US-41	Corral Creek - source to mouth			
US-42	Boone Creek - source to mouth			
US-43	Warm Springs Creek - source to mouth			
US-44	Navarre Creek - source to mouth			
US-45	Alder Creek - source to mouth			
US-46	Antelope Creek - Spring Creek to mouth			
US-47	Antelope Creek - Dry Fork Creek to Spring Creek			
US-48	Spring Creek - source to mouth			
US-49	Cherry Creek - confluence of Left Fork Cherry and Lupine Creeks to mouth			
US-50	Lupine Creek - source to mouth			
US-51	Left Fork Cherry Creek - source to mouth			
US-52	Antelope Creek - Iron Bog Creek to Dry Fork Creek			
US-53	Bear Creek - source to mouth			
US-54	Iron Bog Creek - confluence of Left and Right Fork Iron Bog Creeks to mouth			
US-55	Right Fork Iron Bog Creek - source to mouth			
US-56	Left Fork Iron Bog Creek - source to mouth			
US-57	Antelope Creek - source to Iron Bog Creek			

Unit	Waters	Aquatic Life	Recreation	Other
US-58	Leadbelt Creek - source to mouth			
US-59	Dry Fork Creek - source to mouth			
US-60	South Fork Antelope Creek - Antelope Creek to mouth			
US-61	Hammond Spring Creek complex			

(4-5-00)()

21. Big Wood Subbasin. The Big Wood Subbasin, HUC 17040219, is comprised of thirty (30) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Malad River - confluence of Black Canyon Creek and Big Wood River to mouth	COLD SS	PCR	
US-2	Big Wood River - Magic Reservoir Dam to mouth	COLD SS	PCR	
US-3	Magic Reservoir	COLD	PCR	
US-4	Big Wood River - Seamans Creek to Magic Reservoir	COLD SS	PCR	DWS SRW
US-5	Seamans Creek - Slaughterhouse Creek to mouth			
US-6	Seamans Creek - source to and including Slaughterhouse Creek			
US-7	Big Wood River - North Fork Big Wood River to Seamans Creek	COLD SS	PCR	DWS SRW
US-8	Quigley Creek - source to mouth			
US-9	Indian Creek - source to mouth			
US-10	East Fork Wood River - Hyndman Creek to mouth			
US-11	East Fork Wood River - source to Hyndman Creek			
US-12	Hyndman Creek - source Creek to mouth			
US-13	Trail Creek - Corral Creek to mouth			
US-14	Trail Creek - source to and including Corral Creek			
US-15	Lake Creek - source to mouth			
US-16	Eagle Creek - source to mouth			
US-17	North Fork Big Wood River - source to mouth			
US-18	Big Wood River - source to North Fork Big Wood River	COLD SS	PCR	DWS SRW
US-19	Boulder Creek - source to mouth			
US-20	Prairie Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
US-21	Baker Creek - source to mouth			
US-22	Fox Creek - source to mouth			
US-23	Warm Springs Creek - Thompson Creek to mouth			
US-24	Warm Springs Creek - source to and including Thompson Creek			
US-25	Greenhorn Creek - source to mouth			
US-26	Deer Creek - source to mouth			
US-27	Croy Creek - source to mouth			
US-28	Rock Creek - source to mouth			
US-29	Thorn Creek - source to mouth			
US-30	Black Canyon Creek - source to mouth			

(4-5-00)()

22. Camas Subbasin. The Camas Subbasin, HUC 17040220, is comprised of twenty-seven (27) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Camas Creek - Elk Creek to Magic Reservoir	COLD SS	PCR	
US-2	Camp Creek - source to mouth			
US-3	Willow Creek - Beaver Creek to mouth			
US-4	Beaver Creek - source to mouth			
US-5	Willow Creek - source to Beaver Creek			
US-6	Elk Creek - source to mouth			
US-7	Camas Creek - Solider Creek to Elk Creek	COLD SS	PCR	
US-8	Deer Creek - Big Deer Creek to mouth			
US-9	Deer Creek - source to and including Big Deer Creek			
US-10	Powell Creek - source to mouth			
US-11	Soldier Creek - Wardrop Creek to mouth			
US-12	Soldier Creek - source to and including Wardrop Creek			
US-13	Camas Creek - Corral Creek to Soldier Creek	COLD SS	PCR	
US-14	Threemile Creek - source to mouth			
US-15	Corral Creek - confluence of East Fork and West Fork Corral Creeks to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
US-16	East Fork Corral Creek - source to mouth			
US-17	West Fork Corral Creek - source to mouth			
US-18	Camas Creek - source to Corral Creek	COLD SS	PCR	
US-19	Chimney Creek - source to mouth			
US-20	Negro Creek - source to mouth			
US-21	Wildhorse Creek - source to mouth			
US-22	Malad River - source to mouth			
US-23	Mormon Reservoir			
US-24	Dairy Creek - source to Mormon Reservoir			
US-25	McKinney Creek - source to Mormon Reservoir			
US-26	Spring Creek Complex			
US-27	Kelly Reservoir			

(4-5-00)

23. Little Wood Subbasin. The Little Wood Subbasin, HUC 17040221, is comprised of twenty-three (23) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Little Wood River - Richfield (T04S, R19E, Sec. 25) to mouth	COLD	PCR	
US-2	Little Wood River - Carey Lake outlet to Richfield (T04S, R19E, Sec. 25)	COLD SS	PCR	
US-3	Little Wood River - West Canal (north) to West Canal (south)	COLD SS	PCR	
US-4	Carey Lake outlet			
US-5	Carey Lake			
US-6	Fish Creek - Fish Creek Reservoir Dam to mouth			
US-7	Fish Creek Reservoir			
US-8	Fish Creek - source to Fish Creek Reservoir			
US-9	West Fork Fish Creek - source to Fish Creek Reservoir			
US-10	Little Wood River - Little Wood River Reservoir Dam to Carey Lake Outlet	COLD SS	PCR	
US-11	Little Fish Creek - source to mouth			
US-12	Little Wood River Reservoir	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
US-13	Little Wood River - Muldoon Creek to Little Wood River Reservoir	COLD SS	PCR	
US-14	Muldoon Creek -source to mouth			
US-15	South Fork Muldoon Creek - Friedman Creek to mouth			
US-16	South Fork Muldoon Creek - source to Friedman Creek			
US-17	Friedman Creek - Trail Creek to mouth			
US-18	Trail Creek - source to mouth			
US-19	Friedman Creek - source to Trail Creek			
US-20	Little Wood River - source to Muldoon Creek	COLD SS	PCR	
US-21	Baugh Creek - source to mouth			
US-22	Dry Creek - source to mouth			
US-23	Silver Creek - source to mouth	COLD SS	PCR	DWS <i>SRW</i>

(4-5-00)()

151. -- 159. (RESERVED)

160. BEAR RIVER BASIN.

Surface waters found within the Bear River basin total six (6) subbasins and are designated as follows: (4-5-00)

01. Central Bear Subbasin. The Central Bear Subbasin, HUC 16010102, is comprised of eight (8) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
B-1	Bear River - Idaho/Wyoming border to railroad bridge (T14N, R45E, Sec. 21)	COLD SS	PCR	
B-2	Pegram Creek - source to mouth			
B-3	Thomas Fork - Idaho/Wyoming border to mouth	COLD SS	PCR	
B-4	Raymond Creek - Idaho/Wyoming border to mouth; and the Hollows - source to mouth			
B-5	Dry Creek - source to mouth	COLD SS	SCR	
B-6	Preuss Creek - source to mouth	COLD SS	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
B-7	Salt Creek - source to Idaho/Wyoming border	COLD SS	SCR	
B-8	Sheep Creek - source to mouth			

(4-5-00)

02. Bear Lake Subbasin. The Bear Lake Subbasin, HUC 16010201, is comprised of twenty-five (25) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
B-1	Alexander Reservoir (Bear River)	COLD SS	PCR	
B-2	Bear River -railroad bridge (T14N, R45E, Sec. 21) to Alexander Reservoir	COLD SS	PCR	
B-3	Bailey Creek - source to mouth	COLD SS	SCR	
B-4	Eightmile Creek - source to mouth	COLD SS	SCR	
B-5	Pearl Creek - source to mouth	COLD SS	SCR	
B-6	Stauffer Creek - source to mouth	COLD SS	SCR	
B-7	Skinner Creek - source to mouth	COLD SS	SCR	
B-8	Co-op Creek - source to mouth	COLD SS	SCR	
B-9	Ovid Creek - confluence of North and Mill Creek to mouth			
B-10	North Creek - source to mouth	COLD SS	PCR	
B-11	Mill Creek - source to mouth	COLD SS	PCR	
B-12	Bear Lake Outlet - Lifton Station to Bear River	COLD SS	PCR	DWS SRW
B-13	Paris Creek - source to mouth	COLD SS	PCR	
B-14	Bloomington Creek - source to mouth	COLD SS	PCR	DWS SRW
B-15	Spring Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
B-16	Little and St. Charles Creeks - source to Bear Lake	COLD SS	PCR	<i>SRW</i>
B-17	Dry Canyon Creek - source to mouth			
B-18	Bear Lake	COLD SS	PCR	DWS <i>SRW</i>
B-19	Fish Haven Creek - source to Bear Lake	COLD SS	PCR	<i>SRW</i>
B-20	Montpelier Creek - source to mouth			
B-21	Snowslide Creek - source to mouth	COLD SS	SCR	
B-22	Georgetown Creek - source to mouth	COLD SS	PCR	DWS <i>SRW</i>
B-23	Soda Creek - Soda Creek Reservoir Dam to Alexander Reservoir		SCR	
B-24	Soda Creek Reservoir		SCR	
B-25	Soda Creek - source to Soda Creek Reservoir		SCR	

(4-11-06)()

03. Middle Bear Subbasin. The Middle Bear Subbasin, HUC 16010202, is comprised of twenty-one (21) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
B-1	Spring Creek - source to Idaho/Utah border			
B-2	Cub River - US Hwy 91 Bridge (T16S, R40E, Sec. 20) to Idaho/Utah border	COLD	SCR	
B-3	Cub River - from and including Sugar Creek to US Hwy 91 Bridge (T16S, R40E, Sec. 20)	COLD	PCR	
B-4	Cub River - source to Sugar Creek	COLD SS	PCR	DWS <i>SRW</i>
B-5	Worm Creek - source to Idaho/Utah border	COLD	SCR	
B-6	Bear River - Oneida Narrows Reservoir Dam to Idaho/Utah border	COLD SS	PCR	
B-7	Mink Creek - source to mouth	COLD SS	PCR	
B-8	Oneida Narrows Reservoir	COLD SS	PCR	
B-9	Bear River - Alexander Reservoir Dam to Oneida Narrows Reservoir	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
B-10	Williams Creek - source to mouth			
B-11	Trout Creek - source to mouth			
B-12	Whiskey Creek - source to mouth			
B-13	Densmore Creek - source to mouth			
B-14	Cottonwood Creek - source to Oneida Narrows Reservoir			
B-15	Battle Creek - source to mouth	COLD	SCR	
B-16	Twin Lakes Reservoir			
B-17	Oxford Slough			
B-18	Swan Lake Creek Complex			
B-19	Fivemile Creek - source to mouth			
B-20	Weston Creek - source to mouth			
B-21	Jenkins Hollow - source to Idaho/Utah border			

(4-5-00)()

04. Little Bear-Logan Subbasin. The Little Bear-Logan Subbasin, HUC 16010203, is comprised of two (2) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
B-1	Beaver Creek - source to Idaho/Utah border			
B-2	Logan River - source to Idaho/Utah border			

(4-5-00)

05. Lower Bear-Malad Subbasin. The Lower Bear-Malad Subbasin, HUC 16010204, is comprised of thirteen (13) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
B-1	Malad River - Little Malad River to Idaho/Utah border	COLD	SCR	
B-2	Devil Creek - Devil Creek Reservoir Dam to mouth			
B-3	Devil Creek Reservoir			
B-4	Devil Creek - source to Devil Creek Reservoir			
B-5	Deep Creek - Deep Creek Reservoir Dam to mouth			
B-6	Deep Creek Reservoir			
B-7	Deep Creek - source to Deep Creek Reservoir			

Unit	Waters	Aquatic Life	Recreation	Other
B-8	Little Malad River - Daniels Reservoir Dam to mouth	COLD	PCR	
B-9	Daniels Reservoir			
B-10	Wright Creek - source to Daniels Reservoir	COLD SS	PCR	
B-11	Dairy Creek - source to mouth			
B-12	Malad River - source to Little Malad River	COLD	PCR	DWS
B-13	Samaria Creek - source to mouth			

(4-5-00)

06. Curlew Valley Subbasin. The Curlew Valley Subbasin, HUC 16020309, is comprised of three (3) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
B-1	Deep Creek - Rock Creek to Idaho/Utah border	COLD	PCR	DWS
B-2	Deep Creek - source to Rock Creek	COLD	PCR	DWS
B-3	Rock Creek - source to mouth			

(4-5-00)

(BREAK IN CONTINUITY OF SECTIONS)

278. LOWER BOISE RIVER SUBBASIN, HUC 17050114 SUBSECTION 1540.12.

01. Boise River, SW-1 and SW-5 -- Salmonid Spawning and Dissolved Oxygen. The waters of the Boise River from Veterans State Park to its mouth will have dissolved oxygen concentrations of six (6) mg/l or seventy-five percent (75%) of saturation, whichever is greater, during the spawning period of salmonid fishes inhabiting those waters. (3-15-02)

~~**02. Indian Creek, SW-3b, Mason Creek, SW-6, and Sand Hollow Creek, SW-17 -- Modified Aquatic Life Use.** All numeric criteria applicable to the seasonal cold water aquatic life use apply with the exception of dissolved oxygen. Dissolved oxygen concentrations are to exceed four (4) mg/l at all times. (3-15-02)~~

~~**03. Fifteenmile Creek, SW-7, Tenmile Creek, SW-8, and Five Mile Creek, SW-10 -- Modified Aquatic Life Use.** All numeric criteria applicable to the seasonal cold water aquatic life use apply. (3-15-02)~~

042. Boise River, SW-5 and SW-11a -- Copper and Lead Aquatic Life Criteria. The

water-effect ratio (WER) values used in the equations in Subsection 210.02 for calculating copper and lead CMC and CCC values shall be two and five hundred seventy-eight thousandths (2.578) for dissolved copper and two and forty-nine thousandths (2.049) for lead. These site-specific criteria shall apply to the Boise River from the Lander St. wastewater outfall to where the channels of the Boise River become fully mixed downstream of Eagle Island. (5-3-03)

(BREAK IN CONTINUITY OF SECTIONS)

350. RULES GOVERNING NONPOINT SOURCE ACTIVITIES.

01. Implementation Policy. (7-1-93)

a. Nonpoint sources are the result of activities essential to the economic and social welfare of the state. The a real extent of most nonpoint source activities prevents the practical application of conventional wastewater treatment technologies. Nonpoint source pollution management, including best management practices, is a process for protecting the designated beneficial uses and ambient water quality. Best management practices should be designed, implemented and maintained to provide full protection or maintenance of beneficial uses. Violations of water quality standards which occur in spite of implementation of best management practices will not be subject to enforcement action. However, if subsequent water quality monitoring and surveillance by the Department, based on the criteria listed in Sections 200, 210, 250, 251, 252, and 253, indicate water quality standards are not met due to nonpoint source impacts, even with the use of current best management practices, the practices will be evaluated and modified as necessary by the appropriate agencies in accordance with the provisions of the Administrative Procedure Act. If necessary, injunctive or other judicial relief may be initiated against the operator of a nonpoint source activity in accordance with the Director's authorities provided in Section 39-108, Idaho Code. In certain cases, revision of the water quality standards may be appropriate. (4-5-00)

b. As provided in Subsections 350.01.a. and 350.02.a. for nonpoint source activities, failure to meet general or specific water quality criteria, or failure to fully protect a beneficial use, shall not be considered a violation of the water quality standards for the purpose of enforcement. Instead, water quality monitoring and surveillance of nonpoint source activities will be used to evaluate the effectiveness of best management practices in protecting beneficial uses as stated in Subsections 350.01.a. and 350.02.b. (12-31-91)

02. Limitation to Nonpoint Source Restrictions. Nonpoint source activities will be subject to the following: (7-1-93)

a. Except as provided in Subsections 350.02.b. and 350.02.c., so long as a nonpoint source activity is being conducted in accordance with applicable rules, regulations and best management practices as referenced in Subsection 350.03, or in the absence of referenced applicable best management practices, conducted in a manner that demonstrates a knowledgeable and reasonable effort to minimize resulting adverse water quality impacts, the activity will not be subject to conditions or legal actions based on Subsections ~~400.01.b. or~~ 080.01. In all cases, if it is

determined by the Director that imminent and substantial danger to the public health or environment is occurring, or may occur as a result of a nonpoint source by itself or in combination with other point or nonpoint source activities, then the Director may seek immediate injunctive relief to stop or prevent that danger as provided in Section 39-108, Idaho Code. ~~(7-1-93)~~()

b. If the Director determines through water quality monitoring and surveillance that water quality criteria are not being met, or that beneficial uses are being impaired as a result of a nonpoint source activity by itself or in combination with other point and nonpoint source activities then: (3-3-87)

i. For an activity occurring in a manner not in accordance with approved best management practices, or in a manner which does not demonstrate a knowledgeable and reasonable effort to minimize resulting adverse water quality impacts, the Director may with appropriate inter-Departmental coordination. (3-3-87)

(1) Prepare a compliance schedule as provided in Section 39-116, Idaho Code; and/or (2-2-83)

(2) Institute administrative or civil proceedings including injunctive relief under Section 39-108, Idaho Code. (3-3-87)

ii. For activities conducted in compliance with approved best management practices, or conducted in a manner which demonstrates knowledgeable and reasonable effort to minimize resulting adverse water quality impacts, the Director may, with appropriate inter-Departmental coordination: (3-3-87)

(1) For those activities with approved best management practices as listed in Subsection 350.03 formally request that the responsible agency conduct a timely evaluation and modification of the practices to insure full protection of beneficial uses. (12-31-91)

(2) For all other nonpoint source activities which do not have approved best management practices as listed in Subsection 350.03, develop and recommend to the operator control measures necessary to fully protect the beneficial uses. Such control measures may be implemented on a voluntary basis, or where necessary, through appropriate administrative or civil proceedings. (12-31-91)

(3) If, in a reasonable and timely manner the approved best management practices are not evaluated or modified by the responsible agency, or if the appropriate control measures are not implemented by the operator, then the Director may seek injunctive relief to prevent or stop imminent and substantial danger to the public health or environment as provided in Section 39-108, Idaho Code. (3-3-87)

c. The Director may review for compliance project plans for proposed nonpoint source activities, based on whether or not the proposed activity will fully maintain or protect beneficial uses as listed in Sections 200, 250, 251, 252, and 253. In the absence of relevant criteria in those Sections, the review for compliance will be based on whether or not the proposed activity: (4-5-00)

- i. Will comply with approved or specialized best management practices; and (3-3-87)
- ii. Provides a monitoring plan which, when implemented, will provide information to the Director adequate to determine the effectiveness of the approved or specialized best management practices in protecting the beneficial uses of water; and (3-3-87)
- iii. Provides a process for modifying the approved or site-specific best management practices in order to protect beneficial uses of water. (3-3-87)
- d. For projects determined not to comply with those requirements, the plan may be revised and resubmitted for additional review by the Department. Any person aggrieved by a final determination of the Director may, within thirty (30) days, file a written request for a hearing before the Board in accordance with the Idaho Administrative Procedures Act. In all cases, implementation of projects detailed in a plan shall be conducted in a manner which will not result in imminent and substantial danger to the public health or environment. (3-3-87)

03. Approved Best Management Practices. The following are approved best management practices for the purpose of Subsection 350.02: (12-31-91)

- a. “Rules Pertaining to the Idaho Forest Practices Act,” IDAPA 20.02.01, as adopted by Board of Land Commissioners; (12-31-91)
- b. Idaho Department of Environmental Quality Rules, IDAPA 58.01.06, “Solid Waste Management Rules and Standards”; (7-1-93)
- c. Idaho Department of Environmental Quality Rules, IDAPA 58.01.03, “Individual/Subsurface Sewage Disposal Rules”; (7-1-93)
- d. “Stream Channel Alteration Rules,” IDAPA 37.03.07, as adopted by the Board of Water Resources; (7-1-93)
- e. For the Spokane Valley Rathdrum Prairie Aquifer, “Rathdrum Prairie Sewage Disposal Regulations,” as adopted by the Panhandle District Health Department Board of Health and approved by the Idaho Board of Environmental Quality; (7-1-93)
- f. “Rules Governing Exploration, Surface Mining, and Closure of Cyanidation Facilities,” IDAPA 20.03.02, as adopted by the Board of Land Commissioners; and (7-1-93)
- g. “Dredge and Placer Mining Operations in Idaho,” IDAPA 20.03.01, as adopted by the Board of Land Commissioners. (7-1-93)
- h. “Rules Governing Dairy Waste,” IDAPA 02.04.14, as adopted by the Department of Agriculture. (3-20-97)

351. -- 399. (RESERVED).

400. RULES GOVERNING POINT SOURCE DISCHARGES.

01. Implementation Policy. (7-1-93)

a. As provided for in Subsection 080.01, and Sections 200, 210, 250, 251, 252, 253, 275, and 400 for point source discharges, failure to meet general or specific water quality criteria is a violation of the water quality standards. (4-5-00)

~~**b.** Except as noted in Section 400, no new point source can discharge pollutants, and no existing point source can increase its discharge of pollutants above the design capacity of its existing wastewater treatment facility, to any water designated as a special resource water or to a tributary of, or to the upstream segment of a special resource water; if pollutants significant to the designated beneficial uses can or will result in a reduction of the ambient water quality of the receiving special resource water as measured immediately below the applicable mixing zone.~~ (8-24-94)

eb. No unauthorized discharge from a point source shall occur to waters of the state. (4-11-06)

02. Limitations to Point Source Restrictions. (7-1-93)

~~**a.** So long as a point source discharge or wastewater treatment facility is regulated by the terms and conditions of an authorization pursuant to Subsection 080.02, a Board order, decree or compliance schedule, or a valid NPDES permit issued by the EPA, the discharge or facility will not be subject to additional restrictions or conditions based on Subsections 080.01, or 400.01.b. and Sections 200, 210, 250, 251, 252, and 253.~~ (4-11-06)()

~~**b.** The restrictions set forth in Subsection 400.01.b. are modified as follows: New point sources can discharge, and existing point sources can increase its discharge above the design capacity of its existing wastewater treatment facility, resulting in increases in water temperatures and fluoride concentrations up to levels needed to protect designated beneficial uses in the Boise River between the bridge at Broadway Avenue and River Mile 50 (through Veteran's State Park).~~ (4-5-00)

03. Compliance Schedules for Water Quality-Based Effluent Limitations.
Discharge permits for point sources may incorporate compliance schedules which allow a discharger to phase in, over time, compliance with water quality-based effluent limitations when new limitations are in the permit for the first time. (3-15-02)

04. Wetlands Used for Wastewater Treatment. (8-24-94)

a. Waters contained within wetlands intentionally created from non-wetland sites for the purpose of wastewater or stormwater treatment, and operated in compliance with NPDES permit conditions, shall not be subject to the application of general water quality-based or site-specific criteria and standards. (8-24-94)

b. Waters contained within wetlands intentionally created from non-wetland sites for the purpose of treatment of nonpoint sources of pollution, and operated in compliance with best management practices, shall not be subject to the application of general water quality-based or

site specific criteria and standards. (8-24-94)

c. Discharges from treatment systems described in Sections 400.04.a. and 400.04.b. to waters of the state are subject to all applicable rules and requirements governing such discharges. (8-24-94)

05. Flow Tiered NPDES Permit Limitations. Discharge permits for point sources discharging to waters exhibiting unidirectional flow may incorporate tiered limitations for conventional and toxic constituents at the discretion of the department. (8-24-94)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.04 - RULES FOR ADMINISTRATION OF WASTEWATER TREATMENT FACILITY GRANTS

DOCKET NO. 58-0104-1001

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 2012 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-first 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. This rule was adopted as a temporary rule by the Board in April 2011 and is currently effective.

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 Chapters 1 and 36, Title 39, 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, June 1, 2011, Vol. 11-6, pages 79 through 92](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0104-1001-pending> or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: There is no federal law or regulation comparable to IDAPA 58.01.04, "Rules for Administration of Wastewater Treatment Facility Grants." Therefore, the rule does regulate an activity not regulated by the federal government but is not broader in scope or more stringent than federal law.

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 Tim Wendland at tim.wendland@deq.idaho.gov or (208)373-0439.

Dated this 13th day of October, 2011.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
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(208)373-0418/Fax No. (208)373-0481
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**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE TEMPORARY
AND PROPOSED RULE**

EFFECTIVE DATE: The temporary rule is effective **April 26, 2011.**

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226(1), Idaho Code, notice is hereby given that the Board of Environmental Quality has adopted a temporary rule and the Department of Environmental Quality is commencing proposed rulemaking. This rulemaking action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency.

Written requests for a hearing must be received by the undersigned on or before June 15, 2011. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to revise the priority rating criteria for the wastewater planning grants to closely match the Clean Water State Revolving Fund (SRF) loan criteria, address the need to reduce the obligation to conduct an environmental study in those cases in which a grant recipient will not immediately pursue federal aid for construction, and update the cost eligibility criteria to achieve consistency. The change to make the environmental study optional will reduce costs for grant recipients in their preparation of facility planning studies by making the environmental study aspect of facility planning optional. Additionally, this rulemaking will bring the Wastewater Planning Grant Program into closer alignment with related DEQ programs (the Clean Water SRF Program and the Drinking Water Planning Grant Program).

This temporary/proposed rule includes the following:

Priority rating criteria for the wastewater planning grants have been revised to closely match the Clean Water SRF loan criteria.

The requirement to produce an environmental study as part of a planning document has been made optional.

Cost eligibility criteria have been updated to achieve consistency.

This rule also includes revisions that are typographical and nonsubstantive in nature (e.g., revisions made for consistency with other sections in this rule chapter and other DEQ rules).

Prospective grant and loan recipients, consulting engineers, grant and loan

administrators, and other funding agencies may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in October 2011 for adoption of a pending rule. The pending rule is expected to become final and effective upon adjournment of the 2012 legislative session if adopted by the Board and approved by the Legislature.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c),

Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in that the rule confers a benefit. Adoption of this temporary rule confers a benefit to the citizens of the state of Idaho in that it reduces costs for grant recipients and makes the program more efficient.

IDAHO CODE SECTION 39-107D STATEMENT: There is no federal law or regulation comparable to IDAPA 58.01.04, "Rules for Administration of Wastewater Treatment Facility Grants." Therefore, the proposed rule does regulate an activity not regulated by the federal government but is not broader in scope or more stringent than federal law.

NEGOTIATED RULEMAKING: The text of the rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Section 67-5220, Idaho Code, and IDAPA 58.01.23.810-815. On October 6, 2010, the Notice of Negotiated Rulemaking was published in the [Idaho Administrative Bulletin, Vol. 10-10, pages 613 through 614](#), and a preliminary draft rule was made available for public review. A meeting was held on October 26, 2010. Members of the public participated in this negotiated rulemaking process by attending the meeting and by submitting written comments. A record of the negotiated rule drafts, written public comments received, and documents distributed during the negotiated rulemaking process is available at http://www.deq.idaho.gov/rules/wastewater_grants/58_0104_1001_temporary_proposed.cfm.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

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 AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the negotiated rulemaking, contact Tim Wendland at (208)373-0439 or tim.wendland@deq.idaho.gov.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before June 29, 2011.

DATED this 26th day of April, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0104-1001

001. TITLE AND SCOPE.

01. Title. These rules will be known and cited as Idaho Department of Environmental Quality Rules, IDAPA 58.01.04, "Rules for Administration of Wastewater Treatment Facility Grants." (5-3-03)

02. Scope. The provisions of these rules will establish administrative procedures and requirements for establishing, implementing and administering a state grant program for providing financial assistance to qualifying entities to prepare ~~an engineering report or facility plan~~ a wastewater treatment facility planning document. (4-2-08)()

(BREAK IN CONTINUITY OF SECTIONS)

007. DEFINITIONS.

For the purpose of the rules contained in this chapter, the following definitions apply: (12-31-91)

01. Applicant. Any qualifying entity making application for wastewater treatment facility grant funds. (5-3-03)

02. Board. The Idaho Board of Environmental Quality. (4-2-08)

03. Categorical Exclusion (CE). Category of actions which do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental information document nor an environmental impact statement is required. (4-2-08)

04. Collector Sewer. That portion of the wastewater treatment facility whose primary purpose is to receive sewage from individual residences and other individual public or private structures and which is intended to convey wastewater to an interceptor sewer or a treatment plant. (3-15-85)

05. Department. The Idaho Department of Environmental Quality. (1-3-78)

06. Director. The Director of the Idaho Department of Environmental Quality or the Director's designee. (4-2-08)

07. Domestic Wastewater. Wastewater derived from public or private residences,

business buildings or institutions and similar establishments and which contains water and human body wastes, specifically excreta and urine, along with such products designed to come in contact with excreta and urine in the practice of personal hygiene. (3-15-85)

08. Eligible Costs. Costs which are necessary for planning, and/or designing wastewater treatment facilities. To be eligible, costs must also be reasonable and not ineligible costs. The determination of eligible costs shall be made by the Department pursuant to Section 041. (4-2-08)

~~**09. Engineering Report.** A report that addresses specific portions of the system(s) as they are being contemplated for design. These reports address specific purpose and scope, design requirements, a comparison of wastewater treatment facility alternative solutions and identify the cost effective and environmentally sound alternative. Engineering reports are generally project specific as opposed to an overall system wide plan such as a master plan or a facility plan. An engineering report shall be prepared by or under the supervision of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal. Guidance on how to prepare an engineering report may be found in the Handbook. (4-2-08)~~

~~**10. Environmental Impact Statement (EIS).** A document prepared by the applicant when the Department determines that the proposed wastewater project will significantly affect the environment. The major purpose of the EIS will be to describe fully the significant impacts of the project and how these impacts can be either avoided or mitigated. The Environmental Review Procedures contained in Chapter 5 of the Handbook may be used as guidance when preparing the EIS. (4-2-08)~~

~~**11. Environmental Information Document (EID).** Any written environmental assessment prepared by ~~an the~~ applicant ~~or consultant~~ describing the environmental impacts of a proposed wastewater **construction** project. This document will be of sufficient scope to enable the ~~responsible official~~ **Department** to assess the environmental impacts of the proposed project and ultimately determine if an environmental impact statement (EIS) is warranted. (4-2-08)()~~

~~**12. Facility Plan.** A plan that describes the overall system, including the collection system, the treatment system, and the disposal system. It is a comprehensive planning document for the existing infrastructure and includes the plan for the future of the systems, including upgrades and additions. The plan also includes a systematic evaluation of feasible alternatives considering demographic, topographic, hydrologic and institutional characteristics of a project area to demonstrate that the selected alternative is cost effective and environmentally sound. A facility plan is sometimes referred to as a master plan or facilities planning study and is an overall system wide plan as opposed to a project specific plan. A facility plan shall be prepared by or under the supervision of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal. Guidance on how to prepare a facility plan may be found in the Handbook. (4-2-08)~~

~~**13. Finding of No Significant Impact (FONSI).** A document prepared by the Department ~~briefly~~ presenting the reasons why an action, not otherwise excluded, will not have a significant effect on the human environment and for which an environmental impact statement (EIS) will not be prepared. It shall include the environmental information document or a summary of it and shall note any other environmental documents related to it. (4-2-08)()~~

- 12.** Grant Recipient. An applicant who has been awarded a grant. ()
- 143.** **Handbook.** “Wastewater Facilities Loan Handbook of Procedures.” (5-3-03)
- 154.** **Ineligible Costs.** Costs which are ~~described in Subsection 041.05~~ not eligible for funding pursuant to these rules. ~~(4-2-08)~~()
- 165.** **Interceptor Sewer.** That portion of the wastewater treatment facility whose primary purpose is to transport domestic sewage or nondomestic wastewater from collector sewers to a treatment plant. (3-15-85)
- 176.** **National Pollutant Discharge Elimination System.** Point source permitting program established pursuant to Section 402 of the federal Clean Water Act (33 U.S.C. Section 1342). (5-3-03)
- 187.** **Nondomestic Wastewater.** Wastewaters originating primarily from industrial or commercial processes which carry little or no pollutants of human origin. (1-1-82)
- 198.** ~~O & M~~ Operation and Maintenance Manual. A guidance and training manual delineating the optimum operation and maintenance of the wastewater treatment facility or its components. ~~(10-6-88)~~()
- ~~2019.~~ **Person.** An individual, corporation, company, association, partnership, state agency, municipality, or federal agency (and includes officers, employees, and agents of any corporation, company, association, state agency, municipality, or federal agency). (4-2-08)
- 20.** Planning Document. A document which describes the condition of a public wastewater system and presents a cost effective and environmentally sound alternative to achieve or maintain regulatory compliance. Engineering reports and facility plans are examples of such planning documents. The planning documents shall be prepared by or under the responsible charge of an Idaho licensed professional engineer and shall bear the imprint of the engineer’s seal. Requirements for planning documents prepared using grant funds are provided in Section 030 of these rules and in the Handbook. ()
- 21.** **Point Source.** Any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are, or may be discharged. This term does not include return flows from irrigated agriculture, discharges from dams and hydroelectric generating facilities or any source or activity considered a nonpoint source by definition. (5-3-03)
- 22.** **Pollutant.** Any chemical, biological, or physical substance whether it be solid, liquid, gas, or a quality thereof, which if released into the environment can, by itself or in combination with other substances, create a nuisance or render that environment harmful, detrimental, or injurious to public health, safety or welfare or to domestic, commercial, industrial, recreational, aesthetic or other beneficial uses. (3-15-85)

23. Priority List. A list of proposed projects rated by severity as described in Section 020. (5-3-03)

24. Qualifying Entity. Any county, city, special service district, nonprofit corporation, or other governmental entity, or a combination thereof, having authority to collect, treat or dispose of wastewater. (4-2-08)

25. Rehabilitation. The repair or replacement of limited segments of interceptor or collector sewers. (1-3-78)

26. Reserve Capacity. That portion of the treatment works that is designed and incorporated in the constructed facilities to handle future sewage flows and loadings. (1-1-82)

27. Sewer Use Ordinance/Sewer Use Resolution. An ordinance or resolution which requires new sewers and connections to be properly designed and constructed, prohibits extraneous sources of inflow and prohibits introduction of wastes into the sewer in an amount that endangers the public safety or the physical or operational integrity of the wastewater treatment facility. (4-2-08)

28. State. The state of Idaho. (3-15-85)

29. Suspension. An action by the Director to suspend a grant contract prior to project completion for a specified cause. Suspended contracts may be reinstated. (10-6-88)

30. Sustainability. Sustainability will include efforts for energy and water conservation, extending the life of capital assets, green building practices, and other environmentally innovative approaches to infrastructure repair, replacement and improvement. ()

301. Termination. An action by the Director to permanently terminate a grant contract prior to project completion for a specific cause. Terminated contracts will not be reinstated. (10-6-88)

312. Treatment Plant. That portion of the wastewater treatment facility whose primary purpose is to remove pollutants from domestic and nondomestic wastewater. (3-15-85)

323. User Charge System. A system of rates and service charges applicable to specific types of users, including any legal enforcement mechanism as may be required, and which provides sufficient reserves and/or revenues for debt retirement, operation and maintenance, and replacement of the wastewater treatment facility. (4-2-08)

334. Wastewater. A combination of the liquid and water-carried wastes from dwellings, commercial buildings, industrial plants, institutions and other establishments, together with any groundwater, surface water and storm water that may be present; liquid and water that is physically, chemically, biologically, or rationally identifiable as containing excreta, urine, pollutants or domestic or commercial wastes; sewage. (3-15-85)

345. Wastewater Treatment Facility. Any facility, including land, equipment,

furnishings and appurtenances thereof, for the purpose of collecting, treating, neutralizing or stabilizing wastewater and removing pollutants from wastewater including the treatment plant, collectors, interceptors, outfall and outlet sewers, pumping stations, sludge treatment and handling systems and land disposal systems. (10-6-88)

008. -- 019. (RESERVED).

020. PRIORITY RATING SYSTEM.

Projects are identified for placement on priority lists by surveying eligible entities directly on an annual basis. Information is also received from the Department and consulting engineers. Grant funds are awarded to projects based on priority ratings. Projects are rated by the Department on a standard priority rating form using public health, sustainability, and water quality criteria. (4-2-08)()

01. Purpose. A priority rating system shall be utilized by the Department to annually allot available funds to water quality projects determined eligible for funding assistance in accordance with these rules. (5-3-03)()

02. Priority Rating. The priority rating system shall be based on a weighted numerical points system ~~wherein each succeeding prevention, control or abatement need is weighted less heavily than the preceding need.~~ Priority criteria, ~~listed herein in descending numerical weight,~~ shall contain the following points: (3-15-85)()

a. Public health emergency or hazard certified by the Idaho Board of Environmental Quality, the Department, a District Health Department, or by a District Board of Health - one hundred fifty (150) points. (4-2-08)()

b. ~~Documented public health hazard identified by a District Health Department or the Department fifteen (15) points.~~ Regulatory compliance issues (e.g., noncompliance and resulting legal actions relating to infrastructure deficiencies at a wastewater facility) – up to one hundred (100) points. (4-2-08)()

c. ~~Special resource water protection needs documented by the Department for waters identified in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, “Water Quality Standards” fifteen (15) points.~~ Watershed restoration (e.g., implementation of best management practices or initiation of construction at wastewater collection and treatment facilities as part of an approved total maximum daily load plan, implementation of nonpoint source management actions in protection of a threatened water, or is part of a special water quality effort) – up to one hundred (100) points. (4-2-08)()

d. ~~Potential public health hazard and/or water quality impact:~~ Watershed protection from impacts (e.g., improvement of beneficial use(s) in a given water body, evidence of community support, or recognition of the special status of the affected water body) – up to one hundred (100) points. (1-1-87)()

i. ~~Potential public health hazard which is suspected but may not be documented by District Boards of Health or the Department three (3) or five (5) or seven (7) points.~~ (3-15-85)

~~ii. Potential water quality impacts other than public health which may affect the intended use of surface or groundwaters as identified in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, "Water Quality Standards" three (3) or five (5) or seven (7) points. (3-15-85)~~

~~e. The points in Subsections 020.02.d.i. and 020.02.d.ii. shall be selected based on the proportion of the population in contact with the pollutant, or the quantity of wastewater discharged in relation to the volume of the receiving water, or the relation of the pollutant quantity to other pollutant sources. Preventing impacts to uses (nonpoint source pollution projects) – up to one hundred (100) points. (12-31-91)()~~

~~f. Sustainability efforts (e.g., prospective efforts at energy conservation, water conservation, extending the life of capital assets, green building practices, and other environmentally innovative approaches to infrastructure repair, replacement and improvement) – up to fifty (50) points. ()~~

~~g. Affordability (current system user charges exceed state affordability guidelines) -- ten (10) points. ()~~

~~03. Rating Forms. Rating criteria for Subsection 020.02 is set forth in a rating form that is available in the Handbook. ()~~

~~034. Priority List. A list shall be developed annually from projects rated according to Subsection 020.02. Such list shall be submitted for public review and comment, and shall thereafter be submitted to the Board for approval. (5-3-03)()~~

~~04a. Priority Reevaluation. Whenever significant changes occur, which in the Department's judgment would affect the design parameters or treatment requirements by either increasing or decreasing the need for or scope of any basis for or the need for the planning project, a reevaluation of that priority rating will be conducted. (3-15-85)()~~

~~05b. Priority Target Date. A qualifying entity whose project is on the approved list An eligible applicant whose project is on the approved priority list, and for which funding is available, will be contacted by the Department and a target date for submission of a completed grant application will be established. (5-3-03)()~~

~~06c. Project Bypass. A project that does not or will not meet the project target date or a Department schedule that allows for timely utilization of grant funds may be bypassed, substituting in its place the next highest ranking project(s) that are ready to proceed. An qualifying entity eligible applicant that is bypassed will be notified in writing of the reasons for being bypassed. (4-2-08)()~~

~~05. Amendment of Priority List. The Director may amend the Priority List as set forth in Section 081 of these rules. ()~~

021. -- 029. (RESERVED).

030. PROJECT SCOPE AND FUNDING.

Grant funds awarded under this program will be used entirely to prepare ~~an engineering report or facility plan which identifies~~ a wastewater treatment facility planning document. The planning document will identify the cost effective and environmentally sound ~~wastewater system~~ alternative to achieve or maintain compliance with IDAPA 58.01.16, "Wastewater Rules," and the federal Clean Water Act, 33 U.S.C. Sections ~~1251~~ 1381 et seq., ~~and which is approvable~~ The planning document must be approved by the Department. (4-2-08)()

01. ~~Engineering Report or Facility~~ Planning Document. (4-2-08)()

a. A planning document shall include all items required by IDAPA 58.01.16, "Wastewater Rules," Subsection 411.03 or 410.04. Should the grant recipient proceed to construction using federal funds (e.g., a state revolving fund loan), then the items listed in Subsection 030.01.b. of these rules shall be required prior to construction. ()

b. A planning document that is prepared anticipating the use of federal funds shall include an environmental review that will require the Department approval of both a draft and final planning document. ()

ai. ~~The engineering report or facility plan shall be certified by an Idaho licensed professional engineer. The engineering report or facility plan shall include, as a minimum,~~ draft planning document shall include all items required by 58.01.16 "Wastewater Rules," Subsection 411.03 or 410.04, as well as the following: (4-2-08)()

~~i.~~(1) Description of existing conditions for the proposed project area; (4-2-08)

~~ii.~~(2) Description of future conditions for the proposed project area; (4-2-08)

~~iii.~~(3) Development and initial screening of alternatives; and (4-2-08)()

(4) Development of an environmental review specified by the Department as described in Section 042. ()

ii. The final planning document shall include all items required of the draft planning document as well as the following: ()

~~iv.~~(1) Final screening of principal alternatives and plan adoption; (4-2-08)

~~v.~~(2) Selected plan description and implementation arrangements; and (4-2-08)()

~~vi.~~(3) Relevant engineering data supporting the final alternative; ~~and.~~ (4-2-08)()

~~vii.~~ Level of environmental review specified by the Department as described in Section 042. (4-2-08)

iii. The grant recipient shall provide an opportunity for the public to comment on the draft planning document. The public comment period shall be held after alternatives have been developed and the Department has approved the draft planning document. The grant recipient shall provide written notice of the public comment period and hold at least one (1) public meeting

within the jurisdiction of the grant recipient during the public comment period. At the public meeting, the draft planning document shall be presented by the grant recipient with an explanation of the alternatives identified. The cost effective and environmentally sound alternative selected shall consider public comments received from those affected by the proposed project. After the public meeting and public comment period, the final alternative will be selected and the Environmental Information Document may be prepared. ()

c. The draft and final planning document shall bear the imprint of an Idaho licensed professional engineer's seal that is both signed and dated by the engineer. ()

bd. The ~~engineering report or facility plan~~ draft and final planning documents must be reviewed and approved by the Department. (4-2-08)()

ee. The planning period shall be twenty (20) years for all facilities except for conveyance systems which may be forty (40) years. (4-2-08)

~~**d.** At least one (1) public hearing shall be held within the jurisdiction of the grantee and shall be conducted in accordance with state law. The cost effective and environmentally sound alternative selected shall be based in part on public comments received from intended users affected by the proposed project. (4-2-08)~~

02. Limitation on Funding Assistance. The maximum grant funding provided in a state planning grant award shall not exceed fifty percent (50%) of the total eligible costs for grants awarded. (4-2-08)

~~**031. LIMITATION ON PRE-GRANT ENGINEERING REVIEWS.**~~

~~Pre-grant engineering documents prepared by consulting engineers will be reviewed by Department staff only when accompanied by a certificate that the consulting engineer carries professional liability insurance in accordance with Subsection 050.05.d. (5-3-03)~~

~~**0321. -- 039. (RESERVED).**~~

040. REVIEW AND EVALUATION OF GRANT APPLICATIONS.

01. Submission of Application. Those eligible systems which received high priority ranking shall be invited to submit an application. The applicant shall submit to the Department, a completed application in a form as prescribed by the Department. (5-3-03)

02. Application Requirements. Applications shall contain the following documentation as applicable: (5-3-03)

a. An authorizing resolution passed by a majority of the governing body authorizing an elected official or officer of the qualifying entity to commit funding; and (5-3-03)

b. Contracts for engineering services or other technical services, and the description of costs and tasks set forth therein shall be in sufficient detail for the Department to determine whether the costs associated with the tasks are eligible costs pursuant to Section 041. (5-3-03)

c. ~~Engineering Report or Facility~~ **Planning Document**. Plan of study describing the work tasks to be performed in the ~~Engineering report or facility~~ **planning document**, a schedule for completion of the work tasks and an estimate of ~~man~~ **staff** hours and costs to complete the work tasks. (4-2-08)()

d. Design: (4-2-08)

i. ~~Engineering report or facility~~ **Planning document**; and (4-2-08)()

ii. Intermunicipal service agreements between all qualifying entities within the scope of the project, if applicable. (4-2-08)

e. Justification for the engineering firm selected. An engineering firm selected by the applicant must at a minimum: (5-3-03)

i. Be procured through the selection guidelines and procedures prescribed under Section 67-2320, Idaho Code; and (5-3-03)

ii. Be a registered professional engineer currently licensed by the Idaho Board of Professional Engineers and Land Surveyors; and (5-3-03)

iii. Not be debarred or otherwise prevented from providing services under another federal or state financial assistance program; and (5-3-03)

iv. Be covered by professional liability insurance in accordance with Subsection 050.05.d. A certification of liability insurance shall be included in the application. (5-3-03)

f. A description of other costs, not included in the contracts for engineering or other technical services, for which the applicant seeks funding. The description of the costs and tasks for such costs must be in sufficient detail for the Department to determine whether the costs are eligible costs pursuant to Section 041. (5-3-03)

g. A demonstration that the obligation to pay the costs for which funding is requested, is the result or will be the result of the applicant's compliance with applicable competitive bidding requirements and requirements for professional service contracts, including without limitation, the requirements set forth in Sections 67-2801 et seq., 67-2320, 59-1026, and 42-3212, Idaho Code. (4-2-08)

h. A statement regarding how the non-grant portion of the project will be funded. (5-3-03)

03. Determination of Completeness of Application. Applications will be reviewed to determine whether they contain all of the information required by Subsection 040.02. (5-3-03)

04. Notification of Incompleteness of Application. Written notification if an application is incomplete, including an explanation of missing documentation, will be sent to the applicant. The applicant may provide the missing documentation. (5-3-03)

05. Reapplication for Grant. The action of disapproving, recalling or terminating a grant in no way precludes or limits the former applicant from reapplying for another grant when project deficiencies are resolved and project readiness is secured, provided the applicant remains on the approved priority list. (10-6-88)

041. DETERMINATION OF ELIGIBILITY OF COSTS.

The Department shall review the application, including any contracts required to be submitted with the application, to determine whether the costs are eligible costs for funding. (5-3-03)

01. Eligible Costs. Eligible costs are those determined by the Department to be: (5-3-03)

a. Necessary ~~for planning or designing wastewater treatment facilities~~ costs; ~~(4-2-08)~~()

b. Reasonable costs; and ~~(5-3-03)~~()

c. Costs that are not ineligible as described in Subsection 041.05. (4-2-08)

02. Necessary Costs. The Department shall determine whether costs are necessary by comparing the tasks for which the costs will be incurred to the scope of the project as described in the plan of study for facility planning, the ~~facility plan or engineering report~~ **planning document** for design of wastewater treatment facilities, and any other relevant information in the application that describes the scope of the project to be funded. ~~(4-2-08)~~()

03. Reasonable Costs. Costs shall be determined by the Department to be reasonable if the obligation to pay the costs is the result of or will be the result of the applicant's compliance with applicable competitive bidding requirements and requirements for professional service contracts, including without limitation, the requirements set forth in Sections 67-2801 et seq., 67-2320, 59-1026, and 42-3212, Idaho Code. (4-2-08)

04. Examples of Costs That May Be Eligible. Examples of costs that may be eligible, if determined necessary, reasonable and not ineligible costs include: (5-3-03)

a. Costs of salaries, benefits, and expendable material the qualified entity incurs in the project except ordinary operating expenses such as salaries and expenses of a mayor, city council members or a city attorney; (4-2-08)

b. Contracts for professional and consulting services; (4-2-08)

c. Planning directly related to the water pollution control projects; (5-3-03)

d. Sewer system evaluations; (5-3-03)

e. Financial and management capability analysis; (5-3-03)

f. Preparation of construction drawings, specifications, estimates, and construction contract documents; (5-3-03)

- g. Public participation for alternative selection; (5-3-03)
 - h. Development of user charge and financial management systems; (5-3-03)
 - i. Development of sewer use ordinance or resolution; (4-2-08)
 - j. Staffing plans and budget development; (5-3-03)
 - k. Certain direct and other costs as determined eligible by the Department; (5-3-03)
 - ~~l. Costs of assessing and defending contractor claims determined unmeritorious by the Department; (5-3-03)~~
 - ~~m.~~ **m.** Costs of complying with the federal Clean Water Act, 33 U.S.C Sections 1251 et seq., loan requirements applied to specific projects; and (4-2-08)
 - ~~n.~~ **n.** Site acquisition services which could include legal fees, appraisals and surveys for land associated with the cost-effective alternative in the report and ~~for land~~ for purchase ~~through future State Revolving Fund loan funding~~ **from a willing seller.** (4-2-08)()
- 05. Ineligible Project Costs.** Costs which are ineligible for funding include, but are not limited to: (5-3-03)
- a. Basin or area wide planning not directly related to the project; (5-3-03)
 - b. Personal injury compensation or damages arising out of the project; (5-3-03)
 - c. Fines or penalties due to violations of, or failure to comply with, federal, state, or local laws; (5-3-03)
 - d. Costs outside the scope of the approved project; (5-3-03)
 - e. Ordinary operating expenses such as salaries and expenses of a mayor, city council members, city attorney, or district personnel costs and acquiring project funding; and (4-2-08)
 - f. Cost of refinancing existing indebtedness. (5-3-03)
 - g. Costs incurred prior to award of the grant unless specifically approved in writing as eligible pre- award costs by the Department.** ()

06. Notification Regarding Eligible Costs. Prior to providing a grant offer, the Department shall notify the applicant that certain costs are not eligible for funding and the reasons for the Department's determination. If such costs are included in the engineering contract, the Department shall also provide notification to the engineer. The applicant may provide the Department additional information in response to the notice. (5-3-03)

07. Eligible Costs and the Grant Offer. The grant offer shall reflect those costs

determined by the Department to be eligible costs. The grant offer, however, may include estimates of some eligible costs that have not yet been set. Actual eligible costs may differ from such estimated costs set forth in the grant offer. In addition, grant disbursements may be increased or decreased if eligible costs are modified as provided in Section 060. (4-2-08)

042. ENVIRONMENTAL REVIEW.

01. Environmental Documentation. The ~~applicant shall~~ **grant recipient may** complete an environmental review as part of and in conjunction with ~~an engineering report or a facility plan~~ **a planning document**. Guidance on how to complete an environmental review may be found in Chapter 5 of the Handbook. ~~The applicant shall consult with~~ **If the grant recipient prepares an environmental review, then** the Department **shall be consulted** at an early stage in the preparation of the ~~engineering report or facility~~ **planning document** to determine the required level of environmental review. Based on review of existing information and assessment of environmental impacts, the ~~applicant shall~~ **grant recipient may** complete one (1) of the following; ~~per the Department's instruction:~~ (4-2-08)()

a. Submit a request for Categorical Exclusion (CE) with supporting backup documentation as specified by the Department; (4-2-08)

b. Prepare an Environmental Information Document (EID) in a format specified by the Department; or (4-2-08)

c. Prepare an Environmental Impact Statement (EIS) in a format specified by the Department. (4-2-08)

02. Categorical Exclusion. If the ~~applicant~~ **grant recipient** requests a CE, the Department shall review the request and, based upon the supporting documentation, take one (1) of the following actions: (4-2-08)()

a. Determine if an action is consistent with categories eligible for exclusion whereupon the Department shall issue a notice of CE from further substantive environmental review. Once the CE is granted for the selected alternative, the Department shall publish a notice of CE in a local newspaper, following which the ~~engineering report or facility~~ **planning document** can be approved; or (4-2-08)()

b. Determine if the action is not consistent with categories eligible for exclusion and that issuance of a CE is not appropriate. If issuance of a CE is not appropriate, the Department shall notify the ~~applicant~~ **grant recipient** of the need to prepare an EID. (4-2-08)()

03. Environmental Information Document Requirements. When an EID is required, the ~~applicant~~ **grant recipient** shall prepare the EID in accordance with the following Department procedures: (4-2-08)()

a. Various laws and executive orders related to environmentally sensitive resources shall be considered as the EID is prepared. Appropriate state and federal agencies shall be consulted regarding these laws and executive orders. (4-2-08)

b. A full range of relevant impacts, both direct and indirect, of the proposed project shall be discussed in the EID, including measures to mitigate adverse impacts, cumulative impacts, and impacts that shall cause irreversible or irretrievable commitment of resources. (4-2-08)

c. The Department shall review the draft EID and either request additional information about one (1) or more potential impacts, or draft a “finding of no significant impact” (FONSI). (4-2-08)

04. Final Finding of No Significant Impact. The Department shall publish the draft FONSI in a newspaper of general circulation in the geographical area of the proposed project and shall allow a minimum thirty (30) day public comment period. Following the required period of public review and comment, and after any public concerns about project impacts are addressed, the FONSI shall become final. The Department shall assess the effectiveness and feasibility of mitigation measures identified in the FONSI and EID prior to the issuance of the final FONSI and approval of the ~~engineering report or facility plan~~ **ning document**. (4-2-08)()

05. Environmental Impact Statement (EIS) Requirements. If an EIS is required, the ~~applicant~~ **grant recipient** shall: (4-2-08)()

a. Contact all affected state agencies, and other interested parties, to determine the required scope of the document; (4-2-08)

b. Prepare and submit a draft EIS to all interested agencies, and other interested parties, for review and comment; (4-2-08)

c. Conduct a public ~~hearing~~ **meeting** which may be **held** in conjunction with ~~an engineering report or facility plan hearing~~ **a planning document meeting**; and (4-2-08)()

d. Prepare and submit a final EIS incorporating all agency and public input for Department review and approval. (4-2-08)

06. Final EIS. Upon completion of the EIS by the ~~applicant~~ **grant recipient** and approval by the Department of all requirements listed in Subsection 042.05, the Department shall issue a record of decision, documenting the mitigative measures which shall be required of the ~~applicant~~ **grant recipient**. The ~~engineering report or facility plan~~ **ning document** can be completed once the final EIS has been approved by the Department. (4-2-08)()

07. Use of Environmental Reviews Conducted by Other Agencies. If an environmental review for the project has been conducted by another state, federal, or local agency, the Department may, at its discretion, issue its own determination by adopting the document and public notification process of the other agency. (4-2-08)

08. Validity of Review. Environmental reviews, **once completed by the Department**, are valid for five (5) years **from the date of completion**. If a grant application is received for a project with an environmental review which is more than five (5) years old, the Department shall reevaluate the project, environmental conditions, and public comments and shall: ~~(5-3-03)~~()

a. Reaffirm the earlier decision; or (5-3-03)

b. Require supplemental information to the earlier Environmental Impact Statement, Environmental Information Document, or request for Categorical Exclusion. Based upon a review of the updated document, the Department shall issue and distribute a revised notice of Categorical Exclusion, finding of no significant impact, or record of decision. (5-3-03)

043. -- 049. (RESERVED).

050. GRANT OFFER AND ACCEPTANCE.

01. Grant Offer. Grant offers will be delivered to successful applicants by representatives of the Department or by registered mail. (3-15-85)

02. Acceptance of Grant Offer. Applicants have sixty (60) days in which to officially accept the grant offer on prescribed forms furnished by the State. The sixty (60) day acceptance period commences from the date indicated on the grant offer notice. If the applicant does not accept the grant offer within the sixty (60) day period the grant funds may be offered to the next project of priority. (4-2-08)

03. Acceptance Executed as a Contract Agreement. Upon signature by the Director or the Director's designee as the grantor, and upon signature by the authorized representative of the qualifying entity, as the *grantee grant recipient*, the grant offer shall become a grant contract agreement. The disbursement of funds pursuant to an agreement is subject to a finding by the Director that the *grantee grant recipient* has complied with all agreement conditions and has prudently managed the project. The Director may, as a condition of payment, require that a *grantee grant recipient* vigorously pursue any claims it has against third parties who will be paid in whole or in part, directly or indirectly, with grant funds or transfer its claim against such third parties to the Department. Grant contract agreements shall be interpreted according to the law of grants in aid. No third party shall acquire any rights against the State or its employees from a grant contract agreement. (~~3-15-85~~)()

04. Estimate of Reasonable Cost. Each grant project contract will include the eligible cost of the project. Some eligible costs may be estimated and the grant payments may be increased or decreased as provided in Section 060. (5-3-03)

05. Terms of Agreement. The grant offer shall contain terms of agreement as prescribed by the Department including, but not limited to: (3-15-85)

a. Terms consistent with ~~this chapter~~ *these rules* and consistent with the *Step covered by scope of the grant offer project*; and (~~12-31-91~~)()

b. Special clauses as determined necessary by the Department for the successful investigation, design, and management of the project; and (4-2-08)

c. Terms consistent with applicable state and federal laws pertaining to *engineering reports or facility plans planning documents*, and design; and (~~4-2-08~~)()

d. Requirement for the prime engineering firm(s) retained for engineering services to carry professional liability insurance to protect the public from the engineer's negligent acts and errors of omission of a professional nature. The total aggregate of the engineer's professional liability shall be one hundred thousand dollars (\$100,000) or twice the amount of the engineer's fee, whichever is greater. Professional liability insurance must cover all such services rendered for all project steps, whether or not such services or steps are state funded, until the certification of project performance is accepted by the Department. (4-2-08)

e. The project documents shall be in accordance with the current edition of Idaho Standards for Public Works Construction (ISPWC) unless the *grantee grant recipient* otherwise has approved and adopted acceptable public works construction standards approved by the Department. (~~4-2-08~~)()

051. -- 059. (RESERVED).

060. PAYMENTS.

01. Payments for State Grants. Requests for payment will be submitted to the Department on a form provided by the Department. The Department will pay for those costs that are determined to be eligible. (5-3-03)

02. Limitations on Advance Payments. Advanced payment will not be made on a project unless a written request from the *grantee grant recipient* for a waiver is approved by the Board. (~~10-6-88~~)()

03. Grant Increases. Grant amendment increase requests as a result of an increase in eligible project costs will be considered, provided funds are available. Documentation and justification supporting the unavoidable need for a grant increase must be submitted to the Department for approval prior to incurring any costs above the approved eligible cost ceiling. (3-15-85)

04. Increases for Bid Underestimates. Increases for bid underestimates may be considered for grant increase; however, errors of omission or engineering consultant errors will not be considered. (10-6-88)

05. Grant Decreases. If the actual eligible cost is determined to be lower than the estimated eligible cost the grant amount will be reduced proportionately. (3-15-85)

06. Final Project Review to Determine Actual Eligible Costs. The Department may conduct a final project review to determine the actual eligible costs. The financial records of the *grantee grant recipient* may be reviewed by the Department. (~~4-2-08~~)()

07. Final Payment. The final payment consisting of five percent (5%) of the total state grant will not be made until the ~~project review has been completed or deferred, or after final approval of the engineering, or completion of the environmental review process~~ requirements contained in the grant agreement have been satisfied. (~~4-2-08~~)()

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-1101

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 2012 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-first 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 Chapters 44 and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e) and Section 39-4404, Idaho Code, require DEQ to adopt amendments to federal law as proposed under this docket.

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 3, 2011, Vol. 11-8, pages 285 through 291](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0105-1101-pending 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 John Brueck, john.brueck@deq.idaho.gov, (208)373-0458.

Dated this 10th day of November, 2011.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
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THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. The action is authorized by Chapters 44 and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e) and Section 39-4404, Idaho Code, require DEQ to adopt amendments to federal law as proposed under this docket.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before August 17, 2011. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: Idaho's Rules and Standards for Hazardous Waste are updated annually to maintain consistency with the U.S. Environmental Protection Agency's federal regulations implementing the Resource Conservation and Recovery Act (RCRA) as directed by the Idaho Hazardous Waste Management Act (HWMA). This proposed rule updates the federal regulations incorporated by reference to include those revised as of July 1, 2011. In addition, this proposed rule includes corrections in Sections 005, 006, 011, and 018. In Section 005, the reference to the Permits and Enforcement division of the Department of Environmental Quality (DEQ) has been changed to Waste Management and Remediation Division. Sections 006, 011, and 018 have been revised as a result of technical corrections made to the federal regulations.

Groups interested in hazardous waste and handlers of hazardous waste including generators, transporters, and treatment, storage, and disposal facilities may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in November 2011 for adoption as a pending rule. The rule is expected to be final and effective upon the conclusion of the 2012 legislative session if adopted by the Board and approved by the Legislature.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary:

Idaho has historically adopted both required and optional federal regulations so that Idaho's hazardous waste rules are the same as federal requirements. Optional federal regulations usually allow more flexibility to the regulated community; required federal regulations are necessary to maintain program primacy. Adoption by reference allows the DEQ to keep its rules up to date with federal regulation changes and minimizes the EPA Region 10 effort needed to keep Idaho's authorization current. Adoption by reference also

simplifies compliance for the regulated community. Information for obtaining a copy of the federal regulations is included in the rule.

NEGOTIATED RULEMAKING: Due to the nature of this rulemaking, negotiations were not held.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed 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, SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the proposed rulemaking, contact John Brueck at john.brueck@deq.idaho.gov or (208)373-0458.

Anyone can submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. The Department will consider all written comments received by the undersigned on or before August 31, 2011.

Dated this 8th day of July, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0105-1101

002. INCORPORATION BY REFERENCE OF FEDERAL REGULATIONS.

Any reference in these rules to requirements, procedures, or specific forms contained in the Code of Federal Regulations (CFR), Title 40, Parts 124, 260 - 268, 270, 273, 278, and 279 shall constitute the full adoption by reference of that part and Subparts as they appear in 40 CFR, revised as of July 1, 2011¹, including any notes and appendices therein, unless expressly provided otherwise in these rules. ~~(4-7-II)()~~

01. Exceptions. Nothing in 40 CFR Parts 260 - 268, 270, 273, 278, 279 or Part 124 as pertains to permits for Underground Injection Control (U.I.C.) under the Safe Drinking Water Act, the Dredge or Fill Program under Section 404 of the Clean Water Act, the National Pollution Discharge Elimination System (NPDES) under the Clean Water Act or Prevention of Significant Deterioration Program (PSD) under the Clean Air Act is adopted or included by reference herein. (5-8-09)

02. Availability of Referenced Material. The federal regulations adopted by reference throughout these rules are maintained at the following locations: (7-2-97)

- a. U.S. Government Printing Office; and (4-7-11)
- b. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, ID 83720-0051, (208)334-3316; and (7-2-97)
- c. Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, (208)373-0502. (7-2-97)

(BREAK IN CONTINUITY OF SECTIONS)

004. HAZARDOUS WASTE MANAGEMENT SYSTEM.

40 CFR Part 260 and all Subparts, except 40 CFR 260.2, are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2010~~1~~. For purposes of 40 CFR 260.10, in the definition of hazardous waste constituent, “Administrator” shall be defined as the U.S. Environmental Protection Agency Administrator. For purposes of 40 CFR 260.20, “Federal Register” shall be defined as the Idaho Administrative Bulletin. ~~(4-7-11)~~()

005. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE.

40 CFR Part 261 and all Subparts, except the language “in the Region where the sample is collected” in 40 CFR 261.4(e)(3)(iii), are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2010~~1~~. For purposes of 40 CFR 261.10 and 40 CFR 261.11, “Administrator” shall be defined as the U.S. Environmental Protection Agency Administrator. For purposes of 40 CFR 261.41(a), Regional Administrator shall be defined as U.S. Environmental Protection Agency Region 10 Regional Administrator. Copies of advance notification required under this section should also be sent to the Director. For purposes of 40 CFR 261.4(b)(11)(ii), 40 CFR 261.39(a)(5), and 40 CFR 261 Appendix IX, “EPA” shall be defined as the U.S. Environmental Protection Agency. ~~(4-7-11)~~()

01. Excluded Wastes. Chemically Stabilized Electric Arc Furnace Dust (CSEAFD) generated by Envirosafe Services of Idaho, Inc. (ESII) at ESII’s facility in Grand View, Idaho using the Super Detox(R) treatment process as modified by ESII and that is disposed of in a Subtitle D or Subtitle C landfill is excluded from the lists of hazardous waste provided ESII implements a program that meets the following conditions: (3-16-96)

a. Verification Testing Requirements. Sample Collection and analyses, including quality control procedures, conducted pursuant to Subsections 005.01.b. and 005.01.c., must be performed according to SW-846 methodologies and the RCRA Part B permit, including future revisions. (3-16-96)

b. Initial Verification Testing. (3-16-96)

i. For purposes of Subsections 005.01.b., “new source” shall mean any generator of Electric Arc Furnace Dust (EAFD), EPA and Idaho Department of Environmental Quality Hazardous Waste No. KO61, whose waste has not previously been processed by ESII using the Super Detox(R) treatment process resulting in processed EAFD which has been subjected to

initial verification testing and has demonstrated compliance with the delisting levels specified in Subsection 005.01.d. (3-16-96)

ii. Prior to the initial treatment of any new source of EAFD, ESII must notify the Department in writing. The written notification shall include: (3-16-96)

(1) The waste profile information; and (3-16-96)

(2) The name and address of the generator. (3-16-96)

iii. The first four (4) consecutive batches treated must be sampled in accordance with Subsection 005.01.a. Each of the four (4) samples shall be analyzed to determine if the CSEAFD generated meets the delisting levels specified in Subsection 005.01.d. (3-16-96)

iv. If the initial verification testing demonstrates that the CSEAFD samples meet the delisting levels specified in Subsection 005.01.d., ESII shall submit the operational and analytical test data, including quality control information, to the Department, in accordance with Subsection 005.01.f. Subsequent to such data submittal, the CSEAFD generated from EAFD originating from the new source shall be considered delisted. (3-16-96)

v. CSEAFD generated by ESII from EAFD originating from a new source shall be managed as hazardous waste in accordance with Subtitle C of RCRA until: (3-16-96)

(1) Initial verification testing demonstrates that the CSEAFD meets the delisting levels specified in Subsection 005.01.d.; and (3-16-96)

(2) The operational and analytical test data is submitted to the Department pursuant to Subsection 005.01.b.iv. (3-16-96)

vi. For purposes of Subsections 005.01.b. and 005.01.c., “batch” shall mean the CSEAFD which results from a single treatment episode in a full scale mixing vessel. (3-16-96)

c. Subsequent Verification Testing. (3-16-96)

i. Subsequent to initial verification testing, ESII shall collect a representative sample, in accordance with Subsection 005.01.a., from each batch of CSEAFD generated by ESII. ESII may, at its discretion, conduct subsequent verification testing on composite samples. In no event shall a composite sample consist of representative samples from more than twenty (20) batches of CSEAFD. (3-16-96)

ii. The samples shall be analyzed prior to disposal of each batch of CSEAFD to determine if the CSEAFD meets the delisting levels specified in Subsection 005.01.d. (3-16-96)

iii. Each batch of CSEAFD generated by ESII shall be subjected to subsequent verification testing no later than thirty (30) days after it is generated by ESII. (3-16-96)

iv. If the levels of constituents measured in a sample, or composite sample, of CSEAFD do not exceed the levels set forth in Subsection 005.01.d., then any batch of CSEAFD

which contributed to the sample that does not exceed the levels set forth in Subsection 005.01.d. is non-hazardous and may be managed and/or disposed of in a Subtitle D or Subtitle C landfill.

(3-16-96)

v. If the constituent levels in a sample, or composite sample, exceed any of the delisting levels set forth in Subsection 005.01.d., then ESII must submit written notification of the results of the analysis to the Department within fifteen (15) days from receiving the final analytical results, and any CSEAFD which contributed to the sample must be:

(3-16-96)

(1) Retested, and retreated if necessary, until it meets the levels set forth in Subsection 005.01.d.; or

(3-16-96)

(2) Managed and disposed of in accordance with Subtitle C of RCRA.

(3-16-96)

vi. Each batch of CSEAFD shall be managed as hazardous waste in accordance with Subtitle C of RCRA until subsequent verification testing demonstrates that the CSEAFD meets the delisting levels specified in Subsection 005.01.d.

(3-16-96)

d. Delisting Levels.

(3-16-96)

i. All leachable concentrations for these metals must not exceed the following levels (mg/l):

antimony	0.06	mercury	0.009
arsenic	0.50	nickel	1
barium	7.60	selenium	0.16
beryllium	0.010	silver	0.30
cadmium	0.050	thallium	0.020
chromium	0.33	vanadium	2
lead	0.15	zinc	70

(3-16-96)

ii. Metal concentrations must be measured in the waste leachate by the method specified in 40 CFR Part 261.24.

(3-16-96)

e. Modification of Treatment Process.

(3-16-96)

i. If ESII makes a decision to modify the Super Detox(R) treatment process from the description of the process as set forth in ESII's Petition for Delisting Treated K061 Dust by the Super Detox(R) Process submitted to the Department on July 14, 1995, ESII shall notify the Department in writing prior to implementing the modification.

(3-16-96)

ii. After ESII's receipt of written approval from the Department, and subject to any conditions included with the approval, ESII may implement the proposed modification.

(3-16-96)

iii. If ESII modifies its treatment process without first receiving written approval from the Department, this exclusion of waste will be void from the time the process was modified.

(3-16-96)

iv. ESII's Petition for Delisting Treated K061 Dust by the Super Detox(R) Process submitted to the Department on July 14, 1995 is available at the Department of Environmental Quality, Permits and Enforcement Waste Management and Remediation Division, 1410 N. Hilton, Boise, Idaho 83706. ~~(3-16-96)~~()

f. Records and Data Retention and Submittal. (3-16-96)

i. Records of disposal site, operating conditions and analytical data from verification testing must be compiled, summarized, and maintained at ESII's Grand View facility for a minimum of five (5) years from the date the records or data are generated. (3-16-96)

ii. The records and data maintained by ESII must be furnished upon request to the Department or EPA. (3-16-96)

iii. Failure to submit requested records or data within ten (10) business days of receipt of a written request or failure to maintain the required records and data on site for the specified time, will be considered by the Department, at its discretion, sufficient basis to revoke the exclusion to the extent directed by the Department. (3-16-96)

iv. All records or data submitted to the Department must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the records or data submitted: "Under civil and/or criminal penalty of law for the making or submission of false or fraudulent statements or representations, I certify that the information contained in or accompanying this document is true, accurate, and complete. As to any identified sections of this document for which I cannot personally verify the truth and accuracy, I certify as the ESII official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate, and complete. In the event that any of this information is determined by the Department in its sole discretion to be false, inaccurate, or incomplete, and upon conveyance of this fact to ESII, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by the Department and that ESII will be liable for any actions taken in contravention of ESII's RCRA and CERCLA obligations premised upon ESII's reliance on the void exclusion." (3-16-96)

g. Facility Merger and Name Change. On May 4, 2001, the Department was notified of a stock transfer that resulted in ESII's facility merging with American Ecology. This created a name change from EnviroSAFE Services of Idaho, Inc. (ESII) to US Ecology Idaho, Inc. effective May 1, 2001. All references to EnviroSAFE Services of Idaho, Inc. or ESII now refer to US Ecology Idaho, Inc. (3-15-02)

006. STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE.

01. Incorporation by Reference. 40 CFR Part 262 and all Subparts, except for the language "for the Region in which the generator is located" in 40 CFR 262.42(a)(2) and 40 CFR 262.42(b), are herein incorporated by reference as provided in 40 CFR, revised as of July 1,

2010~~1~~. For purposes of 40 CFR 262.55, 262.56, and 262.57(b), “Administrator” shall be defined as the U.S. Environmental Protection Agency ~~Region 10 Regional~~ Administrator. Copies of advance notification, annual reports, and exception reports, required under those sections, shall also be provided to the Director. For purposes of 40 CFR 262.21, 262.51, 262.53, 262.54(e), 262.54(g)(1), ~~262.55, 262.56~~, 262.60, and 262.85(g), EPA ~~or Environmental Protection Agency~~ shall be defined as the U.S. Environmental Protection Agency. For purposes of 40 CFR Part 262 Subparts E, F, H, and 40 CFR 262.41(a)(4), “United States or U.S.” shall be defined as the United States. (4-7-11)()

02. Generator Emergency Notification. In addition to the emergency notification required by 40 CFR 265.56(d)(2), 262.34(d)(5)(iv)(C), (see 40 CFR 262.34(a)(4)), 263.30(c)(1), and 264.56(d)(2), the emergency coordinator must also immediately notify the State Communications Center by telephone, 1-800-632-8000, to file an identical report. (3-15-02)

007. STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE. 40 CFR Part 263 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2010~~1~~. For purposes of 40 CFR 263.20(g), 263.20(g)(1), 263.20(g)(4), 263.21(a)(4), and 263.22(d), “United States” shall be defined as the United States. (4-7-11)()

008. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES. 40 CFR Part 264 and all Subparts (excluding 40 CFR 264.1(f), 264.149, 264.150, 264.301(l), 264.1030(d), 264.1050(g), 264.1080(e), 264.1080(f) and 264.1080(g)) are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2010~~1~~. For purposes of 40 CFR Subsection 264.12(a), “Regional Administrator” shall be defined as the U.S. Environmental Protection Agency Region 10 Regional Administrator. For purposes of 40 CFR 264.71(a)(3) and 264.1082(c)(4)(ii), “EPA” shall be defined as the U.S. Environmental Protection Agency. (4-7-11)()

009. INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES. 40 CFR Part 265, and all Subparts (excluding Subpart R, 40 CFR 265.1(c)(4), 265.149, 265.150, 265.1030(c), 265.1050(f), 265.1080(e), 265.1080(f), and 265.1080(g)) and except the language contained in 40 CFR 265.340(b)(2) as replaced with, “The following requirements continue to apply even when the owner or operator has demonstrated compliance with the MACT requirements of part 63, subpart EEE of this chapter: 40 CFR 265.351 (closure) and the applicable requirements of Subparts A through H, BB and CC of this part,” are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2010~~1~~. For purposes of 40 CFR Subsection 265.12(a), “Regional Administrator” shall be defined as the U.S. Environmental Protection Agency Region 10 Regional Administrator. For purposes of 40 CFR 265.71(a)(3) and 265.1083(c)(4)(ii), “EPA” shall be defined as the U.S. Environmental Protection Agency. (4-7-11)()

010. STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE FACILITIES. 40 CFR Part 266 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2010~~1~~. (4-7-11)()

011. LAND DISPOSAL RESTRICTIONS.

40 CFR Part 268 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2010¹, except for 40 CFR 268.1(e)(3), 268.5, 268.6, 268.13, 268.42(b), and 268.44(a) through (g). The authority for implementing the provisions of these excluded sections remains with the EPA. However, the requirements of Sections 39-4403(17) and 39-4423, Idaho Code, shall be applied in all cases where these requirements are more stringent than the federal standards. If the Administrator of the EPA grants a case-by-case variance pursuant to 40 CFR 268.5, that variance will simultaneously create the same case-by-case variance to the equivalent requirement of these rules. For purposes of 40 CFR 268.2(j) “EPA” shall be defined as the U.S. Environmental Protection Agency. For purposes of 40 CFR 268.40(b), “Administrator” shall be defined as U.S. Environmental Protection Agency Administrator. In 40 CFR 268.7(a)(9)(iii), “D009” is excluded, (from lab packs as noted in 40 CFR Part 268 Appendix IV.) ~~In 40 CFR 268.48(a), the entry for “2,4,6-Tribromophenol” is excluded.~~ (4-7-11)()

012. HAZARDOUS WASTE PERMIT PROGRAM.

40 CFR Part 270 and all Subparts, except 40 CFR 270.12(a) and 40 CFR 270.14(b)(18), are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2010¹. For purposes of 40 CFR 270.2, 270.5, 270.10(e)(2), 270.10(e)(3), 270.10(f)(2), 270.10(f)(3), 270.10(g), 270.11(a)(3), 270.32(a), 270.32(b)(2), 270.32(c), 270.51, 270.72(a)(5), and 270.72(b)(5), “EPA” and “Administrator” or “Regional Administrator” shall be defined as the U.S. Environmental Protection Agency and the U.S. Environmental Protection Agency Region 10 Regional Administrator respectively. (4-7-11)()

013. PROCEDURES FOR DECISION-MAKING (STATE PROCEDURES FOR RCRA OR HWMA PERMIT APPLICATIONS).

40 CFR Part 124, Subparts A, B and G are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2010¹, except that 40 CFR 124.19, the fourth sentence of 40 CFR 124.31(a), the third sentence of 40 CFR 124.32(a), and the second sentence of 40 CFR 124.33(a) are expressly omitted from the incorporation by reference of each of those subsections. For purposes of 40 CFR 124.6(e), 124.10(b), and 124.10(c)(1)(ii) “EPA” and “Administrator” or “Regional Administrator” shall be defined as the U.S. Environmental Protection Agency and the U.S. Environmental Protection Agency Region 10 Regional Administrator, respectively. (4-7-11)()

014. (RESERVED)

015. STANDARDS FOR THE MANAGEMENT OF USED OIL.

01. Incorporation by Reference. 40 CFR Part 279 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2010¹. For purposes of 40 CFR 279.43(c)(3)(ii) “Director” shall be defined as the Director, U.S.DOT Office of Hazardous Materials Regulation. (4-7-11)()

02. Used Oil as a Dust Suppressant. 40 CFR Part 279 contains a prohibition on the use of used oil as a dust suppressant at 279.82(a), however, States may petition EPA to allow the use of used oil as a dust suppressant. Members of the public may petition the State to make this application to EPA. This petition to the State must: (2-11-94)

a. Be submitted to the Idaho Department of Environmental Quality, 1410 North Hilton, Boise, Idaho 83706-1255; and (2-11-94)

b. Demonstrate how the requirements of 40 CFR 279.82(b) will be met. (2-11-94)

016. STANDARDS FOR UNIVERSAL WASTE MANAGEMENT.

40 CFR Part 273 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2010¹. For purposes of 40 CFR 273.32(a)(3), “EPA” shall be defined as the U.S. Environmental Protection Agency. ~~(4-7-11)~~()

017. CRITERIA FOR THE MANAGEMENT OF GRANULAR MINE TAILINGS (CHAT) IN ASPHALT CONCRETE AND PORTLAND CEMENT CONCRETE IN TRANSPORTATION CONSTRUCTION PROJECTS FUNDED IN WHOLE OR IN PART BY FEDERAL FUNDS.

40 CFR Part 278 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2010¹. ~~(4-7-11)~~()

018. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES OPERATING UNDER A STANDARDIZED PERMIT.

40 CFR Part 267 and all Subparts, except 40 CFR 267.150, are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2010¹. ~~(4-7-11)~~()

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.09 - RULES REGULATING SWINE AND POULTRY FACILITIES

DOCKET NO. 58-0109-1101

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 2012 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-first 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 39-104A, 39-105, and 39-107, 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 6, 2011, Vol. 11-7, pages 275 through 285](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0109-1101-pending> or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does regulate an activity not regulated by the federal government. The federal government does not regulate swine and poultry facilities for the state of Idaho; therefore, the rule revisions are not broader in scope or more stringent than federal law or 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 the undersigned.

Dated this 13th day of October, 2011.

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

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This action is authorized by Sections 39-104A, 39-105, and 39-107, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency.

Written requests for a hearing must be received by the undersigned on or before July 20, 2011. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to implement House Bill 206 (2011), wherein the Idaho Legislature placed the responsibility and oversight of current and future poultry operations with the Idaho State Department of Agriculture. The proposed rule will remove references to poultry facilities from DEQ's "Rules Regulating Swine and Poultry Facilities," IDAPA 58.01.09.

Owners and operators of poultry facilities may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality at the October 2011 Board meeting for adoption as a pending rule. The rule is expected to be final and effective upon the adjournment of the 2012 legislative session if adopted by the Board and approved by the Legislature.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

NEGOTIATED RULEMAKING: Due to the nature of this rulemaking, negotiations were not held.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does regulate an activity not regulated by the federal government. The federal government does not regulate swine and poultry facilities for the state of Idaho; therefore, the proposed rule revisions are not broader in scope or more stringent than federal law or 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 AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Paula Wilson at paula.wilson@deq.idaho.gov or (208)373-0418.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before August 3, 2011.

DATED this 10th day of June, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0109-1101

58.01.09 - RULES REGULATING SWINE ~~AND POULTRY~~ FACILITIES

000. LEGAL AUTHORITY.

The Idaho Legislature has given the Idaho Board of Environmental Quality the authority to promulgate Rules Regulating Swine ~~and Poultry~~ Facilities pursuant to Sections 39-104A, 39-105, and 39-107, Idaho Code. ~~(4-1-00)()~~

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as Rules of the Department of Environmental Quality, IDAPA 58.01.09, "Rules Regulating Swine ~~and Poultry~~ Facilities." ~~(4-1-00)()~~

02. Scope. These rules establish the procedures and requirements for the issuance of a permit to construct, operate, close or expand swine ~~and poultry~~ facilities of a defined capacity. The intent of these rules is to ensure animal waste from swine ~~and poultry~~ facilities are properly controlled so as not to adversely affect public health or the environment. ~~(4-1-00)()~~

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

01. Animal Unit. An animal unit equals two and a half (2.5) swine, each weighing over twenty-five (25) kilograms (approximately fifty-five (55) pounds), or ten (10) weaned swine, each weighing under twenty-five (25) kilograms, ~~or one hundred (100) poultry~~. Total animal units are calculated by adding the number of swine weighing over twenty-five (25) kilograms multiplied by four-tenths (.4) plus the number of weaned swine weighing under twenty-five (25) kilograms multiplied by one-tenth (.1) ~~plus the number of poultry multiplied by one one-hundredth (.01)~~. ~~(4-1-00)()~~

- 02. Animal Waste.** Animal excrement, feed wastes, process wastewater or any other waste associated with the confinement of swine ~~or poultry~~. (4-1-00)()
- 03. Animal Waste Management System.** Any structure or system that provides for the collection, treatment, disposal, distribution, or storage of animal waste. (4-1-00)
- 04. Certified Planner.** A person who has completed the nutrient management certification in accordance with the Nutrient Management Standard. (4-1-00)
- 05. Department.** The Idaho Department of Environmental Quality. (4-1-00)
- 06. Director.** The Director of the Department of Environmental Quality or his designee. (4-1-00)
- 07. Existing Facility.** A facility built and in operation one (1) year or more prior to the original effective date of these rules. (4-1-00)
- 08. Expanding Facility.** A swine ~~or poultry~~ facility of less than two thousand (2,000) animal units that increases its one-time animal unit capacity to two thousand (2,000) or more animal units or an existing facility that increases its one-time animal unit capacity by ten percent (10%). (4-1-00)()
- 09. Facility or Swine ~~or Poultry~~ Facility.** Any place, site or location or part thereof where swine ~~or poultry~~ are kept, handled, housed, or otherwise maintained and includes but is not limited to buildings, lots, pens, and animal waste management system, and which has the one-time animal unit capacity of two thousand (2000) or more animal units. (4-1-00)()
- 10. Land Application.** The spreading on or incorporation of animal waste into the soil mantle primarily for beneficial purposes. (4-1-00)
- 11. Nutrient Management Plan.** A plan prepared in compliance with the Nutrient Management Standard or other equally protective standard approved by the Director for managing the amount, source, placement, form, and timing of the land application of nutrients and soil amendments for plant production and to minimize the potential for environmental degradation, particularly impairment of water quality. (4-1-00)
- 12. Nutrient Management Standard.** The United States Department of Agriculture-Natural Resource Conservation Service Code 590 or the Idaho Agricultural Pollution Abatement Plan-Nutrient Management Standard Component Practice. (4-1-00)
- 13. One-Time Animal Unit Capacity.** The maximum number of animal units that a facility is capable of housing at any given point in time. (4-1-00)
- 14. Operate.** Confine, feed, propagate, house, or otherwise sustain swine ~~or poultry~~. (4-1-00)()
- 15. Permit.** A written authorization by the Director to construct, operate, or expand a

swine ~~or poultry~~ facility. (4-1-00)()

16. Permittee. The person in whose name a permit is issued. (4-1-00)

17. Person. Any individual, association, partnership, firm, joint stock company, joint venture, trust, political subdivision, public or private corporation, state or federal governmental department, agency or instrumentality, or any legal entity which is recognized by law as the subject of rights and duties. (4-1-00)

~~**18. Poultry.** This term includes chickens, turkeys, ducks, geese and any other bird raised in captivity. (4-1-00)~~

198. Process Wastewater. Any water used in the facility that comes into contact with any manure, litter, bedding, raw, intermediate, or final material or product used in or resulting from the production of swine ~~or poultry~~ and any products directly or indirectly used in the operation of a facility, such as spillage or overflow from animal watering systems; washing, cleaning, or flushing pens, barns, manure pits, or spray cooling of animals; and dust control and any precipitation which comes into contact with animals or animal waste. (4-1-00)()

~~**2019. Unauthorized Discharge.** A release of animal waste to the environment or waters of the state that is not authorized by the permit or the terms of an NPDES permit issued by the federal EPA. (4-1-00)~~

~~**210. Waters of the State.** All the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state. (4-1-00)~~

011. -- 099. (RESERVED)

100. APPLICABILITY.

01. Permit Required. No person shall construct, operate, or expand a regulated swine ~~or poultry~~ facility without first obtaining a permit issued by the Director as provided in these rules. (4-1-00)()

02. Regulated Facilities. New swine ~~and poultry~~ facilities having a one-time animal unit capacity of two thousand (2,000) or more animal units and expanding facilities are required to be permitted as provided in these rules. (4-1-00)()

03. Common Control. Two (2) or more swine ~~or poultry~~ facilities under common control of the same person may be considered, for purposes of permitting, to be a single facility, even though separately their capacity is less than two thousand (2,000) animal units, if they use a common animal waste management system or land application site. (4-1-00)()

04. Existing Swine ~~and Poultry~~ Facilities. Those swine ~~and poultry~~ facilities built and in operation one (1) year or more prior to the original effective date of these rules are exempt from the requirements of these rules except as provided in Section 210. (4-1-00)()

101. -- 199. (RESERVED)

200. PERMIT APPLICATION.

01. Permit Application. Every person requiring a permit under these rules shall submit a permit application to the Department. A permit application will be used to determine if the construction, operation, and closure of a swine *or poultry* facility will be in conformance with these and other applicable rules. (4-1-00)()

02. Preapplication Conference. Prospective applicants are encouraged to meet with the Department to discuss application requirements and procedures. (4-1-00)

03. Contents of Application. Each application shall include, in the format set forth by the Director and when determined applicable by the Director, the following information in Subsections 200.04 through 200.08 in sufficient detail to allow the Director to make necessary application review decisions concerning design, environmental protection and public health. (4-1-00)

04. Relevant Information. (4-1-00)

- a.** Name, mailing address and phone number of the facility owner. (4-1-00)
- b.** Name, mailing address and phone number of the facility operator. (4-1-00)
- c.** Name and mailing address of the facility. (4-1-00)
- d.** Legal description of the facility location. (4-1-00)
- e.** The legal structure of the entity owning the facility, including the names and addresses of all directors, officers, registered agents and partners. (4-1-00)
- f.** The names and locations of all swine *or poultry* facilities owned and/or operated by the applicant within the last ten (10) years. (4-1-00)()
- g.** The one-time animal unit capacity of the facility. (4-1-00)
- h.** The type of animals to be confined at the facility. (4-1-00)
- i.** Evidence that a valid water right exists to supply adequate water for the proposed facility or a copy of either an application for permit to appropriate water or an application to change the point of diversion, place, period and nature of use of an existing water right that has been filed with the Idaho Department of Water Resources which, if approved, will supply adequate water for the proposed operation. (4-1-00)
- j.** Proof of financial capability to perform remedial actions and to meet the conditions of an approved closure plan for a facility. The mechanism used to demonstrate financial capability must be legally valid, binding and enforceable under applicable law and must insure that the funds necessary to meet the costs of remediation and closure will be available

whenever they are needed in accordance with Section 205. The mechanisms include, but are not limited to, trust funds, surety bonds, letters of credit, insurance and corporate guarantees.

(3-15-02)

k. The facility's biosecurity and sanitary standards. (4-1-00)

l. A statement of estimated annual income and operating expenses that demonstrate, to the satisfaction of the Department, financial capability to operate the facility. (3-15-02)

05. Construction Plan. Plans and specifications for the facility's animal waste management system that include the following information: (4-1-00)

a. Vicinity map(s) prepared on one (1) or more seven and one-half minute (7.5') USGS topographic quadrangle maps or a high quality reproduction(s) that includes the following: (4-1-00)

i. Layout of the facility, including buildings and animal waste management system; (4-1-00)

ii. The one hundred (100) year FEMA flood zones or other appropriate flood data for the facility site and land application sites owned or leased by the applicant; (4-1-00)

iii. The location of occupied dwellings, public and private gathering places, such as schools, churches and parks, and incorporated municipalities which are within a two (2) mile radius of the facility; and (4-1-00)

iv. Private and community domestic water wells, irrigation wells, irrigation conveyance and drainage structures, monitoring wells, wetlands, streams, springs, and reservoirs which are within a one (1) mile radius of the facility. (4-1-00)

b. Facility construction specifications including: (4-1-00)

i. A site plan showing: (4-1-00)

(1) Building locations; (4-1-00)

(2) Waste facilities; (4-1-00)

(3) All waste conveyance systems; and (4-1-00)

(4) All irrigation systems used for land application, including details of approved water supply protection devices. (4-1-00)

ii. Building plans showing: (4-1-00)

(1) All wastewater collection systems in housed units; (4-1-00)

(2) All freshwater supply systems, including details of approved water supply

protection devices; (4-1-00)

(3) Detailed drawings of wastewater collection and conveyance systems and containment construction; and (4-1-00)

(4) Detailed construction and installation procedures. (4-1-00)

06. Site Characterization. A characterization of the facility and any land application site(s) owned or operated by the applicant, prepared by a registered professional geologist, a registered professional engineer or a qualified ground water hydrologist, that includes the following information: (4-1-00)

a. A description of monitoring methods, frequency, and reporting components related to either leak detection systems and/or ground water monitoring wells; (4-1-00)

b. The climatic, hydrogeologic, and soil characteristics; (4-1-00)

c. The depth to water and a potentiometric map for the uppermost and regional aquifer; (4-1-00)

d. The vertical and horizontal conductivity, gradient, and ground water flow direction and velocity; (4-1-00)

e. Estimates of recharge to the uppermost aquifer; (4-1-00)

f. Information which characterizes the relationship between the ground water and adjacent surface waters; and (4-1-00)

g. A summary of local ground water quality data. (4-1-00)

07. Nutrient Management Plan. A plan prepared by a Certified Planner demonstrating compliance with the Nutrient Management Standard for land application. (4-1-00)

08. Closure Plan. A plan describing the procedures for final closure of a facility that ensures no adverse impacts to the environment and waters of the state and that includes: (4-1-00)

a. The estimated length of operation of the facility; and (4-1-00)

b. A description of the procedures, methods, and schedule to be implemented at the facility for final disposal, handling, management and/or treatment of all animal waste. (4-1-00)

09. Other Information. An applicant shall provide any other information relative to Subsections 200.04 through 200.08 deemed necessary by the Director to assess protection of human health and the environment (4-1-00)

10. Application Fee. A fee shall be submitted with each permit application as follows: (4-1-00)

- a.** Three thousand dollars (\$3,000) for facilities that have a one-time animal unit capacity of less than five-thousand (5,000) animal units; (4-1-00)
- b.** Five thousand dollars (\$5,000) for facilities that have a one-time animal unit capacity of five thousand to ten thousand (5,000-10,000) animal units; and (4-1-00)
- c.** Ten thousand dollars (\$10,000) for facilities that have a one-time animal unit capacity over ten thousand (10,000) animal units. (4-1-00)

201. -- 204. (RESERVED)

205. FINANCIAL ASSURANCE REQUIREMENTS.

01. Written Estimate of Costs. The owner of a swine ~~or poultry~~ facility shall submit, as part of the permit application, a detailed written estimate, in current dollars, of the cost of hiring a third party to: ~~(3-15-02)~~()

- a.** Remediate potential contamination caused by the operation of the facility or of any potential spill or breach, including, without limitation, remediation pursuant to the facility's Spill Contingency Plan; and (3-15-02)
- b.** Close the facility in accordance with an approved closure plan. (3-15-02)
- c.** The Department must approve the cost estimate as reasonable prior to the issuance of a permit. (3-15-02)

02. Financial Assurance Mechanisms. The owner shall submit as part of the permit application evidence of financial assurance to cover the approved remediation and closure cost estimates. However, if the Department has determined, prior to October 19, 2000, that a complete application has been submitted, the owner shall submit the remediation and closure cost estimates and financial assurance mechanism to the Department for approval prior to the issuance of a permit. The mechanism used to demonstrate financial assurance shall be submitted to the Department for approval and shall ensure that the funds necessary to meet the approved costs of remediation and closure will be available whenever they are needed. The financial assurance mechanisms allowed for swine ~~and poultry~~ facilities shall include any mechanism or a combination of mechanisms meeting the criteria set forth below or other mechanism approved by the Department. ~~(3-15-02)~~()

- a.** Trust Fund. (3-15-02)
 - i.** An owner may satisfy the requirements of Subsection 205.02 by establishing a trust fund and submitting an originally signed duplicate of the trust agreement to the Department. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. (3-15-02)
 - ii.** After the trust fund is established, whenever the current remediation and closure cost estimates change, the owner must compare the new estimates with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new

estimate, the owner, within sixty (60) days after the change in the cost estimate, must either deposit an amount equal into the fund so that its value after this deposit at least equals the amount of the current remediation or closure cost estimate, or obtain other financial assurance as specified in Subsection 205.02 to cover the difference. (3-15-02)

iii. If the value of the trust fund is greater than the total amount of the current remediation or closure cost estimate, the owner may submit a written request to the Department for release of the amount in excess of the current remediation or closure cost estimate. (3-15-02)

iv. If an owner substitutes other financial assurance as specified in Subsection 205.02 for all or part of the trust fund, he may submit a written request to the Department for release of the amount in excess of the current remediation or closure cost estimate covered by the trust fund. (3-15-02)

b. Surety Bond. (3-15-02)

i. An owner may satisfy the requirements of Subsection 205.02 by obtaining a payment or performance surety bond and submitting a certified copy of the bond to the Department. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury. (3-15-02)

ii. The penal sum of the bond must be in an amount at least equal to the current remediation and closure cost estimates. (3-15-02)

iii. Under the terms of the bond, the surety will become liable on the bond obligation when: (3-15-02)

(1) The owner fails to perform as guaranteed by the bond; or (3-15-02)

(2) The Department notifies the owner that he has failed to meet requirements of these rules. (3-15-02)

iv. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner and the Department one hundred twenty (120) days in advance of cancellation. Cancellation may not occur, however, during the one hundred twenty (120) days beginning with the date of receipt of the notice by the Department, as evidenced by the return receipt. The surety shall remain liable on the bond for costs of remediation and closure unless the owner obtains a replacement financial assurance mechanism, approved by the Department in accordance with Subsection 205.02.f., that covers both the existing and future costs of remediation and closure. (3-15-02)

c. Letter of Credit. (3-15-02)

i. An owner may satisfy the requirements of Subsection 205.02 by obtaining an irrevocable standby letter of credit and submitting a certified copy of the letter to the Department. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

(3-15-02)

ii. The letter of credit must be accompanied by a letter from the owner referring to the letter of credit by number, issuing institution, and date, and providing the following information: the type of facility, name and address of the facility, and the amount of funds assured for remediation and closure of the facility by the letter of credit. (3-15-02)

iii. The letter of credit must be irrevocable and issued for a period of at least one (1) year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one (1) year unless, at least one hundred twenty (120) days before the current expiration date, the issuing institution notifies both the owner and the Department by certified mail of a decision not to extend the expiration date. Cancellation may not occur, however, during the one hundred twenty (120) days beginning with the date of receipt of the notice by the Department, as evidenced by the return receipt. The issuing institution shall remain liable on the letter of credit for costs of remediation and closure unless the owner obtains a replacement financial assurance mechanism, approved by the Department in accordance with Subsection 205.02.f., that covers both the existing and future costs of remediation and closure. (3-15-02)

iv. The letter of credit must be issued in an amount at least equal to the current remediation and closure cost estimates. (3-15-02)

d. Insurance. (3-15-02)

i. An owner may satisfy the requirements of Subsection 205.02 by obtaining remediation and closure insurance and submitting a certificate of such insurance to the Department. At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one (1) or more states. (3-15-02)

ii. The insurance policy must be issued for a face amount at least equal to the current remediation and closure cost estimates. The term “face amount” means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer’s future liability will be lowered by the amount of the payments. (3-15-02)

iii. Each insurance policy must contain a provision allowing assignment of the policy to a successor. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused. (3-15-02)

iv. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. The insurer may cancel the policy by sending notice by certified mail to the owner and the Department one hundred twenty (120) days in advance. Cancellation may not occur, however, during the one hundred twenty (120) days beginning with the date of receipt of the notice by the Department, as evidenced by the return receipt. The insurer shall remain liable on the policy for costs of remediation and closure unless the owner obtains a replacement financial assurance mechanism, approved by the Department in accordance with Subsection 205.02.f., that covers both the existing and future costs of remediation and closure. (3-15-02)

e. Corporate Guarantee. (3-15-02)

i. An owner may satisfy the requirements of Subsection 205.02 by obtaining a written guarantee and submitting a certified copy of the guarantee and appropriate letter from the guarantor. The guarantor must be the direct or higher-tier parent corporation of the owner, a firm whose parent corporation is also the parent corporation of the owner, or a firm with a “substantial business relationship” with the owner. (3-15-02)

ii. If the guarantor’s parent company is also the parent corporation of the owner, a letter from the guarantor’s chief financial officer must describe the value received in consideration of the guarantee. (3-15-02)

iii. If the guarantor is a firm with a “substantial business relationship” with the owner, the letter must describe the “substantial business relationship” and the value received in consideration of the guarantee. (3-15-02)

iv. The terms of the guarantee shall provide that if the owner fails to perform remediation or closure of a facility covered by the guarantee, the guarantor will: (3-15-02)

(1) Perform, or pay a third party to perform, remediation and closure as required (performance guarantee); or (3-15-02)

(2) Establish a fully funded trust fund as specified in Subsection 205.02.a. in the name of the owner (payment guarantee). (3-15-02)

v. The guarantee shall remain in force for as long as the owner must comply with the applicable financial assurance requirements of Subsection 205.02 unless the guarantor sends notice of cancellation by certified mail to the owner and to the Department one hundred twenty (120) days in advance. Cancellation may not occur, however, during the one hundred twenty (120) days beginning on the date of receipt of the notice by the Department, as evidenced by the return receipt. The guarantor shall remain liable on the guarantee for costs of remediation and closure unless the owner obtains a replacement financial assurance mechanism, approved by the Department in accordance with Subsection 205.02.f., that covers both the existing and future costs of remediation and closure. (3-15-02)

f. If a financial assurance mechanism is cancelled by the issuing entity, the owner shall obtain alternate financial assurance, within sixty (60) days of receipt of notice of cancellation by the Department, which shall be submitted to the Department for approval. The alternate financial assurance must become effective not later than the effective date of cancellation or termination of the existing financial assurance. An owner may only cancel a financial assurance mechanism after first obtaining an alternative mechanism approved by the Department. (3-15-02)

03. Continuous Coverage. The owner shall provide continuous coverage for remediation and closure until released from financial assurance requirements by the Department. (3-15-02)

04. Adjustment of Financial Assurance Amounts. The following provisions apply to the adjustment of the amount of financial assurance: (3-15-02)

a. The owner shall increase the remediation and closure cost estimates and the amount of financial assurance if changes to the closure plan or facility conditions or operations increase the cost estimates at any time during the active life of the facility. The cost estimates and financial assurance shall also be adjusted to reflect inflation. Increased cost estimates and financial assurance shall be submitted to the Department for approval. (3-15-02)

b. The owner may reduce the remediation and closure cost estimates and the amount of financial assurance if the cost estimates exceed the maximum cost of remediation or closure at any time during the active life of the facility. The owner shall first notify the Department and obtain its approval of the justification for the reduction of the remediation and closure cost estimates. (3-15-02)

05. Release from Financial Assurance Requirements. When remediation and closure conditions required by a permit are complete, financial assurance shall be released by the Department as follows: (3-15-02)

a. When the Department determines that initial closure activities have been completed, financial assurance, less identified retainages, shall be released. (3-15-02)

b. A sufficient amount of financial assurance shall be retained by the Department, up to five (5) years after closure, to ensure proper remediation and closure of a facility. (3-15-02)

c. Release of any amount of financial assurance shall not release the owner from any responsibility for meeting remediation or closure requirements. (3-15-02)

06. Owner Liability. Nothing in these rules shall relieve the owner of liability for remediation and closure costs. The use of all financial assurance shall not relieve the owner from responsibility and liability for remediation and closure costs. (3-15-02)

(BREAK IN CONTINUITY OF SECTIONS)

300. APPLICATION PROCESSING PROCEDURE.

01. Application Completeness. Within thirty (30) days of receipt of an application, the Director shall provide written notice to the applicant as to whether the application meets all the requirements of Section 200. The Department shall provide public notice of the receipt of a complete application. An application which does not, on its face, meet all the requirements of Section 200 of these rules shall be returned to the applicant by the Director with a written list of the deficiencies. The Director will not process an application until it is determined to be complete in accordance with these rules. (4-1-00)

02. Notice of Environmental Suitability of Facility Location. Within thirty (30)

days of the Director's notice that the application is complete, the Director shall determine whether the facility is environmentally suitable for the selected location. In making this decision, the Director shall review the location of the facility relative to flood zones, dwellings, wells, surface and ground water and those other items the applicant must identify on the vicinity map. Written notice of the Director's determination will be sent to the applicant, with a copy sent to the appropriate county and city officials for the selected location, along with a Department analysis that includes the following: (4-1-00)

- a.** A brief description of the proposed facility, its animal waste management system and its nutrient management plan; (4-1-00)
- b.** A brief summary of the basis for the determination on environmental suitability including references to applicable requirements and supporting materials; (4-1-00)
- c.** A description of the schedule for issuing a permit; and (4-1-00)
- d.** The name and phone number of the Department staff to contact for additional information. (4-1-00)

03. Draft Permit. Within sixty (60) days of the Director's determination that a facility is environmentally suitable for its proposed location, the Director shall either issue a draft permit or a notice of denial of a permit to the applicant. The draft permit shall be in the same form as a final permit and shall specify conditions of construction, operation and closure. (4-1-00)

04. Public Comments. The Department shall provide notice to the public of its issuance of a draft permit. The public may provide written comments for a time period and in a manner specified in the Department's notice. The Department may, in its discretion, provide an opportunity for the public to provide oral comments. (4-1-00)

05. Permit Denial. The Director may deny a permit if: (4-1-00)

- a.** The owner of a facility is not in substantial compliance with a final agency order or any final order or judgement of a court secured by any state or federal agency relating to the operation of a swine *or poultry* facility; ~~(4-1-00)~~()
- b.** The application is inaccurate; (4-1-00)
- c.** The facility as proposed cannot meet the requirements set forth in these rules or cannot be constructed, operated and closed in a manner that protects human health and the environment; or (4-1-00)
- d.** The appropriate county or city does not approve the location of the facility. (4-1-00)

06. Final Permit. Within sixty (60) days of the issuance of a draft permit, the Director shall issue a final permit to the applicant, however, a permit shall not be issued by the Director until the applicant has received final approval from the appropriate county or city for the location of the facility and has received approval for a water right from the Department of Water

Resources. The permit shall be effective for a fixed term of not more than five (5) years, and may be reissued upon receipt of an updated application and demonstration of compliance with the rules and permit requirements existing at the time of reissuance. (4-1-00)

07. Additional Information. At any time during the application process an applicant shall provide the Director with additional information the Director deems necessary to process a permit, within thirty (30) days of the Director's request. The time period within which the Director must act with regard to the permit shall be stayed until the information requested is provided. If an applicant fails to provide the information within this time period, unless a longer time period is allowed by the Director, the Director may cease the application process and require the applicant to submit a new application. (4-1-00)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.10 - RULES REGULATING THE DISPOSAL OF RADIOACTIVE MATERIALS NOT REGULATED UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

DOCKET NO. 58-0110-1101

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 2012 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-first 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 Section 39-4405, 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 3, 2011, Vol. 11-8, pages 292 through 295](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0110-1101-pending or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does regulate an activity not regulated by the federal government but is consistent with the legislative directive in House Bill 93 (codified at Section 39-4403, Idaho Code).

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 John Brueck, john.brueck@deq.idaho.gov, (208)373-0458.

Dated this 10th day of November, 2011.

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

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. The action is authorized by Section 39-4405, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency.

Written requests for a hearing must be received by the undersigned on or before August 17, 2011. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to implement House Bill 93 (2011), wherein the Idaho Legislature revised the definition of “restricted hazardous waste” in Section 39-4403, Idaho Code. This proposed rule makes technical corrections and revises certain definitions in Section 010 as necessary for consistency with House Bill 93. In addition, this proposed rule updates the federal regulations incorporated by reference to include those revised as of January 1, 2011.

The Idaho Legislature enacted House Bill 93 to address the new definition of “byproduct material” enacted as part of the Federal Energy Policy Act of 2005 and to clarify that certain materials now included in this new definition could continue to be disposed of at a commercial hazardous waste disposal facility located in Idaho. This change in definition at the federal level would prohibit disposal of this material at a commercial hazardous waste disposal facility under the existing definition of “restricted hazardous waste.” The amendment specifically clarifies that a facility could continue taking this waste, consistent with the Federal Energy Policy Act of 2005, which states that commercial hazardous waste facilities are authorized to continue accepting such waste.

The following groups may be interested in commenting on this proposed rule: Private industry; environmental groups; hazardous and nonhazardous waste disposal facilities; members of the public; and generators of radioactive materials specifically allowed for disposal by the U.S. Nuclear Regulatory Commission regulations contained in 10 CFR 20.2008(b). The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in November 2011 for adoption as a pending rule. The rule is expected to be final and effective upon the adjournment of the 2012 legislative session if adopted by the Board and approved by the Legislature.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary:

This proposed rule updates the federal regulations incorporated by reference to include those revised as of January 1, 2011. Incorporation by reference is necessary because

publication of the federal regulations in the rule would be unduly cumbersome and expensive. Information for obtaining a copy of the federal regulations is included in the rule.

NEGOTIATED RULEMAKING: Due to the nature of this rulemaking, negotiations were not held.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule does regulate an activity not regulated by the federal government but is consistent with the legislative directive in House Bill 93 (codified at Section 39-4403, Idaho Code).

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 AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact John Brueck at john.brueck@deq.idaho.gov or (208)373-0458.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before August 31, 2011.

DATED this 8th day of July, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0110-1101

004. INCORPORATION BY REFERENCE.

01. General. Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 004.02 shall constitute the full adoption by reference, including any notes and appendices therein. The term “documents” includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (3-15-02)

02. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules: (3-15-02)

- a. 10 CFR 30.14 through 30.165, revised as of ~~July~~ January 1, 2001~~1~~. (3-15-02)()
- b. 10 CFR 30.18 through 30.21, revised as of ~~July~~ January 1, 2001~~1~~. (3-15-02)()
- c. 10 CFR 32.11, revised as of ~~July~~ January 1, 2001~~1~~. (3-15-02)()

d. 10 CFR 32.18, revised as of ~~July~~ January 1, 20011. (~~3-15-02~~)()

e. 10 CFR 40.13, revised as of ~~July~~ January 1, 20011. (~~3-15-02~~)()

03. Availability of Referenced Material. Copies of the documents incorporated by reference into these rules are available at the following locations: (3-15-02)

a. Department of Environmental Quality, 1410 N. Hilton, Boise ID 83706-1255. (3-15-02)

b. Idaho State Law Library, 451 W. State Street, P.O. Box 83720, Boise ID 83720-0051. (3-15-02)

c. U.S. Government Printing Office, <http://www.gpoaccess.gov/index.html>. (4-2-08)

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

01. Accelerator-Produced Radioactive Material. Any material made radioactive by ~~exposing it to the radiation from~~ a particle accelerator. (~~3-15-02~~)()

02. Board. The Idaho Board of Environmental Quality. (3-15-02)

03. Byproduct Material. Byproduct Material means: (3-15-02)

a. Any radioactive material (except special nuclear material) yielded in, or made radioactive by, exposure to the radiation incident to the process of producing or utilizing special nuclear material; and (3-15-02)

b. The tailings or waste produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content. (3-15-02)

c. Any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; or any material that: ()

i. Has been made radioactive by use of a particle accelerator; and ()

ii. Is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and ()

d. Any discrete source of naturally occurring radioactive material, other than source material, that: ()

i. The U.S. Nuclear Regulatory Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate federal agency, determines would pose a threat similar to the threat posed by a discrete source of radium- 226 to the public health and safety or the common defense and security; and ()

ii. Before, on, or after August 8, 2005, is extracted for use in a commercial, medical, or research activity. ()

04. Department. The Idaho Department of Environmental Quality. (3-15-02)

05. Exempt Quantities and Concentrations of Byproduct Materials. Radioactive materials defined as exempt byproduct materials by the U.S. Nuclear Regulatory Commission (10 CFR 30.14 through 30.165, 10 CFR 30.18 through 30.21, 10 CFR 32.11 and 10 CFR 32.18)-~~in which the quantity and concentration of radionuclides are considered exempt from regulation.~~ (3-15-02)()

06. Naturally Occurring Radioactive Material (NORM). Any material containing natural radionuclides at natural background concentrations, where human intervention has not concentrated the naturally occurring radioactive material or altered its potential for causing human exposure. NORM does not include source, byproduct or special nuclear material licensed by the U.S. Nuclear Regulatory Commission under the Atomic Energy Act of 1954. (3-15-02)

07. Operator. Any person(s) currently responsible, or responsible at the time of disposal, for the overall operation of a hazardous waste treatment, storage or disposal facility or part of a hazardous waste treatment, storage or disposal site. (3-15-02)

08. Owner. Any person(s) who currently owns, or owned at the time of disposal, a hazardous waste treatment, storage or disposal facility or part of a hazardous waste treatment, storage or disposal site. (3-15-02)

09. Person. Any individual, association, partnership, firm, joint stock company, trust, political subdivision, public or private corporation, state or federal government department, agency, or instrumentality, municipality, industry, or any other legal entity which is recognized by law as the subject of rights and duties. (3-15-02)

10. Radioactive Material. Radioactive Material includes: (3-15-02)

a. Technologically Enhanced Naturally Occurring Radioactive Material; (3-15-02)

b. ~~Accelerator Produced Radioactive Material~~ Byproduct material authorized for disposal pursuant to 10 CFR 20.2008(b); (3-15-02)()

c. Exempt Quantities and Concentrations of Byproduct Materials; (4-2-08)

d. Unimportant Quantities of Source Material; and (4-2-08)

e. Any other byproduct, source material, or special nuclear material or devices or equipment utilizing such material, which has been declared exempt from regulation under the Atomic Energy Act of 1954, as amended, for the purposes of disposal pursuant to 10 CFR 30.11, 10 CFR 40.14, 10 CFR 70.17. (4-2-08)

11. Reasonably Maximally Exposed Individual. That individual or group of individuals who by reason of location has been determined, through the use of environmental transport modeling and dose calculation, to receive the highest total effective dose equivalent from radiation emitted from the site and/or radioactive material transported off-site. (3-15-02)

12. Source Material. Source material means: (3-15-02)

a. Uranium or thorium, or any combination thereof, in any physical or chemical form; or (3-15-02)

b. Ores which contain by weight one-twentieth of one percent (0.05%) or more of: (3-15-02)

i. Uranium; (3-15-02)

ii. Thorium; or (3-15-02)

iii. Any combination thereof. (3-15-02)

c. Source material does not include special nuclear material. (3-15-02)

13. Special Nuclear Material. Special Nuclear Material means: (3-15-02)

a. Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the U.S. Nuclear Regulatory Commission determines to be special nuclear material. (3-15-02)

b. Any material artificially enriched by any of the material listed in Subsection 010.12.a. (3-15-02)

14. Technologically Enhanced Naturally Occurring Radioactive Material (TENORM). Any naturally occurring radioactive materials not subject to regulation under the Atomic Energy Act whose radionuclide concentrations or potential for human exposure have been increased above levels encountered in the natural state by human activities. TENORM does not include source, byproduct or special nuclear material licensed by the U.S. Nuclear Regulatory Commission under the Atomic Energy Act of 1954. (3-15-02)

15. Unimportant Quantities of Source Material. Radioactive materials defined as unimportant quantities of source materials by the U.S. Nuclear Regulatory Commission (10 CFR 40.13). (3-15-02)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.12 - RULES FOR ADMINISTRATION OF WATER POLLUTION CONTROL LOANS

DOCKET NO. 58-0112-1001

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 2012 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-first 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 Chapters 1 and 36, Title 39, 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, June 1, 2011, Vol. 11-6, pages 93 through 110](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0112-1001-pending> 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 Tim Wendland at tim.wendland@deq.idaho.gov or (208)373-0439.

Dated this 13th day of October, 2011.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
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THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This rulemaking action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency.

Written requests for a hearing must be received by the undersigned on or before June 15, 2011. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to make the necessary revisions for consistency with the recent changes to the Clean Water State Revolving Fund (SRF). Recent changes to the federal statutes (Pub. L. No. 111-88, 123 Stat. 2904 (2009)) governing the Clean Water SRF require that DEQ update and revise the state Rules for Administration of Water Pollution Control Loans. Federal law now requires that DEQ consider system sustainability practices as a measure of fitness for municipalities and districts to receive a loan. Federal law also requires that a certain amount of each year's federal Clean Water Act grant be provided in the form of a subsidy. In addition, this rulemaking will bring Idaho's Clean Water SRF Program into closer alignment with other related DEQ programs (the Drinking Water SRF Program and the Wastewater Planning Grant Program).

This proposed rule includes the following:

Priority rating criteria have been revised to incorporate points for sustainability.

The step-by-step process to arrive at a loan subsidy has been revised so that interest rates and loan repayment periods will be used in a more flexible manner.

The priority list rating and cost eligibility criteria have been updated to achieve consistency with other DEQ rules.

This proposed rule also includes revisions that are typographical and nonsubstantive in nature (e.g., revisions made for consistency with other sections in this rule chapter and other DEQ rules).

Prospective loan recipients, consulting engineers, grant administrators, and other funding agencies may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in October 2011 for adoption of a pending rule. The

pending rule is expected to become final and effective upon adjournment of the 2012 legislative session if adopted by the Board and approved by the Legislature.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

NEGOTIATED RULEMAKING: The text of the rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Section 67-5220, Idaho Code, and IDAPA 58.01.23, “Rules of Administrative Procedure before the Board of Environmental Quality,” Sections 810 through 815. On October 6, 2010, the Notice of Negotiated Rulemaking was published in the [Idaho Administrative Bulletin, Vol. 10-10, pages 613 through 614](#), and a preliminary draft rule was made available for public review. A meeting was held on October 28, 2010. Members of the public participated in this negotiated rulemaking process by attending the meeting and by submitting written comments. A record of the negotiated rule drafts, written public comments received, and documents distributed during the negotiated rulemaking process is available at http://www.deq.idaho.gov/rules/wastewater_loans/58_0112_1001_proposed.cfm.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

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 AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the negotiated rulemaking, contact Tim Wendland at (208)373-0439 or tim.wendland@deq.idaho.gov.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before June 29, 2011.

DATED this 26th day of April, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0112-1001

001. TITLE AND SCOPE.

01. Title. These rules will be known and cited as Idaho Department of Environmental Quality Rules, IDAPA 58.01.12, “Rules for Administration of Water Pollution Control Loans.”
(3-30-01)

02. Scope. The provisions of these rules will establish administrative procedures and requirements for establishing, implementing and administering a state loan program for providing financial assistance to eligible applicants of water pollution control projects. The U.S. Environmental Protection Agency provides annual capitalization grants to the state of Idaho for this program. Financial assistance projects must be in conformance with the requirements of the Subchapter VI of the federal Clean Water Act (33 U.S.C. Sections 1381 et seq.). ~~(5-8-09)~~()

(BREAK IN CONTINUITY OF SECTIONS)

007. DEFINITIONS.

For the purpose of the rules contained in this chapter, the following definitions apply: (12-31-91)

01. Applicant. A municipality or nonpoint source project sponsor which has the ability to establish and maintain a loan repayment source. Individuals and for-profit corporations are not eligible. (5-8-09)

02. Best Management Practice. A practice or combination of practices, techniques or measures developed, or identified, by the designated agency and identified in the state water quality management plan which are determined to be the most cost-effective and practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality needs. (3-30-01)

03. Board. The Idaho Board of Environmental Quality. (5-8-09)

04. Categorical Exclusion (CE). Category of actions which do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental information document nor an environmental impact statement is required. (5-8-09)

05. Close or Closing. The date on which the borrower loan recipient issues and physically delivers to the Department the bond or note evidencing the loan to the borrower loan recipient, specifically determining the principal, interest and fee amounts that shall be repaid and the schedule for payment. ~~(3-19-07)~~()

06. Collector Sewer. That portion of the wastewater treatment facility whose primary purpose is to receive sewage from individual residences and other individual public or private structures and which is intended to convey wastewater to an interceptor sewer or a treatment plant. (1-1-89)

07. Construction. The erection, building, acquisition, alteration, reconstruction, improvement or extension of wastewater treatment facilities, including preliminary planning to determine the economic and engineering feasibility of wastewater treatment facilities, the engineering, architectural, legal, fiscal and economic investigations, reports and studies, surveys, designs, plans, working drawings, specifications, procedures and other action necessary in the

construction of wastewater treatment facilities; the inspection and supervision of the construction; ~~and for projects funded with federal moneys the costs incurred during the one (1) year project certification period~~ and start-up of the associated facilities. (1-1-89)()

08. Department. The Idaho Department of Environmental Quality. (1-1-89)

09. Director. The Director of the Idaho Department of Environmental Quality or his/her designee. (5-3-03)

10. Disadvantaged Community. The service area of a wastewater treatment facility that meets affordability criteria established by the Department of Environmental Quality after public review and comment. ()

11. Disadvantaged Loans. Loans made to a disadvantaged community. ()

102. Eligible Costs. Costs which are necessary for planning, designing and/or constructing wastewater treatment facilities or implementation of water pollution control projects. To be eligible, costs must be reasonable and not ineligible costs. The determination of eligible costs shall be made by the Department pursuant to Section 041. (5-3-03)

~~**11. Engineering Report.** A report prepared to address a specific portion of the system or facility for which modifications are being designed. These reports address specific purpose and scope, design requirements, and evaluate feasible treatment, storage, or collection alternatives for the system to identify the cost effective and environmentally sound alternative. Engineering reports are generally project specific as opposed to an overall system wide plan such as a master plan or a facility plan. An engineering report shall be prepared by or under the supervision of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal. Guidance on how to prepare an engineering report may be found in the Handbook.~~ (5-8-09)

123. Environmental Impact Statement (EIS). A document prepared by the applicant; ~~under the Department's direction;~~ when the Department determines that the proposed construction project may significantly affect the environment. The major purpose of the EIS will be to describe fully the significant impacts of the project and how these impacts can be either avoided or mitigated. The environmental review procedures contained in Chapter 5 of the Handbook may be used as guidance when preparing the EIS. (5-8-09)()

134. Environmental Information Document (EID). Any written environmental assessment prepared by the applicant; ~~under the Department's direction;~~ describing the environmental impacts of a proposed wastewater construction project. This document will be of sufficient scope to enable the Department to assess the environmental impacts of the proposed project and ultimately determine if an EIS is warranted. (5-8-09)()

~~**14. Facility Plan.** A plan that describes the overall system, including collection, treatment processes and facilities, and waste disposal. It is a comprehensive planning document for the existing infrastructure and includes the plan for the future of the system/facility, including upgrades and additions. The plan also includes a systematic evaluation of feasible alternatives considering demographic, topographic, hydrographic, and institutional characteristics of a project area to demonstrate that the selected alternative is cost effective and environmentally~~

~~sound. A facility plan is sometimes referred to as a master plan or facilities planning study and is an overall system wide plan as opposed to a project specific plan. A facility plan shall be prepared by or under the supervision of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal. Guidance on how to prepare a facility plan may be found in the Handbook.~~ (5-8-09)

15. Financial Management System. Uniform method of recording, summarizing and analyzing financial information about the water pollution control loan applicant. (3-30-01)

16. Finding of No Significant Impact (FONSI). A document prepared by the Department ~~briefly~~ presenting the reasons why an action, not otherwise excluded, will not have a significant effect on the human environment and for which an EIS will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it. (5-8-09)()

17. Handbook. "Wastewater Facilities Loan Handbook of Procedures." (5-8-09)

18. Implementation Plan. Completed project implementation plan or work plan provides detailed documentation of the proposed project including list of tasks, schedule of tasks, agency/contractor/entity responsible for implementation of the project tasks, adequate time schedules for completion of all budget tasks, and the anticipated results of the project. (3-30-01)

19. Ineligible Costs. Costs which are ~~described in Section 041.05~~ **not eligible for funding pursuant to these rules.** (5-3-03)()

20. Interceptor Sewer. That portion of the wastewater treatment facility whose primary purpose is to transport domestic sewage or nondomestic wastewater from collector sewers to a treatment plant. (1-1-89)

21. Loan Recipient. An applicant who has been awarded a loan. ()

~~22.~~ **National Pollutant Discharge Elimination System.** Point source permitting program established pursuant to Section 402 of the federal Clean Water Act (33 U.S.C. Section 1342). (3-30-01)

~~23.~~ **Nondomestic Wastewater.** Wastewaters originating primarily from industrial or commercial processes which carry little or no pollutants of human origin. (5-3-03)

~~24.~~ **Nonpoint Source Pollution.** Water pollution that enters the waters of the state from nonspecific and diffuse sources and is the result of runoff, precipitation, drainage, seepage, hydrological modification or land disturbing activities. (5-8-09)

~~25.~~ **Nonpoint Source Project Sponsor.** Any applicant for water pollution control loan funds for a nonpoint source pollution project. (5-8-09)

~~26.~~ **O & M Operation and Maintenance Manual.** For wastewater treatment facilities, a guidance and training manual outlining the optimum operation and maintenance of the wastewater treatment facility or its components. For nonpoint source water pollution control

projects, a plan that incorporates applicable sections of the Natural Resources Conservation Service Field Office Technical Guide, for implementation of best management practices.

(~~3-30-01~~)()

27. Planning Document. A document which describes the condition of a public wastewater system and presents a cost effective and environmentally sound alternative to achieve or maintain regulatory compliance. Engineering reports and facility plans are examples of such planning documents. The planning documents shall be prepared by or under the responsible charge of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal. Requirements for planning documents prepared using loan funds are provided in Section 030 of these rules and in the Handbook. ()

268. Plan of Operation. A schedule of specific actions and completion dates for construction, start-up and operation of the wastewater treatment facility or for implementation of water pollution control projects. (5-3-03)

279. Point Source. Any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are, or may be discharged to the waters of the state. This term as used in these rules does not include return flows from irrigated agriculture, discharges from dams and hydroelectric generating facilities or any source or activity considered a nonpoint source by definition. (5-8-09)

2830. Pollutant. Any chemical, biological, or physical substance whether it be solid, liquid, gas, or a quality thereof, which if released into the environment can, by itself or in combination with other substances, create a nuisance or render that environment harmful, detrimental, or injurious to public health, safety or welfare or to domestic, commercial, industrial, recreational, aesthetic or other beneficial uses. (1-1-89)

2931. Priority List. An integrated list of proposed wastewater treatment facility and nonpoint source pollution control projects rated as described in Section 020. (5-3-03)

302. Rehabilitation. The repair or replacement of limited segments of interceptor or collector sewers. (5-3-03)

313. Reserve Capacity. That portion of the treatment works that is designed and incorporated in the constructed facilities to handle future sewage flows and loadings. (1-1-89)

324. Sewer Use Ordinance/Sewer Use Resolution. An ordinance or resolution which requires new sewers and connections to be properly designed and constructed, prohibits extraneous sources of inflow and prohibits introduction of wastes into the sewer in an amount that endangers the public safety or the physical or operational integrity of the wastewater treatment facility. (5-8-09)

335. State. The state of Idaho. (12-31-91)

346. Supplemental Grants. A state funded grant awarded in conjunction with a loan from the water pollution control loan account. (~~5-8-09~~)()

357. Suspension. An action by the Director to suspend a loan contract prior to project completion for a specified cause. Suspended contracts may be reinstated. (1-1-89)

368. ~~Unified Watershed Assessment.~~ ~~Federal watershed assessment that encompasses the State list of impaired waters.~~ Sustainability. Sustainability will include efforts for energy and water conservation, extending the life of capital assets, green building practices, and other environmentally innovative approaches to infrastructure repair, replacement and improvement. (~~3-30-01~~)()

379. Termination. An action by the Director to permanently terminate a loan contract prior to project completion for a specific cause. Terminated contracts will not be reinstated. (1-1-89)

3840. User Charge System. A system of rates and service charges applicable to specific types of users, including any legal enforcement mechanism as may be required and which provides sufficient reserves and/or revenues for debt retirement, operation and maintenance, and replacement of the installed equipment or structures. (3-30-01)

3941. Wastewater. A combination of the liquid and water-carried wastes from dwellings, commercial buildings, industrial plants, institutions and other establishments, together with any groundwater, surface water and storm water that may be present; liquid and water that is physically, chemically, biologically, or rationally identifiable as containing excreta, urine, pollutants or domestic or commercial wastes; sewage. (1-1-89)

402. Wastewater Treatment Facility. Any facility, including land, equipment, furnishings and appurtenances thereof, used for the purpose of collecting, treating, neutralizing or stabilizing wastewater and removing pollutants from wastewater including the treatment plant, collectors, interceptors, outfall and outlet sewers, pumping stations, sludge treatment and handling systems, land disposal systems; a sewage treatment plant. (1-1-89)

413. Water Pollution Control Project. Any project that contributes to the removal, curtailment, or mitigation of pollution of the surface waters or groundwater of the state, or the restoration of the quality of said waters, and conforms to any applicable planning document which has been approved and/or adopted such as the State Water Quality Management Plan. This includes the planning, design, construction/implementation or any other distinct stage or phase of a project. (3-30-01)

(BREAK IN CONTINUITY OF SECTIONS)

020. INTEGRATED PRIORITY RATING SYSTEM.

Projects are identified for placement on priority lists by surveying eligible entities directly on an annual basis. Information is also received from the Department and consulting engineers. Limited loan funds are awarded to projects based on priority ratings. Projects are rated by the Department on a standard priority rating form using public health, sustainability, and water quality criteria.

~~(5-3-03)~~()

01. Purpose. An integrated priority rating system shall be utilized by the Department to annually allot available funds to water quality projects determined eligible for funding assistance under the water pollution control loan program in accordance with these rules. (5-3-03)

02. Priority Rating. The priority rating system shall be based on a ~~weighted numerical points system wherein each succeeding prevention, compliance, control or abatement need is weighted less heavily than the preceding need.~~ Priority criteria, ~~listed herein in descending numerical weight,~~ shall contain the following points ~~(with a maximum allowable point total of one hundred and fifty (150)):~~ (5-8-09)()

a. Public health emergency or hazard certified by the Idaho Board of Environmental Quality, the Department, a District Health Department or by a District Board of Health -- one hundred and fifty (150) points. (5-8-09)

b. Regulatory compliance issues (e.g., noncompliance and resulting legal actions relating to infrastructure deficiencies at a wastewater facility) -- up to one hundred (100) points. (5-8-09)()

c. Watershed restoration (e.g., implementation of best management practices or initiation of construction at wastewater collection and treatment facilities as part of an approved total maximum daily load plan, implementation of nonpoint source management actions in protection of a threatened water, or is part of a special water quality effort) -- up to one hundred (100) points. (5-8-09)()

d. Watershed protection from impacts (e.g., improvement of beneficial use(s) in a given water body, evidence of community support, or recognition of the special status of the affected water body) -- up to one hundred (100) points. (5-8-09)()

e. Preventing impacts to uses (nonpoint source pollution projects) -- up to one hundred (100) points. (5-8-09)()

f. ~~Secondary incentives (e.g. readiness to proceed, financial ability)~~ Sustainability efforts (e.g., prospective efforts at energy conservation, water conservation, extending the life of capital assets, green building practices, and other environmentally innovative approaches to infrastructure repair, replacement and improvement) -- up to fifty (50) points. (5-8-09)()

g. Affordability (current system user charges exceed state affordability guidelines) -- ten (10) points. ()

03. ~~Department Guidelines.~~ ~~Secondary ranking under each factor in Subsection 020.02 will be established by Department guidelines, which will be approved and advertised each year. The additional ranking will include but not be limited to the following: nexus/benefit to the municipality; project water quality effectiveness; readiness to proceed; cost effectiveness; etc.~~ Rating Forms. Rating criteria for Subsection 020.02 is set forth in a rating form that is available in the Handbook. (5-8-09)()

04. Integrated Priority List. A list shall be developed *annually* from projects rated according to Subsection 020.02-~~and 020.03~~. Such list shall be submitted for public review and comment, and shall thereafter be submitted to the Board for approval. (5-3-03)()

a. Priority Reevaluation. Whenever significant changes occur, which in the Department's judgment would affect the design parameters or treatment requirements by either increasing or decreasing the need for or scope of any project, a reevaluation of that priority rating will be conducted. (1-1-89)

b. Priority Target Date. An eligible applicant whose project is on the approved priority list, and for which funding is available, will be contacted by the Department and a target date for submission of a completed loan application will be established. (5-3-03)

c. Project Bypass. A project that does not or will not meet the project target date or a Department schedule that allows for timely utilization of loan funds may be bypassed, substituting in its place the next highest ranking project(s) that is ready to proceed. An *project eligible applicant* that is bypassed will be notified in writing of the reasons for being bypassed. (3-30-01)()

05. Amendment of Integrated Priority List. The Director may amend the Integrated Priority List as set forth in Section 995 of these rules. (5-8-09)

021. DISADVANTAGED LOANS.

Disadvantaged Loan Awards. In conjunction with the standard loans, the Department may award disadvantaged loans to applicants deemed disadvantaged using the following criteria: ()

01. Qualifying for a Disadvantaged Loan. In order to qualify for a disadvantaged loan, a loan applicant must have an annual user rate for wastewater service for residential customers which exceeds one and one-half percent (1½%) of the applicant community's median household income. The applicant shall agree to a thirty (30) year loan unless the design life of the project is documented to be less than thirty (30) years. The annual user rate would be based on all operating, maintenance, replacement, and debt service costs (both for the existing system and for upgrades). If the applicant's service area is not within the boundaries of a municipality, or if the applicant's service area's median household income is not consistent with the municipality as a whole, the applicant may use the census data for the county in which it is located or may use a representative survey, conducted by a Department approved, objective third party, to verify the median household income of the applicant's service area. ()

02. Adjustment of Loan Terms. DEQ will equally apportion funds available for principal forgiveness to all prospective disadvantaged loan recipients. Consistent with achieving user rates of one and one-half percent (1½%) of the applicant community's median household income, and where possible with available funds, loan terms may be adjusted in the following order: decreasing the interest rate and providing principal forgiveness. ()

a. Decreasing Interest Rate. The loan interest rate may be reduced from the rate established by the Director for standard loans to a rate that results in an annual user rate equal to one and one-half percent (1½%) of median household income. The interest rate may be reduced to as low as zero percent (0%). ()

b. Principal Forgiveness. If even at zero percent (0%) interest, the annual user rate per residential user still exceeds one and one-half percent (1½%) of median household income, the principal which causes the user charge to exceed one and one-half percent (1½%) may be reduced except the principal reduction cannot exceed fifty percent (50%) of the total loan. Principal forgiveness terms may be revised (from initial estimates established in the annual Intended Use Plan) based upon final construction costs, such that loan terms do not result in user rates that are below one and one-half percent (1½%) of the applicant community's median household income. ()

0212. SUPPLEMENTAL GRANTS.

In conjunction with loans, the Department may award state funded supplemental grants, not to exceed ninety percent (90%) of total eligible costs, to applicants loan recipients in the following manner: (5-8-09)()

01. Projects Not Funded by Loans. Planning and design projects may receive grant assistance up to ninety percent (90%) funding of eligible costs not funded by a loan; and (1-1-89)

02. Costs in Excess of Financial Ability. (3-30-01)

a. Applicants Loan recipients may receive supplemental grant assistance for eligible costs that exceed the amount a loan recipient is able to pay. In order to qualify for a supplemental grant, a loan recipient must have the following: (5-8-09)()

i. An annual cost user rate per household which exceeds one and one-half percent (1 1/2%) of the median household income from the most recent census data. If the applicant's loan recipient's service area is not within the boundaries of a municipality, the applicant loan recipient may use the census data for the county in which it is located or may use an income survey approved by the Department; and (5-8-09)()

ii. The annual cost user rate includes all operating, maintenance, replacement and debt service costs, both for the existing system and for upgrades, ~~being financed with state revolving funds.~~ (5-8-09)()

b. If ~~an applicant~~ a loan recipient meets the requirement of Subsections 0212.02.i. and 0212.02.ii., a supplemental grant may be made for the amount of the project that causes the annual cost of user rate for wastewater service per household to exceed one and one-half percent (1 1/2%) of the median household income, subject to available funds. (5-8-09)()

03. Accrued Interest on Loans with Supplemental Grants. Interest will not be accrued during the design and construction phases on loan projects that also have a supplemental grant. (3-30-01)

0223. -- 029. (RESERVED).

030. PROJECT SCOPE AND FUNDING.

Loan funds awarded under this program may be used to prepare a wastewater treatment facility planning document which identifies the cost effective and environmentally sound alternative to

achieve or maintain compliance with IDAPA 58.01.16, "Wastewater Rules," and the Clean Water Act, 33 U.S.C. Sections 1381 et seq., and which is approvable by the Department. Loan funds may also be used for design and construction of the chosen alternative. ()

01. Nonpoint Source Implementation Funding. Eligible nonpoint source water pollution control projects may be funded when all of the following criteria are met: (3-30-01)

- a. Consistent with and implements the Idaho Nonpoint Source Management Plan. (3-30-01)
- b. Data is used to substantiate a nonpoint source pollutant problem or issue exists and is described or directly referenced. (3-30-01)
- c. Completed project implementation plan or work plan. (3-30-01)
- d. Project commitment documentation through demonstrated ability for loan repayment. (3-30-01)
- e. The project includes documentation that the project owner(s), manager(s), or the sponsoring agency will maintain the project for the life of the project (e.g., Maintenance Agreement). (3-30-01)
- f. The project provides adequate tracking and evaluation of the effectiveness of the water quality improvements being funded by either the project owner/manager or the sponsoring agency throughout the life of the project. (3-30-01)
- g. The project demonstrates nexus/benefit to municipality through a letter of support from one (1) or more affected municipalities. (3-30-01)

02. Wastewater Treatment Facility Funding. Projects may be funded in steps: (3-30-01)

- a. Step 1. ~~Facility plan or engineering report~~ Planning document prepared in accordance with the Handbook. (~~5-8-09~~)()
- b. Step 2. Design which includes the preparation of the detailed engineering plans and specifications necessary for the bidding and construction of the project. (1-1-89)
- c. Step 3. Construction, which includes bidding and actual construction of the project. (1-1-89)
- d. Step 4. A combination of Step 2 and Step 3. (1-1-89)
- e. Combination Step Funding. Projects may be funded in any combination of the steps with the approval of the Department. Separate loans may be awarded for Step 1 or Step 2 projects. If a Step 1 or Step 2 project proceeds to construction, either the Step 1 or Step 2 loan, or both, may be consolidated with the Step 3 loan. If a project does not proceed to construction, outstanding Step 1 and Step 2 loans will be amortized and a repayment schedule prepared by the

Department.

(1-1-89)

f. Cost Effective Requirement. Step 2, Step 3 or Step 4 loans ~~will~~ **shall** not be awarded until a final cost effective **and environmentally sound** alternative has been selected by the Step 1 ~~facility plan as~~ **planning document and** approved by the Department. ~~The cost effective alternative may be selected based on the comment received from at least one (1) public hearing attended by affected users within the jurisdiction of the eligible applicant and conducted in accordance with state law.~~ **If the planning document has not been completed pursuant to IDAPA 58.01.04, "Rules for Administration of Wastewater Treatment Facility Grants," then the loan recipient shall provide an opportunity for the public to comment on the draft planning document. The public comment period shall be held after alternatives have been developed and the Department has approved the draft planning document. The loan recipient shall provide written notice of the public comment period and hold at least one (1) public meeting within the jurisdiction of the loan recipient during the public comment period. At the public meeting, the draft planning document shall be presented by the loan recipient with an explanation of the alternatives identified. The cost effective and environmentally sound alternative selected shall consider public comments received from those affected by the proposed project. After the public meeting and public comment period, the final alternative will be selected and the Environmental Information Document will be prepared.** ~~(5-3-03)()~~

g. Funding For Reserve Capacity. Funding for reserve capacity of a treatment plant will not exceed a twenty (20) year population growth and funding for reserve capacity of an interceptor will not exceed a forty (40) year population growth as determined by the Department. (1-1-89)

(BREAK IN CONTINUITY OF SECTIONS)

032. LOAN FEE.

01. Loan Fee. The Department may elect to impose a loan fee when necessary to offset the costs of administering the loan program, to provide planning assistance, or to otherwise facilitate the operation of the Clean Water Act State Revolving Fund (CWSRF) effort. The Department may impose a loan fee on loans scheduled to close after January 4, 2006. The loan fee shall not exceed one percent (1%) of the unpaid balance of the loan at the time each loan payment is due. (5-8-09)

02. Determination of Loan Fee. The Department shall determine the amount of the loan fee on a yearly basis and shall ~~charge the same loan fee on all loans closed during any one fiscal year~~ **assess a loan fee based upon each loan recipient's total interest rate.** The amount of the loan fee shall be included in the Intended Use Plan, as described by Section 606(c) of the Clean Water Act. In determining the amount of the loan fee, the Department shall consider: ~~(3-19-07)()~~

a. The Department's anticipated costs of administering the loan program for the upcoming fiscal year, including salaries and overhead; (3-19-07)

b. Any Department costs related to providing technical assistance for the loan program for the upcoming fiscal year; (5-8-09)

c. The amount of money generated from loan fees in previous fiscal years available for use in the upcoming fiscal year; and (3-19-07)

d. The anticipated demand for planning assistance to supplement regular appropriations and other related needs to support the CWSRF loan program. (5-8-09)

03. Effect on Loan Interest Rate. The loan interest rate, as described in Subsection 050.05, will be reduced by the corresponding percentage of the loan fee. (3-19-07)

04. Payment of Loan Fee. The loan fee shall be due and payable concurrently with scheduled loan principal and interest repayments over the repayment period. (3-19-07)

033. -- 039. (RESERVED).

040. LOAN APPLICATION AND REVIEW.

01. Submission of Application. Those eligible systems which received high priority ranking shall be invited to submit an application. The applicant shall submit to the Department, a completed application on a form as prescribed by the Department. (5-3-03)

02. Application Requirements. Applications shall contain the following documentation, as applicable: (5-3-03)

a. A lawful resolution passed by the governing body authorizing an elected official or officer of the applicant to execute a loan contract and sign subsequent loan disbursement requests; (5-8-09)

b. Contracts for engineering or other technical services and the description of costs and tasks set forth therein shall be in sufficient detail for the Department to determine whether the costs associated with the tasks are eligible costs pursuant to Section 041; (5-8-09)

c. Justification for the engineering firm selected. An engineering firm selected by the applicant must at a minimum: (5-3-03)

i. Be procured for design and/or services during construction or previously procured for planning services through the selection guidelines and procedures prescribed under Section 67-2320, Idaho Code; (5-8-09)

ii. Be a registered professional engineer currently licensed by the Idaho Board of Professional Engineers and Land Surveyors; (5-8-09)

iii. Not be debarred or otherwise prevented from providing services under another federal or state financial assistance program; and (5-3-03)

iv. Be covered by professional liability insurance in accordance with Subsection 050.05.d. of these rules. A certification of liability insurance shall be included in the application. (5-8-09)

d. A description of other costs, not included in the contracts for engineering or other technical services, for which the applicant seeks funding. The description of the costs and tasks for such costs must be in sufficient detail for the Department to determine whether the costs are eligible costs pursuant to Section 041; (5-8-09)

e. A demonstration that the obligation to pay the costs for which funding is requested is the result or will be the result of the applicant's compliance with applicable competitive bidding requirements for construction and requirements for professional service contracts, including without limitation, the requirements set forth in Sections 67-2801 et seq., 67-2320, 59-1026, and 42-3212, Idaho Code; (5-8-09)()

f. Step 1 -- Scope of work describing the work tasks to be performed in the ~~facility plan~~ preparation of the planning document if required in accordance with Subsection 030.02, a schedule for completion of the work tasks and an estimate of ~~man~~ staff hours and costs to complete the work tasks; (5-8-09)()

g. Step 2 -- Design, or Step 4 -- Design and Construction: (1-1-89)

i. ~~Facility plan or engineering report~~ Planning document, including a final environmental document and decision in accordance with Section 042; (5-8-09)()

ii. Financial and management capability analysis as provided in Subsection 010.01; and (12-31-91)

iii. Intermunicipal service agreements between all entities within the scope of the project, if applicable; (5-8-09)

h. Step 3 -- Construction: (1-1-89)

i. Documented evidence of all necessary easements and land acquisition; (5-8-09)

ii. Biddable plans and specifications of the approved wastewater treatment facility alternative; (5-8-09)

iii. A plan of operation and project schedule; (5-8-09)

iv. A user charge system, sewer use ordinance and financial management system; and (1-1-89)

v. A staffing plan and budget; (5-8-09)

i. Step 4 -- Design and Construction. Loan applicants must submit all documentation specified in Subsection 040.02.h. prior to advertising for bids on construction contracts; (5-8-09)

- j. Nonpoint Source Implementation Funding: (5-8-09)
 - i. Information demonstrating that the project is consistent with and implements the Idaho Nonpoint Source Management Plan; (5-8-09)
 - ii. Data that substantiates a nonpoint source pollution problem or issue exists; (5-8-09)
 - iii. A project implementation plan or workplan; (5-8-09)
 - iv. Project commitment documentation that demonstrates the ability for loan repayment; (5-8-09)
 - v. Documentation that the project owner, manager or sponsoring agency will maintain the project for the life of the project; (5-8-09)
 - vi. A demonstration that there will be adequate tracking and evaluation of the effectiveness of the water quality improvements being funded by either the project owner/manager or the sponsoring agency throughout the life of the project; and (5-8-09)
 - vii. A description of the nexus/benefit to a municipality and a letter of support from one (1) or more affected municipalities. (5-3-03)

03. Determination of Completeness of Application. The Department shall review the application to determine whether it includes all of the information required by Subsection 040.02. (5-3-03)

04. Notification of Incompleteness of Application. Written notification if an application is incomplete, including an explanation of missing documentation will be sent to the applicant. The applicant may provide the missing documentation. (5-3-03)

05. Reapplication for Loan. The action of disapproving, recalling or terminating a loan in no way precludes or limits the former applicant from reapplying for another loan when the project deficiencies are resolved and project readiness is secured. (1-1-89)

041. DETERMINATION OF ELIGIBILITY OF COSTS. The Department shall review the application, including any contracts required to be submitted with the application, to determine whether the costs are eligible costs for funding. (5-3-03)

01. Eligible Costs. Eligible costs are those determined by the Department to be: (5-3-03)

- a. Necessary ~~for planning, designing and/or constructing wastewater treatment facilities or implementation of water pollution control projects~~ costs; ~~(5-3-03)~~()
- b. Reasonable costs; and ~~(5-3-03)~~()
- c. Costs that are not ineligible as described in Subsection 041.05. (5-3-03)

02. Necessary Costs. The Department shall determine whether costs are necessary by comparing the tasks for which the costs will be incurred to the scope of the project as described in the plan of study for facility planning, ~~the facility plan for design and construction of wastewater treatment facilities~~ **planning documents**, the project implementation plan or work plan for nonpoint source projects, and any other relevant information in the application that describes the scope of the project to be funded. (5-3-03)()

03. Reasonable Costs. Costs shall be determined by the Department to be reasonable if the obligation to pay the costs is the result of or will be the result of the applicant's compliance with applicable competitive bidding requirements for construction and requirements for professional service contracts, including without limitation, the requirements set forth in Sections 67-2801 et seq., 67-2320, 59-1026, and 42-3212, Idaho Code. (5-8-09)

04. Examples of Costs That May Be Eligible. Examples of costs that may be eligible, if determined necessary, reasonable and not ineligible costs include: (5-3-03)

a. Costs of salaries, benefits, and expendable material the applicant incurs in the project except ordinary operating expenses of local government, such as salaries and expenses of mayors, city council members, attorneys, commissioners, board members, or managers; (5-8-09)

b. Costs under construction contracts bid and executed in compliance with state public works construction laws; (5-3-03)

c. Professional and consulting services utilizing a lump sum contract, a negotiated hourly rate contract, a time and materials contract, or cost plus a fixed fee contract; (5-3-03)

d. Planning directly related to the water pollution control projects; (5-3-03)

e. Sewer system evaluations; (5-3-03)

f. Financial and management capability analysis; (5-3-03)

g. Preparation of construction drawings, specifications, estimates, and construction contract documents; (5-3-03)

h. Landscaping; (5-3-03)

i. Removal and relocation or replacement of utilities for which the applicant is legally obligated to pay; (5-8-09)

j. Material acquired, consumed, or expended specifically for the project; (5-3-03)

k. A reasonable inventory of laboratory chemicals and supplies necessary to initiate plant operations; (5-3-03)

l. Preparation of an operation and maintenance manual; (5-3-03)

- m. Preparation of a plan of operation; (5-3-03)
 - n. Start-up services; (5-3-03)
 - o. Project identification signs; (5-3-03)
 - p. Public participation for alternative selection; (5-3-03)
 - q. Development of user charge and financial management systems; (5-3-03)
 - r. Development of sewer use ordinance; (5-3-03)
 - s. Staffing plans and budget development; (5-3-03)
 - t. Certain direct and other costs as determined eligible by the Department; (5-3-03)
 - ~~u. Costs of assessing and defending contractor claims determined unmeritorious by the Department; (5-3-03)~~
 - *u. Costs of complying with the Federal Water Pollution Control Act (P.L. 92-500) as amended, 33 USC Section 1251 et seq., loan requirements applied to specific projects; and (5-3-03)
 - *v. Site acquisition costs, including sewer right of way, sewage treatment plant site, wastewater land application sites and sludge disposal areas. Land purchase shall be from a willing seller. (5-3-03)()
- 05. Ineligible Project Costs.** Costs which are ineligible for funding include, but are not limited to: (5-3-03)
- a. Basin or area wide planning not directly related to the project; (5-3-03)
 - b. Bonus payments not legally required for completion of construction before a contractual completion date; (5-3-03)
 - c. Personal injury compensation or damages arising out of the project; (5-3-03)
 - d. Fines or penalties due to violations of, or failure to comply with, federal, state, or local laws; (5-3-03)
 - e. Costs outside the scope of the approved project; (5-3-03)
 - f. Ordinary operating expenses of local government, such as salaries and expenses of mayors, city council members, attorneys, commissioners, board members, or managers; (5-8-09)
 - g. Construction of privately owned wastewater treatment facilities; (5-3-03)
 - h. Cost of land in excess of that needed for the proposed project; (5-3-03)

- i. Cost of refinancing existing indebtedness; ~~and~~ (5-8-09)()
- j. Reserve funds; ~~and~~ (5-8-09)()
- k. Costs incurred prior to acceptance of the loan unless specifically approved in writing as eligible pre-award costs by the Department. ()

06. Notification Regarding Ineligible Costs. Prior to providing a loan offer, the Department shall notify the applicant if certain costs are not eligible for funding and the reasons for the Department's determination. If such costs are included in the engineering contract, the Department shall also provide notification to the engineer. The applicant may provide the Department additional information in response to the notice. (5-3-03)

07. Eligible Costs and the Loan Offer. The loan offer shall reflect those costs determined by the Department to be eligible costs. The loan offer, however, may include estimates of some eligible costs that have not yet been set, such as construction costs. Actual eligible costs may differ from such estimated costs set forth in the loan offer. In addition, loan disbursements may be increased or decreased if eligible costs are modified as provided in Section 060. (5-3-03)

042. ENVIRONMENTAL REVIEW.

~~Guidance on how to complete an environmental review may be found in Chapter 5 of the Handbook.~~ (5-8-09)

01. Environmental Documentation. Projects may be a nonpoint source activity or a wastewater treatment facility or other point source facility. Guidance on how to complete an environmental review may be found in Chapter 5 of the Handbook. For eligible ~~non~~point source projects funded solely with non-federal funds (i.e. State Revolving Loan Fund repayments), see Subsection 042.10. For eligible point source projects, the ~~applicant~~ loan recipient shall complete an environmental review as part of and in conjunction with ~~an engineering report or facility plan a planning document.~~ Projects funded exclusively as nonpoint or estuary management projects may not be required to complete an environmental review. The ~~applicant~~ loan recipient shall consult with the Department at an early stage in the loan process to determine the required level of environmental review. Based on review of existing information, and assessment of environmental impacts, the ~~applicant~~ loan recipient shall complete one (1) of the following per the Department's instruction: (5-8-09)()

- a. Submit a request for Categorical Exclusion (CE) with supporting backup documentation as specified by the Department; (5-8-09)
- b. Prepare an Environmental Information Document (EID) in a format specified by the Department; or (5-8-09)
- c. Prepare an Environmental Impact Statement (EIS) in a format specified by the Department. (5-8-09)

02. Categorical Exclusions. If ~~an applicant~~ the loan recipient requests a CE, the Department shall review the request and, based upon the supporting documentation, take one (1)

of the following actions:

~~(5-8-09)~~()

a. Determine if the action is consistent with categories eligible for exclusion whereupon the Department shall issue a notice of CE from substantive environmental review. Once the CE is granted for the selected alternative, the Department will publish a notice of CE in a local newspaper in the geographical area of the proposed project to inform the public of this action, following which the ~~engineering report or facility~~ **planning document** can be approved and the loan award can proceed; or

~~(5-8-09)~~()

b. Determine if the action is not consistent with categories eligible for exclusion and that issuance of a CE is not appropriate. If a CE is not issued, the Department shall notify the ~~applicant~~ **loan recipient** to prepare an EID.

~~(5-8-09)~~()

03. Environmental Information Document Requirements. When an EID is required, the ~~applicant~~ **loan recipient** shall prepare the EID in accordance with the following Department procedures:

~~(5-8-09)~~()

a. Various laws and executive orders related to environmentally sensitive resources shall be considered as the EID is prepared. Appropriate state and federal agencies shall be consulted regarding these laws and executive orders;

(5-8-09)

b. A full range of relevant impacts, both direct and indirect, of the proposed project shall be discussed in the EID, including measures to mitigate adverse impacts, cumulative impacts, and impacts that shall cause irreversible or irretrievable commitment of resources; and

(5-8-09)

c. The Department shall review the draft EID and either request additional information about one (1) or more potential impacts, or shall draft a “finding of no significant impact” (FONSI).

(5-8-09)

04. Final Finding of No Significant Impact. The Department shall publish the draft FONSI in a local newspaper in the geographical area of the proposed project and shall allow a minimum thirty (30) day public comment period. Following the required period of public review and comment, and after any public concerns about project impacts are addressed, the FONSI shall become final. The Department shall assess the effectiveness and feasibility of the mitigation measures identified in the FONSI and EID prior to the issuance of the final FONSI and approval of the ~~preliminary engineering report or facility~~ **planning document**.

~~(5-8-09)~~()

05. Environmental Impact Statement (EIS) Requirements. If an (EIS) is required, the ~~applicant~~ **loan recipient** shall:

~~(5-8-09)~~()

a. Consult with all affected federal and state agencies, and other interested parties, to determine the required scope of the document;

(5-8-09)

b. Prepare and submit a draft EIS to all interested agencies, and other interested parties, for review and comment;

(5-8-09)

c. Conduct a public ~~hearing~~ **meeting** which may be in conjunction with ~~an~~

~~engineering report or facility plan hearing~~ a planning document meeting; and (5-8-09)()

d. Prepare and submit a final EIS incorporating all agency and public input for Department review and approval. (5-8-09)

06. Final Environmental Impact Statement (EIS). Upon completion of the EIS by the ~~applicant~~ loan recipient and approval by the Department of all requirements listed in Subsection 042.05, the Department shall issue a record of decision, documenting the mitigation measures which shall be required of the ~~applicant~~ loan recipient. The loan agreement can be completed once the final EIS has been approved by the Department. (5-8-09)()

07. Partitioning the Environmental Review. Under certain circumstances, the building of a component/partition of a ~~drinking water~~ wastewater system may be justified in advance of all environment review requirements for the remainder of the system. The Department shall approve partitioning the environment review in accordance with established procedures. (5-8-09)()

08. Use of Environmental Reviews Conducted by Other Agencies. If environmental review for the project has been conducted by another state, federal, or local agency, the Department may, at its discretion, issue its own determination by adopting the document and public participation process of the other agency. (5-8-09)

09. Validity of Review. Environmental reviews, once completed by the Department, are valid for five (5) years from the date of completion. If a loan application is received for a project with an environmental review which is more than five (5) years old, the Department shall reevaluate the project, environmental conditions and public views and shall: (5-8-09)()

a. Reaffirm the earlier decision; or (1-1-89)

b. Require supplemental information to the earlier EIS, EID, or request for CE. Based upon a review of the updated document, the Department shall issue and distribute a revised notice of CE, FONSI, or record of decision. (5-8-09)

10. Exemption From Review. Loan projects ~~funded solely with CWSRF repayment monies or with state monies~~ may be exempt from certain federal crosscutting authorities at the discretion of the Department as long as in any given year the annual amount of loans, equal to the most recent federal capitalization grant, complies with all of the federal crosscutting authorities. (5-8-09)()

043. -- 049. (RESERVED).

050. LOAN OFFER AND ACCEPTANCE.

01. Loan Offer. Loan offers will be delivered to successful applicants by representatives of the Department or by registered mail. (1-1-89)

02. Acceptance of Loan Offer. Applicants have sixty (60) days in which to officially accept the loan offer on prescribed forms furnished by the Department. The sixty (60) day

acceptance period commences from the date indicated on the loan offer notice. If the applicant does not accept the loan offer within the sixty (60) day period the loan funds may be offered to the next project of priority. (1-1-89)

03. Acceptance Executed as a Contract Agreement. Upon signature by the Director and upon signature by the authorized representative of the eligible applicant, the loan offer shall become a contract. Upon accepting a loan offer a eligible applicant becomes a loan recipient. The disbursement of funds pursuant to a loan contract is subject to a finding by the Director that the loan recipient has complied with all loan contract conditions and has prudently managed the project. The Director may, as a condition of disbursement, require that a loan recipient vigorously pursue any claims it has against third parties who will be paid in whole or in part, directly or indirectly, with loan funds. No third party shall acquire any rights against the state or its employees from a loan contract. (5-3-03)

04. Estimate of Reasonable Cost. All loan contracts will include the eligible costs of the project. Some eligible costs may be estimated and disbursements may be increased or decreased as provided in Section 060. (5-3-03)

05. Terms of Loan Offers. The loan offer shall contain such terms as are prescribed by the Department including, but not limited to: (1-1-89)

a. Terms consistent with these rules, the project step to be funded under the loan offer, and Title 39, Chapter 36, Idaho Code; (5-8-09)

b. Special clauses as determined necessary by the Department for the successful investigation, design, construction and management of the project; (5-8-09)

c. Terms consistent with applicable state and federal laws pertaining to *engineering reports* **planning documents**, design, and construction, including the Public Works Contractors License Act and the Public Contracts Bond Act, Chapter 19, Title 54, Idaho Code, and the federal Clean Water Act requirements for projects funded with loan moneys of federal origin; ~~(5-8-09)~~()

d. Requirement for the prime engineering firm(s) and their principals retained for engineering services to carry professional liability insurance to protect the public from the engineer's negligent acts and errors *of and* omissions of a professional nature. The total aggregate of the engineer's professional liability insurance shall be one hundred thousand dollars (\$100,000) or twice the amount of the engineer's fee, whichever is greater. Professional liability insurance must cover all such services rendered for all project phases, whether or not such services or phases are state funded, until the certification of project performance is accepted by the Department; ~~(5-8-09)~~()

e. The project shall be bid, contracted and constructed according to the current edition of Idaho Standards for Public Works Construction unless the *applicant* **loan recipient** has approved and adopted acceptable public works construction standards approved by the Department; ~~(5-8-09)~~()

f. The loan interest rate for loans made during the state fiscal year beginning July 1

will be established by the Director. The interest rate will be a fixed rate in effect for the life of the loan. The rate may equal but shall not exceed the current market rate; (5-8-09)

g. The loan fee pursuant to Section 032; (5-8-09)

h. All loans must be fully amortized within a period not to exceed ~~twenty~~ **thirty** (~~2~~**3**) years after project completion, ~~unless the project qualifies for extended financing (Section 603(d)(2) of the Clean Water Act (33 U.S.C. 1383(d)(2))~~. The loan contract will contain a schedule of loan repayments stating the due dates and the amount due. The ~~borrower~~ **loan recipient** may elect for either a schedule of semi-annual or annual repayments at the time the loan is finalized; and (~~5-8-09~~)()

i. Repayment default will occur when a scheduled loan repayment is thirty (30) days past due. If default occurs, the Department may invoke appropriate loan contract provisions and/or bond covenants. (5-3-03)

051. ACCOUNTING AND AUDITING PROCEDURES.

~~Applicants receiving~~ **Loans recipients** must maintain project accounts in accordance with generally accepted accounting principles. Eligible nonpoint source water pollution control implementation funding project sponsors may be audited on an annual basis according to government auditing standards issued by the U.S. General Accounting Office. (~~5-8-09~~)()

052. -- 059. (RESERVED).

060. DISBURSEMENTS.

01. Loan Disbursements. Requests to the Department for actual disbursement of loan proceeds will be made by the loan recipient on forms provided by the Department. (3-30-01)

02. Loan Increases. An increase in the loan amount as a result of an increase in eligible project costs will be considered, provided funds are available. Documentation supporting the need for an increase must be submitted to the Department for approval prior to incurring any costs above the eligible cost ceiling. (1-1-89)

03. Loan Decreases. If the actual eligible cost is determined by the Department to be lower than the estimated eligible cost the loan amount will be reduced proportionately. (1-1-89)

04. Project Review to Determine Final Eligible Costs. A project review by the Department or a Department designee will determine the final eligible costs. (3-30-01)

05. Final Disbursement. The final loan disbursement ~~will~~ **consisting of five percent (5%) of the total loan amount shall** not be made until final inspection, final review, and a final loan repayment schedule have been completed. (~~3-30-01~~)()

(BREAK IN CONTINUITY OF SECTIONS)

995. WAIVER OF REQUIREMENTS AND AMENDMENT OF INTEGRATED PRIORITY LIST.

01. Conditions for Waiver. The Director may amend the Integrated Priority List and grant a waiver from the requirements of these rules on a case-by-case basis upon full demonstration by the loan ~~applicant~~ **recipient** requesting the waiver that the following conditions exist. See also Subsection 020.05 of these rules. ~~(5-8-09)~~()

01a. Health Hazard. A significant public health hazard exists; (5-8-09)

01b. Water Contamination. A significant water contamination problem exists; (5-8-09)

01c. Pollution. A significant point source of pollution exists causing a violation of Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, "Water Quality Standards"; ~~or~~ ~~(5-8-09)~~()

01d. Affordability Criteria Exceeded. The project will exceed affordability criteria adopted by the Department in the event the waiver is not granted; ~~or~~ ~~(1-1-89)~~()

052. Availability of Federal Funds. The waiver will not affect the availability of federal funds for the project where such funding is required by the ~~applicant~~ **loan recipient** requesting the waiver. ~~(5-8-09)~~()

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.20 - RULES FOR ADMINISTRATION OF DRINKING WATER LOAN PROGRAM

DOCKET NO. 58-0120-1001

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 2012 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-first 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 Chapters 1 and 76, Title 39, 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, June 1, 2011, Vol. 11-6, pages 111 through 127](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0120-1001-pending> 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 Tim Wendland at tim.wendland@deq.idaho.gov or (208)373-0439.

Dated this 13th day of October, 2011.

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

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This rulemaking action is authorized by Chapters 1 and 76, Title 39, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency.

Written requests for a hearing must be received by the undersigned on or before June 15, 2011. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to make the necessary revisions for consistency with the recent changes to the Drinking Water State Revolving Fund (SRF). Recent changes to the federal statutes (Pub. L. No. 111-88, 123 Stat. 2904 (2009)) governing the Drinking Water SRF require that DEQ update and revise the state Rules for the Administration of Drinking Water Loan Program. Federal law now requires that DEQ consider system sustainability practices as a measure of fitness for municipalities and districts to receive a loan. Federal law also requires that a certain amount of each year's federal Safe Drinking Water Act grant be provided in the form of a subsidy. In addition, this rulemaking will bring Idaho's Drinking Water SRF Program into closer alignment with other related DEQ programs (the Clean Water SRF Program and the Drinking Water Planning Grant Program).

This proposed rule includes the following:

Priority rating criteria have been revised to incorporate points for sustainability.

The step-by-step process to arrive at a loan subsidy has been revised so that interest rates and loan repayment periods will be used in a more flexible manner.

The priority list rating and cost eligibility criteria have been updated to achieve consistency with other DEQ rules.

This proposed rule also includes revisions that are typographical and nonsubstantive in nature (e.g., revisions made for consistency with other sections in this rule chapter and other DEQ rules).

Prospective loan recipients, consulting engineers, grant administrators, and other funding agencies may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in October 2011 for adoption of a pending rule. The pending rule is expected to become final and effective upon adjournment of the 2012 legislative session if adopted by the Board and approved by the Legislature.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

NEGOTIATED RULEMAKING: The text of the rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Section 67-5220, Idaho Code, and IDAPA 58.01.23.810-815. On October 6, 2010, the Notice of Negotiated Rulemaking was published in the [Idaho Administrative Bulletin, Vol. 10-10, pages 613 through 614](#), and a preliminary draft rule was made available for public review. A meeting was held on October 28, 2010. Members of the public participated in this negotiated rulemaking process by attending the meeting. A record of the negotiated rule drafts and documents distributed during the negotiated rulemaking process is available at http://www.deq.idaho.gov/rules/drinking_water_loans/58_0120_1001_proposed.cfm.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

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 AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the negotiated rulemaking, contact Tim Wendland at (208)373-0439 or tim.wendland@deq.idaho.gov.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before June 29, 2011.

DATED this 26th day of April, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0120-1001

001. TITLE AND SCOPE.

01. Title. These rules shall be known and cited as Rules of the Idaho Department of Environmental Quality, IDAPA 58.01.20, "Rules for Administration of Drinking Water Loan

Program.” (5-3-03)

02. Scope. The provisions of these rules shall establish administrative procedures and requirements for establishing, implementing, and administering a state loan program to provide financial assistance to qualifying entities of public water system facilities. The U.S. Environmental Protection Agency provides annual capitalization grants to the state of Idaho for this program. Financial assistance projects must be in conformance with the requirements of the Safe Drinking Water Act (42 U.S.C. Section 300f et seq.). ~~(3-23-98)~~()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

For the purpose of the rules contained in this chapter, the following definitions apply: (3-23-98)

01. Applicant. Any qualifying entity making application for Drinking Water loan funds. (5-3-03)

02. Board. The Idaho Board of Environmental Quality. (4-2-08)

03. Categorical Exclusion (CE). Category of actions which do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental information document nor an environmental impact statement is required. (4-2-08)

04. Close or Closing. The date on which the ~~borrower~~ loan recipient issues and physically delivers to the Department the bond or note evidencing the loan to the ~~borrower~~ loan recipient, specifically determining the principal, interest and fee amounts that shall be repaid and the schedule for payment. ~~(4-7-11)~~()

05. Community Water System. A public drinking water system that: (5-3-03)

a. Serves at least fifteen (15) service connections used by year round residents of the area served by the system; or (3-23-98)

b. Regularly serves at least twenty-five (25) year-round residents. (3-23-98)

06. Construction. The building, erection, acquisition, alteration, reconstruction, improvement, or extension of public drinking water system facilities, including preliminary planning to determine the economic and engineering feasibility of public drinking water system facilities, the engineering, architectural, legal, fiscal, and economic investigations, reports and studies, surveys, designs, plans, working drawings, specifications, procedures, other action necessary in the construction of public water system facilities, the inspection and supervision of the construction, and start-up of the associated facilities. (5-3-03)

07. Contaminant. Any physical, chemical, biological, or radiological substance or

- matter in water. (5-3-03)
- 08. Department.** The Idaho Department of Environmental Quality. (3-23-98)
- 09. Director.** The Director of the Idaho Department of Environmental Quality or the Director's designee. (4-2-08)
- 10. Disadvantaged Community.** The service area of a public water system that meets affordability criteria established by the Department of Environmental Quality after public review and comment. (3-23-98)
- 11. Disadvantaged Loans.** Loans made to a disadvantaged community. (3-23-98)
- 12. Distribution System.** Any combination of pipes, tanks, pumps, and other equipment which delivers water from the source(s), ~~and/or~~ treatment facility(ies), or a combination of source(s) and treatment facility(ies) to the consumer. Chlorination may be considered as a function of a distribution system. ~~(5-3-03)()~~
- 13. Eligible Costs.** Costs which are necessary for planning, designing, and/or constructing public water system facilities. To be eligible, costs must also be reasonable and not ineligible costs. The determination of eligible costs shall be made by the Department pursuant to Section 041. (5-3-03)
- 14. Eligible Systems.** Public and private community water systems and nonprofit noncommunity water systems. (3-23-98)
- ~~**15. Engineering Report.** A report prepared to address a specific portion of the system or facility for which modifications are being designed. These reports address specific purpose and scope, design requirements, and evaluate feasible treatment, storage, or distribution alternatives for the public drinking water system to identify the cost effective and environmentally sound alternative. Engineering reports are generally project specific as opposed to an overall system-wide plan such as a master plan or a facility plan. An engineering report shall be prepared by or under the supervision of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal. Guidance on how to prepare an engineering report may be found in the Handbook. (4-2-08)~~
- 165. Environmental Impact Statement (EIS).** A document prepared by the applicant when the Department determines that the proposed drinking water construction project will significantly affect the environment. The major purpose of the EIS will be to describe fully the significant impacts of the project and how these impacts can be either avoided or mitigated. The Environmental Review Procedures contained in Chapter 5 of the Handbook may be used as guidance when preparing an EIS. (4-2-08)
- 176. Environmental Information Document (EID).** Any written environmental assessment prepared by ~~an~~ the applicant ~~or consultant~~ describing the environmental impacts of a proposed drinking water construction project. This document will be of sufficient scope to enable the ~~responsible official~~ Department to assess the environmental impacts of the proposed project and ultimately determine if an environmental impact statement (EIS) is warranted. ~~(4-2-08)()~~

~~18. **Facility Plan.** A plan that describes the overall system, including sources of water, treatment processes and facilities, pumping stations and distribution piping, finished water storage, and waste disposal. It is a comprehensive planning document for the existing infrastructure and includes the plan for the future of the system/facility, including upgrades and additions. The plan also includes a systematic evaluation of feasible alternatives considering demographic, topographic, hydrologic and institutional characteristics of a project area to demonstrate that the selected alternative is cost effective and environmentally sound. A facility plan is sometimes referred to as a master plan or facilities planning study and is an overall system wide plan as opposed to a project specific plan. A facility plan shall be prepared by or under the supervision of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal. Guidance on how to prepare a facility plan may be found in the Handbook.~~

~~(4-2-08)~~

~~197. **Financial Management System.** Uniform method of recording, summarizing, and analyzing financial information about the public water system facility.~~ (3-23-98)

~~2018. **Finding Of No Significant Impact (FONSI).** A document prepared by the Department *briefly* presenting the reasons why an action, not otherwise excluded, will not have a significant effect on the human environment and for which an environmental impact statement (EIS) will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it.~~ (4-2-08)()

~~219. **Handbook.** "Drinking Water Loan Handbook of Procedures." (5-3-03)~~

~~220. **Ineligible Costs.** Costs which are *described in Subsection 041.05* **not eligible for funding pursuant to these rules.** (5-3-03)()~~

~~21. **Loan Recipient.** An applicant who has been awarded a loan. ()~~

~~232. **Managerial Capability.** The capabilities of the qualified entity to support the proper financial management and technical operation of the system. (5-3-03)~~

~~243. **Maximum Contaminant Level (MCL).** The maximum permissible level of a contaminant in water which is delivered to any user of a public water system. (5-3-03)~~

~~254. **Noncommunity Water System.** A public water system that is not a community water system. (3-23-98)~~

~~265. **Nonprofit Noncommunity Water System.** A public water system that is not a community water system and is governed by Section 501 of the U. S. Internal Revenue Code and includes but is not limited to: state agencies, municipalities, and nonprofit organizations such as churches and schools. (3-23-98)~~

~~276. **Nontransient Noncommunity Water System.** A public water system that is not a community water system and that regularly serves at least 25 (twenty-five) of the same persons over six (6) months per year. (3-23-98)~~

287. ~~O & M~~ Operation and Maintenance Manual. Operation and Maintenance Manual is a guidance and training manual outlining the optimum operation and maintenance of the public water system facility or its components. (~~3-23-98~~)()

298. Person. An individual, corporation, company, association, partnership, state agency, municipality, or federal agency (and includes officers, employees, and agents of any corporation, company, association, state agency, municipality, or federal agency). (3-23-98)

29. Planning Document. A document which describes the condition of a public drinking water system and presents a cost effective and environmentally sound alternative to achieve or maintain regulatory compliance. Engineering reports and facility plans are examples of such planning documents. The planning documents shall be prepared by or under the responsible charge of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal. Requirements for planning documents prepared using loan funds are provided in Section 030 of these rules and in the Handbook. ()

30. Plan of Operation. A schedule of specific actions and completion dates for construction, start-up, and operation of the public water system facility. (5-3-03)

31. Priority List. A list of proposed drinking water projects rated by severity of risk to public health, the necessity to ensure compliance with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," and the Safe Drinking Water Act (42 U.S.C. Section 300f et seq.), population affected, and need on a household basis for protection of Idaho's public drinking water. (5-3-03)

32. Public Drinking Water System/Public Water System/Water System. A system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen (15) service connections, regardless of the number of water sources or configuration of the distribution system, or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any "special irrigation district." A public water system is either a "community water system" or a "noncommunity water system." (4-2-08)

33. Qualifying Entity. Any county, city, special service district, nonprofit or investor-owned corporation, or other governmental entity, or a combination thereof, which owns or operates a public water system or irrigation system and which establishes and maintains a dedicated loan repayment source. (4-2-08)

34. Rehabilitation. The repair or replacement of segments of drinking water facilities. (5-3-03)

35. Reserve Capacity. That portion of the system in the planned facilities to handle future drinking water demand. (5-3-03)

- 36. State.** The state of Idaho. (3-23-98)
- 37. Supplier or Provider of Water.** Any person who owns and/or operates a public water system. (3-23-98)
- 38. Suspension.** An action by the Director to suspend a loan contract prior to project completion for a specified cause. Suspended contracts may be reinstated. (3-23-98)
- 39. Sustainability.** Sustainability will include efforts for energy and water conservation, extending the life of capital assets, green building practices, and other environmentally innovative approaches to infrastructure repair, replacement and improvement. ()
- ~~**3940. Technical Capability.** The ability of the public drinking water system to comply with existing and expected drinking water rules. (5-3-03)~~
- ~~**401. Termination.** An action by the Director to permanently terminate a loan contract prior to project completion for a specific cause. Terminated contracts shall not be reinstated. (3-23-98)~~
- ~~**41. Unreasonable Risks to Health (URTH).** *Refers to a level of contamination that presents an “unreasonable risk to health” and is determined on a contaminant by contaminant basis by the U.S. Environmental Protection Agency.* (5-3-03)~~
- 42. User Charge System.** A system of rates and service charges applicable to specific types of users, including any legal enforcement mechanism as may be required, which provides sufficient reserves and/or revenues for debt retirement, operation and maintenance, and replacement of the public water system. (4-2-08)
- 43. Water System Protection Ordinance.** An ordinance adopted pursuant to Chapter 32, Title 42, Idaho Code, or other applicable law which requires new connections to be properly designed and constructed, which prohibits cross-connections with non-potable water sources (and in all ways protects the water system from injection of contaminants), and which provides for fees for service from users or classes of users. (3-23-98)
- 44. Water Treatment Plant.** That portion of the public drinking water system whose primary purpose is to remove contaminants. (5-3-03)

(BREAK IN CONTINUITY OF SECTIONS)

020. PRIORITY RATING SYSTEM.

Projects are identified for placement on priority lists by surveying eligible entities directly on an annual basis. Information is also received from the Department and consulting engineers. Loan funds are awarded to projects based on priority ratings. Projects are rated by the Department on a standard priority rating form using public health criteria, sustainability criteria, water quality

criteria, and condition of the existing system. (4-2-08)()

01. Purpose. A priority rating system shall be utilized by the Department to annually allot available funds to projects determined eligible for funding assistance under the Drinking Water Loan Program in accordance with these rules. Projects considered for priority rating shall first be evaluated by Department regional staff. (5-3-03)

02. Priority Rating. The priority rating system shall be based on a *weighted* numerical points system. Priority criteria shall contain the following points: (3-23-98)()

~~a. Public Health Emergency. Shall be certified by the Idaho Board of Environmental Quality or by a District Board of Health. Such emergencies shall be related to a waterborne outbreak, contamination levels at or above Unreasonable Risks to Health (URTH), or a failed water source. (100 points) (4-2-08)~~

~~ba. Public Health Hazard. Identified and documented by the Department or by a District Health Department. Points shall be given based on the presence and severity of waterborne illnesses. (19 points)~~ Any condition which creates, or may create, a danger to the consumer's health, which may include any one or more of the following, may be awarded a maximum of one hundred (100) points: (4-2-08)()

i. Documented unresolved violations of the primary drinking water standards including maximum contaminant levels, action levels, and treatment techniques (to include maximum contaminant levels for acute and chronic contaminants); ()

ii. Documented unresolved violations of pressure requirements; ()

iii. Documented reduction in source capacity that impacts the system's ability to reliably serve water; or ()

iv. Documented significant deficiencies (e.g., documented in a sanitary survey) in the physical system that is causing the system to not reliably serve safe drinking water. ()

~~e. Water Quality Violations. Identified and verified by the Department. Points shall be given, based on maximum contaminant levels (MCLs) or based on treatment technique violations, for microbiological and chemical constituents. (71 points) (3-23-98)~~

~~db. General Conditions of Existing Facilities. Points shall be given based on deficiencies with facilities (which would not constitute a public health hazard) for pumping, treating, and delivering drinking water. (up to sixty (60) points) (3-23-98)()~~

c. Sustainability Efforts (e.g., prospective efforts at energy conservation, water conservation, extending the life of capital assets, green building practices, and other environmentally innovative approaches to infrastructure repair, replacement and improvement). (up to fifty (50) points). ()

d. Consent Order, Compliance Agreement Schedule, or Court Order. Points shall be given if the system is operating under and in compliance with a Consent Order, Compliance

Agreement Schedule, or Court Order and the proposed construction project will address the Consent Order, Compliance Agreement Schedule, or Court Order. (up to thirty (30) points)()

~~e. Overall Urgency. Points shall be given to entities that need a new source of water to assure safety and adequate supply. (10 points) (3-23-98)~~

~~f. Consent or Administrative Orders. Points shall be given if the system is operating under an order. (30 points) (3-23-98)~~

~~g. Incentives. Bonus points shall be awarded to systems that promote source water protection, conservation, economy, proper operation maintenance, and monitoring. (up to ten (10) points) (3-23-98)()~~

~~h. Affordability. Points shall be given when proposed current system user charges exceed state affordability guidelines. (ten (10) points) (3-23-98)()~~

03. Rating Forms. Rating criteria for Subsection 020.02 is set forth in a rating form that is available in the Handbook. ()

034. Priority List. A list shall be developed annually from projects rated according to Subsection 020.02. Such list shall be submitted for public review and comment, and shall thereafter be submitted to the Board for approval and adoption. (3-23-98)()

04a. Priority Reevaluation. Whenever significant changes occur, which in the Department's judgment would affect the design parameters or treatment requirements by either increasing or decreasing the need for, or scope of any project, a reevaluation of that priority rating shall be conducted. (3-23-98)

05b. Priority Target Date. A qualifying entity, whose project is on the adopted priority list, and for which funding is available, shall be contacted by the Department and a target date for submission of a completed loan application shall be established. (3-23-98)

06c. Project Bypass. A project that does not or shall not meet the project target date or a Department schedule that allows for timely utilization of loan funds may be bypassed, substituting in its place the next highest ranking project or projects that are ready to proceed. An project eligible applicant that is bypassed shall be notified in writing of the reasons for being bypassed. (3-23-98)()

05. Amendment of Priority List. The Director may amend the Integrated Priority List as set forth in Section 995 of these rules. ()

021. DISADVANTAGED LOANS.

Disadvantaged Loan Awards. In conjunction with the standard loans, the Department may award disadvantaged loans to applicants deemed disadvantaged using the following criteria: (3-23-98)

01. Qualifying for a Disadvantaged Loan. In order to qualify for a disadvantaged loan, a loan applicant must have an annual cost-of user rater for drinking water service for residential customers which exceeds one and one-half percent (1½%) of the applicant

community's median household income. (4-2-08)

~~a.~~ The annual ~~cost includes~~ user rate would be based on all operating, maintenance, replacement, and debt service costs (both for the existing system and for upgrades) ~~being financed with state revolving funds~~. If the applicant's service area is not within the boundaries of a municipality, or if the applicant's service area's median household income is not consistent with the municipality as a whole, the applicant may use the census data for the county in which it is located or may use a representative survey, conducted by a Department approved, objective third party, to verify the median household income of the applicant's service area. (4-2-08)()

~~b.~~ ~~For disadvantaged applicants for which the annual cost exceeds one and one-half percent (1½%) of the median household income, those applicants must agree to seek assistance from all other available state and federal agencies offering grants before loan terms can be adjusted.~~ (4-2-08)

02. Adjustment of Loan Terms. ~~Loan terms may be adjusted in the following sequence:~~ DEQ will equally apportion funds available for principal forgiveness to all prospective disadvantaged loan recipients. Consistent with achieving user rates of one and one-half percent (1½%) of the applicant community's median household income, and where possible with available funds, loan terms may be adjusted in the following order: increasing the repayment period, decreasing the interest rate, and providing principal forgiveness. (5-3-03)()

a. Increasing Repayment Period. ~~First, t~~The length of the loan repayment may be extended in increments of years from twenty (20) years up to a maximum of thirty (30) years until the annual ~~cost~~ user rate equals one and one-half percent (1½%) of median household income. (4-2-08)()

b. Decreasing Interest Rate. If at a thirty (30) year repayment, the annual ~~cost~~ user rate still exceeds one and one-half percent (1½%) of the median household income, the loan interest rate may be reduced from the rate established by the Director for standard loans to a rate that results in an annual ~~charge~~ user rate equal to one and one-half percent (1½%) of median household income. The interest rate may be reduced to as low as zero percent (0%). (4-2-08)()

c. ~~The interest rate may be reduced to as low as zero percent (0%).~~ Principal Forgiveness. If even at zero percent (0%) interest and a thirty (30) year repayment, the annual ~~charge~~ user rate per residential user still exceeds one and one-half percent (1½%) of median household income, the principal which causes the user charge to exceed one and one-half percent (1½%) may be reduced except the principal reduction cannot exceed ~~an amount greater than~~ fifty percent (50%) of the total loan. Principal forgiveness terms may be revised (from initial estimates established in the annual Intended Use Plan) based upon final construction costs, such that loan terms do not result in user rates that are below one and one-half percent (1½%) of the applicant community's median household income. (4-2-08)()

022. -- 029. (RESERVED).

030. PROJECT SCOPE AND FUNDING.

Loan funds awarded under this program may be used to prepare ~~an engineering report or a~~

~~facility plan~~ a drinking water facility planning document which identifies the cost effective and environmentally sound ~~drinking water system~~ alternative to achieve or maintain compliance with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," and the Safe Drinking Water Act, 42 U.S.C., Sections 300f et seq., and which is approvable by the Department. Loan funds may also be used for design and construction of the chosen alternative. (4-2-08)()

01. Project Step Funding. Projects may be funded in steps: (3-23-98)

a. Step 1. ~~Engineering report or facility p~~lanning document prepared by an Idaho licensed professional engineer who carries professional liability insurance in accordance with Subsection 050.05.d., and in a format prescribed by the Department; (4-2-08)()

b. Step 2. Design, which includes the preparation by an Idaho licensed professional engineer of the detailed engineering plans and specifications necessary for the bidding and construction of the project; (4-2-08)

c. Step 3. Construction, which includes bidding and actual construction of the project; or (3-23-98)

d. Step 4. A combination of Step 2 and Step 3. (3-23-98)

02. Combination Step Funding. Projects may be funded in any combination of the steps with approval of the Department. Separate loans may be awarded for Step 1 or Step 2 projects. If a Step 1 or Step 2 project proceeds to construction, either the Step 1 or Step 2 loan, or both, may be consolidated with the Step 3 loan. If a project does not proceed to construction, outstanding Step 1 and Step 2 loans shall be amortized and a repayment schedule prepared by the Department. (3-23-98)

03. Requirements for Awarding a Loan. Step 2, Step 3, or Step 4 loans shall not be awarded until a final cost effective and environmentally sound alternative has been selected by the Step 1 ~~engineering report or facility~~ planning document and approved by the Department. If the ~~engineering report or facility~~ planning document has not been completed pursuant to IDAPA 58.01.22, "Rules for Administration of Planning Grants for Drinking Water Facilities," ~~at least one (1) public hearing must be held so that the affected users can submit comments before accepting the cost effective and environmentally sound selected alternative. The public hearing will be held within the jurisdiction of the qualifying entity and conducted in accordance with state law~~ then the loan recipient shall provide an opportunity for the public to comment on the draft planning document. The public comment period shall be held after alternatives have been developed and the Department has approved the draft planning document. The loan recipient shall provide written notice of the public comment period and hold at least one (1) public meeting within the jurisdiction of the loan recipient during the public comment period. At the public meeting, the draft planning document shall be presented by the loan recipient with an explanation of the alternatives identified. The cost effective and environmentally sound alternative selected shall consider public comments received from those affected by the proposed project. After the public meeting and public comment period, the final alternative will be selected and the Environmental Information Document will be prepared. (4-2-08)()

04. Funding for Reserve Capacity. Funding for reserve capacity of a drinking water

system shall not exceed a twenty (20) year population growth except that distribution and transmission lines which may be planned for a forty (40) year useful life. (5-3-03)

(BREAK IN CONTINUITY OF SECTIONS)

032. LOAN FEE.

01. Loan Fee. The Department may elect to impose a loan fee when necessary to offset the costs of administering the loan program, to provide planning assistance, or to otherwise facilitate the operation of the Drinking Water State Revolving Fund (DWSRF) effort. The Department may impose a loan fee on loans scheduled to close after December 2, 2009. The loan fee shall not exceed one percent (1%) of the unpaid balance of the loan at the time each loan payment is due. (4-7-11)

02. Determination of Loan Fee. The Department shall determine the amount of the loan fee on a yearly basis and shall ~~charge the same loan fee on all loans closed during any one fiscal year~~ assess a loan fee based upon each loan recipient's total interest rate. The amount of the loan fee shall be included in the Intended Use Plan, as described by Section 1452 of the Safe Drinking Water Act (42 U.S.C. Section 300j-12). In determining the amount of the loan fee, the Department shall consider: (4-7-11)()

a. The Department's anticipated costs of administering the loan program for the upcoming fiscal year, including salaries and overhead; (4-7-11)

b. Any Department costs related to providing technical assistance for the loan program for the upcoming fiscal year; (4-7-11)

c. The amount of money generated from loan fees in previous fiscal years available for use in the upcoming fiscal year; and (4-7-11)

d. The anticipated demand for planning assistance to supplement regular appropriations and other related needs to support the DWSRF loan program. (4-7-11)

03. Effect on Loan Interest Rate. The loan interest rate, as described in Subsection 050.05, will be reduced by the corresponding percentage of the loan fee. (4-7-11)

04. Payment of Loan Fee. The loan fee shall be due and payable concurrently with scheduled loan principal and interest repayments over the repayment period. (4-7-11)

033. -- 039. (RESERVED).

040. LOAN APPLICATION AND REVIEW.

01. Submission of Application. The applicant shall submit to the Department, a completed application on a form as prescribed by the Department. (3-23-98)

02. Application Requirements. Applications shall contain the following documentation, as applicable: (5-3-03)

a. A lawful resolution passed by the governing body authorizing an elected official or authorized individual of the qualifying entity to execute a loan contract and sign subsequent loan disbursement requests; and (5-3-03)

b. Contracts for engineering services or other technical services and the description of costs and tasks set forth therein shall be in sufficient detail for the Department to determine whether the costs associated with the tasks are eligible costs pursuant to Section 041; and (5-3-03)

c. Justification for the engineering firm selected. An engineering firm selected by the applicant must at a minimum: (5-3-03)

i. ~~As applicable, be~~ procured through the selection guidelines and procedures prescribed under Section 67-2320, Idaho Code; and ~~(5-3-03)~~()

ii. Be a registered professional engineer currently licensed by the Idaho Board of Professional Engineers and Land Surveyors; and (5-3-03)

iii. Not be debarred or otherwise prevented from providing services under another federal or state financial assistance program; and (5-3-03)

iv. Be covered by professional liability insurance in accordance with Subsection 050.05.d. A certification of liability insurance shall be included in the application; and (5-3-03)

d. A description of other costs, not included in the contracts for engineering or other technical services, for which the applicant seeks funding. The description of the costs and tasks for such costs must be in sufficient detail for the Department to determine whether the costs are eligible costs pursuant to Section 041; and (5-3-03)

e. A demonstration that the obligation to pay the costs for which funding is requested is the result or will be the result of the applicant's compliance with applicable competitive bidding requirements and requirements for professional service contracts, including without limitation, the requirements set forth in Sections 67-2801 et seq., 67-2320, 59-1026, and 42-3212, Idaho Code. (4-2-08)

f. In the case of a privately owned system, demonstrate that there is adequate security for the repayment of the loan. (3-23-98)

g. Step 1. Engineering Report or Facility Plan. Plan of study describing the work tasks to be performed in the ~~engineering report or facility plan~~ preparation of the planning document, a schedule for completion of the work tasks, and an estimate of ~~man~~ staff hours and costs to complete the work tasks. ~~(4-2-08)~~()

h. Step 2. Design. (4-2-08)

i. ~~Engineering report or facility p~~Planning document including a final environmental document and decision in accordance with Section 042; (4-2-08)()

ii. Financial, technical, and management capability analysis as provided in Subsection 011.01; (3-23-98)

iii. Inter-organizational service agreements between all qualifying entities within the scope of the project, if applicable; and (4-2-08)

i. Step 3. Construction. (4-2-08)

i. Documented evidence of all necessary easements and land acquisition. (5-3-03)

ii. Biddable plans and specifications of the approved public water system facility alternative; (3-23-98)

iii. A plan of operation and project schedule; (3-23-98)

iv. A ~~user charge system,~~ water *use* system protection ordinance, and financial management system; and (3-23-98)()

v. A staffing plan and budget. (3-23-98)

j. Step 4. Design and Construction. Loan applicants must submit all documentation specified in Subsection 040.02.d. prior to advertising for bids on construction contracts. (4-2-08)

03. Determination of Completeness of Application. The Department shall review the application to determine whether it includes all of the information required by Subsection 040.02. (5-3-03)

04. Notification of Incompleteness of Application. Written notification if an application is incomplete, including an explanation of missing documentation shall be sent to the applicant. The applicant may provide the missing documentation. (5-3-03)

05. Reapplication for Loan. The action of disapproving, recalling, or terminating a loan in no way precludes or limits the former applicant from reapplying for another loan when the project deficiencies are resolved and project readiness is secured. (3-23-98)

041. DETERMINATION OF ELIGIBILITY OF COSTS.

The Department shall review the application, including any contracts required to be submitted with the application, to determine whether the costs are eligible costs for funding. (5-3-03)

01. Eligible Costs. Eligible costs are those determined by the Department to be: (5-3-03)

a. Necessary ~~for planning, designing and/or constructing drinking water systems~~ costs; (5-3-03)()

b. Reasonable costs; and (5-3-03)()

c. Costs that are not ineligible as described in Subsection 041.05. (5-3-03)

02. Necessary Costs. The Department shall determine whether costs are necessary by comparing the tasks for which the costs will be incurred to the scope of the project as described in the plan of study for facility planning, ~~the facility plan or engineering report for design and construction of drinking water systems~~ planning document, and any other relevant information in the application that describes the scope of the project to be funded. (4-2-08)()

03. Reasonable Costs. Costs shall be determined by the Department to be reasonable if the obligation to pay the costs is the result of or will be the result of the applicant's compliance with applicable competitive bidding requirements and requirements for professional service contracts, including without limitation, the requirements set forth in Sections 67-2801 et seq., 67-2320, 59-1026, and 42-3212, Idaho Code. (4-2-08)

04. Examples of Costs That May Be Eligible. Examples of costs that may be eligible, if determined necessary, reasonable, and not ineligible costs include: (5-3-03)

a. Costs of salaries, benefits, and expendable material the qualified entity incurs in the project except ordinary operating expenses such as salaries and expenses of a mayor, city council members, board; or city, district, or board attorney; (4-2-08)

b. Costs under construction contracts bid and executed in compliance with state public works construction laws; (5-3-03)

c. Professional and consulting services utilizing a lump sum contract, an hourly rate contract, a time and materials contract or cost plus a fixed fee contract; (5-3-03)

d. Engineering directly related to the public water system facilities; (5-3-03)

e. Financial and management capability analysis if it ensures compliance; (5-3-03)

f. Preparation of construction drawings, specifications, estimates, and construction contract documents; (5-3-03)

g. Landscaping; (5-3-03)

h. Removal and relocation or replacement of utilities for which the qualifying entity is legally obligated to pay; (5-3-03)

i. Material acquired, consumed, or expended specifically for the project; (5-3-03)

j. A reasonable inventory of laboratory chemicals and supplies necessary to initiate plant operations; (5-3-03)

k. Preparation of an operation and maintenance manual; (5-3-03)

- l. Preparation of a plan of operation; (5-3-03)
 - m. Start-up services; (5-3-03)
 - n. Project identification signs; (5-3-03)
 - o. Public participation for alternative selection; (5-3-03)
 - p. Development of user charge and financial management systems; (5-3-03)
 - q. Development of water system protection and backflow prevention ordinance or rule; (5-3-03)
 - r. Initial staffing plans and budget development; (5-3-03)
 - ~~s. Costs of assessing and defending contractor claims determined unmeritorious by the Department; (5-3-03)~~
 - ~~ts.~~ Site acquisition costs from a willing seller, including right of way and the site for public water system; and (5-3-03)()
 - ~~tl.~~ Certain direct and other costs as determined eligible by the Department. (5-3-03)
- 05. Ineligible Project Costs.** Costs which are ineligible for funding include, but are not limited to: (5-3-03)
- a. Basin or area wide planning not directly related to the project; (5-3-03)
 - b. Bonus payments not legally required for completion of construction before a contractual completion date; (5-3-03)
 - c. Personal injury compensation or damages arising out of the project; (5-3-03)
 - d. Fines or penalties due to violations of, or failure to comply with, federal, state, or local laws; (5-3-03)
 - e. Costs outside the scope of the approved project; (5-3-03)
 - f. Ordinary operating expenses such as salaries and expenses of a mayor, city council members, board, or city, district or board attorney; (4-2-08)
 - g. Cost of land in excess of that needed for the proposed project; (5-3-03)
 - h. Cost of condemnations; ~~or~~ (5-3-03)()
 - i. Engineering costs incurred without professional liability insurance; (5-3-03)()

- i. Reserve funds; ()
- k. Cost of refinancing existing indebtedness; and ()
- l. Costs incurred prior to the loan acceptance unless specifically approved in writing by the Department. ()

06. Notification Regarding Ineligible Costs. Prior to providing a loan offer, the Department shall notify the applicant if certain costs are not eligible for funding and the reasons for the Department's determination. If such costs are included in the engineering contract, the Department shall also provide notification to the engineer. The applicant may provide the Department additional information in response to the notice. (5-3-03)

07. Eligible Costs and the Loan Offer. The loan offer shall reflect those costs determined by the Department to be eligible costs. The loan offer, however, may include estimates of some eligible costs that have not yet been set, such as construction costs. Actual eligible costs may differ from such estimated costs set forth in the loan offer. In addition, loan disbursements may be increased or decreased if eligible costs are modified as provided in Section 060. (5-3-03)

042. ENVIRONMENTAL REVIEW.

01. Environmental Documentation. The applicant loan recipient shall complete an environmental review as part of and in conjunction with an engineering report or facility plan a planning document. Guidance on how to complete an environmental review may be found in Chapter 5 of the Handbook. The applicant loan recipient shall consult with the Department at an early stage in the loan process to determine the required level of environmental review. Based on review of existing information and assessment of environmental impacts, the applicant loan recipient shall complete one (1) of the following per the Department's instruction: (4-2-08)()

- a.** Submit a request for Categorical Exclusion (CE) with supporting backup documentation as specified by the Department; (3-23-98)
- b.** Prepare an Environmental Information Document (EID) in a format specified by the Department; or (3-23-98)
- c.** Prepare an Environmental Impact Statement (EIS) in a format specified by the Department. (3-23-98)

02. Categorical Exclusions. If the applicant loan recipient requests a CE, the Department shall review the request and, based upon the supporting documentation, take one (1) of the following actions: (4-2-08)()

- a.** Determine if the action is consistent with categories eligible for exclusion whereupon the Department shall issue a notice of CE from substantive environmental review. Once the CE is granted for the selected alternative, the Department will publish a notice of CE in a local newspaper to inform the public of this action, following which the engineering report or facility planning document can be approved and the loan award can proceed. (4-2-08)()

b. Determine if the action is not consistent with categories eligible for exclusion and that issuance of a CE is not appropriate. If a CE is not issued, the Department shall notify the ~~applicant~~ loan recipient to prepare an EID. (4-2-08)()

03. Environmental Information Document Requirements. When an EID is required, the ~~applicant~~ loan recipient shall prepare the EID in accordance with the following Department procedures: (4-2-08)()

a. Various laws and executive orders related to environmentally sensitive resources shall be considered as the EID is prepared. Appropriate state and federal agencies shall be consulted regarding these laws and executive orders. (3-23-98)

b. A full range of relevant impacts, both direct and indirect, of the proposed project shall be discussed in the EID, including measures to mitigate adverse impacts, cumulative impacts, and impacts that shall cause irreversible or irretrievable commitment of resources. (3-23-98)

c. The Department shall review the draft EID and either request additional information about one (1) or more potential impacts, or shall draft a “finding of no significant impact” (FONSI). (4-2-08)

04. Final Finding of No Significant Impact. The Department shall publish the draft FONSI in a newspaper of general circulation in the geographical area of the proposed project and shall allow a minimum thirty (30) day public comment period. Following the required period of public review and comment and after any public concerns about project impacts are addressed, the FONSI shall become final. The Department shall assess the effectiveness and feasibility of the mitigation measures identified in the FONSI and EID prior to the issuance of the final FONSI and approval of the ~~engineering report or facility~~ planning document. (4-2-08)()

05. Environmental Impact Statement (EIS) Requirements. If an EIS is required, the ~~applicant~~ loan recipient shall: (3-23-98)()

a. Contact all affected state agencies, and other interested parties, to determine the required scope of the document; (3-23-98)

b. Prepare and submit a draft EIS to all interested agencies, and other interested parties, for review and comment; (3-23-98)

c. Conduct a public ~~hearing~~ meeting which may be in conjunction with ~~an engineering report or facility plan hearing~~ a planning document meeting; and (4-2-08)()

d. Prepare and submit a final EIS incorporating all agency and public input for Department review and approval. (3-23-98)

06. Final EIS. Upon completion of the EIS by the ~~applicant~~ loan recipient and approval by the Department of all requirements listed in Subsection 042.05, the Department shall issue a record of decision, documenting the mitigative measures which shall be required of the ~~applicant~~ loan recipient. The loan agreement can be completed once the final EIS has Department

approval.

~~(5-3-03)~~()

07. Partitioning the Environmental Review. Under certain circumstances, the building of a component/partition of a drinking water system may be justified in advance of all environment review requirements for the remainder of the system. The Department shall approve partitioning the environment review in accordance with established procedures. (3-23-98)

08. Use of Environmental Reviews Conducted by Other Agencies. If environmental review for the project has been conducted by another state, federal, or local agency, the Department may, at its discretion, issue its own determination by adopting the document and public participation process of the other agency. (4-2-08)

09. Validity of Review. Environmental reviews, once completed by the Department, are valid for five (5) years from the date of completion. If a loan application is received for a project with an environmental review which is more than five (5) years old, the Department shall reevaluate the project, environmental conditions, and public views and shall: ~~(3-23-98)~~()

a. Reaffirm the earlier decision; or (3-23-98)

b. Require supplemental information to the earlier Environmental Impact Statement, Environmental Information Document, or request for Categorical Exclusion. Based upon a review of the updated document, the Department shall issue and distribute a revised notice of Categorical Exclusion, finding of no significant impact, or record of decision. (3-23-98)

10. Exemption From Review. Loan projects may be exempt from certain federal crosscutting authorities at the discretion of the Department as long as in any given year the annual amount of loans, equal to the most recent federal capitalization grant, complies with all of the federal crosscutting authorities. ()

043. -- 049. (RESERVED).

050. LOAN OFFER AND ACCEPTANCE.

01. Loan Offer. Loan offers shall be delivered to successful applicants by representatives of the Department or by registered mail. (3-23-98)

02. Acceptance of Loan Offer. Applicants have sixty (60) days in which to officially accept the loan offer on prescribed forms furnished by the Department. The sixty (60) day acceptance period commences from the date indicated on the loan offer notice. If the applicant does not accept the loan offer within the sixty (60) day period, the loan funds may be offered to the next project on the priority list. (3-23-98)

03. Acceptance Executed as a Contract Agreement. Upon signature by the Director or the Director's designee and upon signature by the authorized representative of the qualifying entity, the loan offer shall become a contract. Upon accepting a loan offer, a qualifying entity becomes a loan recipient. The disbursement of funds, pursuant to a loan contract, is subject to a finding by the Director that the loan recipient has complied with all loan contract conditions and has prudently managed the project. The Director may, as a condition of disbursement, require that

a loan recipient vigorously pursue any claims it has against third parties who shall be paid in whole or in part, directly or indirectly, with loan funds. No third party shall acquire any rights against the state or its employees from a loan contract. (4-2-08)

04. Estimate of Reasonable Cost. All loan contracts shall include the eligible costs of the project. Some eligible costs may be estimated and disbursements may be increased or decreased as provided in Section 060. (5-3-03)

05. Terms of Loan Offers. The loan offer shall contain such terms as are prescribed by the Department including, but not limited to: (3-23-98)

a. Terms consistent with these rules, the project step to be funded under the loan offer, and Chapter 76, Title 39, Idaho Code; (5-3-03)

b. Special clauses as determined necessary by the Department for the successful investigation, design, construction, and management of the project; (3-23-98)

c. Terms consistent with applicable state and federal laws pertaining to ~~engineering reports or facility~~ plans ~~and~~ engineering documents, design, and construction (including the Public Works Contractors License Act (Idaho Code Sections 54-1901 through 54-1924)); the Public Contracts Bond Act (Idaho Code Sections 54-1925 through 54-1930); and the Safe Drinking Water Act (42 U.S.C. Section 300f et seq.) requirements for projects funded with loan moneys of federal origin; ~~(4-2-08)~~()

d. Requirement for the prime engineering firm(s), retained for engineering services, to carry professional liability insurance to protect the public from negligent acts of the engineer and errors ~~of~~ and omissions of a professional nature. The total aggregate of the professional liability of the engineer insurance shall be one hundred thousand dollars (\$100,000) or twice the amount of the fee of the engineer, whichever is greater. Professional liability insurance must cover all such services rendered for all project phases which are state funded; ~~(4-2-08)~~()

e. The project shall be bid, contracted, and constructed according to the current edition of Idaho Standards for Public Works Construction and the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08) unless the ~~qualifying entity~~ loan recipient has approved and adopted acceptable public works construction standards approved by the Department; ~~(5-3-03)~~()

f. The loan interest rate for loans made during the state fiscal year beginning July 1 shall be established by the Director. The interest rate shall be a fixed rate in effect for the life of the loan. The rate may equal but shall not exceed the current market rate; (5-3-03)

g. The loan fee pursuant to Section 032; (4-7-11)

h. All loans, except disadvantaged loans, must be fully amortized within a period not to exceed twenty (20) years after project completion. Disadvantaged loans must be fully amortized within a period not to exceed thirty (30) years. The ~~borrower~~ loan recipient may elect for either a schedule of semi-annual repayments or annual repayments at the time the loan is finalized; and ~~(3-23-98)~~()

i. Repayment default shall occur when a scheduled loan repayment is thirty (30) days past due. If default occurs, the Department may invoke appropriate loan contract provisions and/or bond covenants. (5-3-03)

(BREAK IN CONTINUITY OF SECTIONS)

060. DISBURSEMENTS.

01. Loan Disbursements. The loan contract shall include a schedule of estimated disbursements to be made to the ~~borrower~~ loan recipient. The schedule shall include the anticipated dates and amounts of disbursements. Requests to the Department for actual disbursement of loan proceeds shall be made by the loan recipient on forms provided by the Department. (~~3-23-98~~)()

02. Loan Increases. An increase in the loan amount as a result of an increase in eligible project costs shall be considered, provided funds are available. Documentation supporting the need for an increase must be submitted to the Department for approval prior to incurring any costs above the eligible cost ceiling. (3-23-98)

03. Loan Decreases. If the actual eligible cost is determined by the Department to be lower than the estimated eligible cost, the loan amount shall be reduced proportionately. (3-23-98)

04. Project Review to Determine Final Eligible Costs. A project review by the Department shall determine the final eligible costs. (3-23-98)

05. Final Disbursement. The final loan disbursement consisting of five percent (5%) of the total loan amount shall not be made until final inspection, final review, and a final loan repayment schedule have been completed. (3-23-98)

(BREAK IN CONTINUITY OF SECTIONS)

995. WAIVERS.

01. Conditions for Waiver. Waiver from the requirements of these rules may be granted by the Department Director or the Director's designee, on a case-by-case basis, upon full demonstration by the loan ~~applicant~~ recipient requesting the waiver that the following conditions exist. See also Subsection 020.05 of these rules. (~~4-2-08~~)()

~~01a.~~ **Health Hazard.** A significant public health hazard exists; or (~~3-23-98~~)()

~~02b.~~ **Affordability Criteria Exceeded.** The project shall exceed affordability criteria adopted by the Department in the event the waiver is not granted; ~~or.~~ ~~(3-23-98)~~(____)

032. **Availability of Federal Funds.** The waiver shall not affect the availability of federal funds for the project where such funding is required by the ~~entity~~ loan recipient requesting the waiver. ~~(3-23-98)~~(____)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.22 - RULES FOR ADMINISTRATION OF PLANNING GRANTS FOR PUBLIC DRINKING WATER FACILITIES

DOCKET NO. 58-0122-1001

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 2012 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-first 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. This rule was adopted as a temporary rule by the Board in April 2011 and is currently effective.

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 Chapters 1 and 36, Title 39, 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, June 1, 2011, Vol. 11-6, pages 128 through 141](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0122-1001-pending> or by contacting the undersigned.

CLARIFICATION NOTE: This is to clarify that the number of priority rating points given based on deficiencies for pumping, treating, storing, and delivering drinking water is up to sixty (60) points (Subsection 020.02.b.). This clarification is necessary due to a typographical error that occurred when the temporary/proposed rule was published in the June 1, 2011 issue of the Idaho Administrative Bulletin. There was a discrepancy between the alpha value of “sixty-one” and the numeric value of “(60)”. The temporary rule adopted by the Board in April 2011 provided that number of points given in Subsection 020.02.b. is “up to sixty (60) points.”

IDAHO CODE SECTION 39-107D STATEMENT: There is no federal law or regulation comparable to IDAPA 58.01.22, “Rules for Administration of Planning Grants for Public Drinking Water Facilities.” Therefore, the rule does regulate an activity not regulated by the federal government but is not broader in scope or more stringent than federal law.

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 Tim Wendland at tim.wendland@deq.idaho.gov or (208)373-0439.

Dated this 13th day of October, 2011.

Paula J. Wilson, Hearing Coordinator
Department of Environmental Quality
(208)373-0418/Fax No. (208)373-0481

1410 N. Hilton
Boise, Idaho 83706-1255
paula.wilson@deq.idaho.gov

***THE FOLLOWING NOTICE WAS PUBLISHED WITH
THE TEMPORARY AND PROPOSED RULE***

EFFECTIVE DATE: The temporary rule is effective **April 26, 2011**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226(1), Idaho Code, notice is hereby given that the Board of Environmental Quality has adopted a temporary rule and the Department of Environmental Quality is commencing proposed rulemaking. This rulemaking action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency.

Written requests for a hearing must be received by the undersigned on or before June 15, 2011. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to revise the priority rating criteria for the drinking water planning grants to closely match the Drinking Water State Revolving Fund (SRF) loan criteria, address the need to reduce the obligation to conduct an environmental study in those cases in which a grant recipient will not immediately pursue federal aid for construction, and update the cost eligibility criteria to achieve consistency. The change to make the environmental study optional will reduce costs for grant recipients in their preparation of facility planning studies by making the environmental study aspect of facility planning optional. Additionally, this rulemaking will bring the Drinking Water Planning Grant Program into closer alignment with related DEQ programs (the Drinking Water SRF Program and the Wastewater Planning Grant Program).

This temporary/proposed rule includes the following:

Priority rating criteria for the drinking water planning grants have been revised to closely match the Drinking Water SRF loan criteria.

The requirement to produce an environmental study as part of a planning document has been made optional.

Cost eligibility criteria have been updated to achieve consistency.

This rule also includes revisions that are typographical and nonsubstantive in nature (e.g., revisions made for consistency with other sections in this rule chapter and other DEQ rules).

Prospective grant and loan recipients, consulting engineers, grant and loan administrators, and other funding agencies may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in October 2011 for adoption of a pending rule. The pending rule is expected to become final and effective upon adjournment of the 2012 legislative session if adopted by the Board and approved by the Legislature.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in that the rule confers a benefit. Adoption of this temporary rule confers a benefit to the citizens of the state of Idaho in that it reduces costs for grant recipients and makes the program more efficient.

IDAHO CODE SECTION 39-107D STATEMENT: There is no federal law or regulation comparable to IDAPA 58.01.22, "Rules for Administration of Planning Grants for Public Drinking Water Facilities." Therefore, the proposed rule does regulate an activity not regulated by the federal government but is not broader in scope or more stringent than federal law.

NEGOTIATED RULEMAKING: The text of the rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Section 67-5220, Idaho Code, and IDAPA 58.01.23.810-815. On October 6, 2010, the Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, Vol. 10-10, pages 613 through 614, and a preliminary draft rule was made available for public review. A meeting was held on October 26, 2010. Members of the public participated in this negotiated rulemaking process by attending the meeting and by submitting written comments. A record of the negotiated rule drafts, written public comments received, and documents distributed during the negotiated rulemaking process is available at http://www.deq.idaho.gov/rules/drinking_water_grants/58_0122_1001_temporary_proposed.cfm.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

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 AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the negotiated rulemaking, contact Tim Wendland at (208)373-0439 or tim.wendland@deq.idaho.gov.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding

this proposed rule. DEQ will consider all written comments received by the undersigned on or before June 29, 2011.

DATED this 26th day of April, 2011.

THE FOLLOWING IS THE TEXT FOR DOCKET NO. 58-0122-1001

001. TITLE AND SCOPE.

01. Title. These rules will be known and cited as Rules of the Idaho Department of Environmental Quality, IDAPA 58.01.22, “Rules for Administration of Planning Grants for Drinking Water Facilities.” (3-30-01)

02. Scope. The provisions of these rules will establish administrative procedures and requirements for establishing, implementing and administering a state grant program providing financial assistance to qualifying entities to prepare ~~an engineering report or facility plan~~ a drinking water facility planning document. (4-2-08)()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

For the purpose of the rules contained in this chapter, the following definitions apply: (3-30-01)

01. Applicant. Any qualifying entity making application for drinking water planning grant funds. (3-30-01)

02. Board. The Idaho Board of Environmental Quality. (4-2-08)

03. Categorical Exclusion (CE). Category of actions which do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental information document nor an environmental impact statement is required. (4-2-08)

04. Community Water System. A public drinking water system that: (3-30-01)

a. Serves at least fifteen (15) service connections used by year round residents of the area served by the system; or (3-30-01)

b. Regularly serves at least twenty-five (25) year-round residents. (3-30-01)

05. Contaminant. Any physical, chemical, biological, or radiological substance or

matter in water. (3-30-01)

06. Department. The Idaho Department of Environmental Quality. (3-30-01)

07. Director. The Director of the Idaho Department of Environmental Quality or the Director's designee. (4-2-08)

08. Distribution System. Any combination of pipes, tanks, pumps, and other equipment which delivers water from the source(s), and/or treatment facility(ies), or a combination of source(s) and treatment facility(ies) to the consumer. Chlorination may be considered as a function of a distribution system. (~~3-30-01~~)()

09. Eligible Costs. Costs which are necessary for planning public drinking water systems. To be eligible, costs must also be reasonable and not ineligible costs. The determination of eligible costs shall be made by the Department pursuant to Section 032. (5-3-03)

~~**10. Engineering Report.** A report prepared to address a specific portion of the system or facility for which modifications are being designed. These reports address specific purpose and scope, design requirements, and evaluate feasible treatment, storage, and/or distribution alternatives for the public drinking water system to identify the cost effective and environmentally sound alternative. Engineering reports are generally project specific as opposed to an overall system wide plan such as a master plan or a facility plan. An engineering report shall be prepared by or under the supervision of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal. Guidance on how to prepare an engineering report may be found in the Handbook.~~ (4-2-08)

10. Environmental Impact Statement (EIS). A document prepared by the applicant when the Department determines that the proposed drinking water project will significantly affect the environment. The major purpose of the EIS will be to describe fully the significant impacts of the project and how these impacts can be either avoided or mitigated. The Environmental Review Procedures contained in Chapter 5 of the Handbook may be used as guidance when preparing the EIS. (4-2-08)

121. Environmental Information Document (EID). Any written environmental assessment prepared by an the applicant or consultant describing the environmental impacts of a proposed drinking water construction project. This document will be of sufficient scope to enable the responsible official Department to assess the environmental impacts of the proposed project and ultimately determine if an environmental impact statement (EIS) is warranted. (~~4-2-08~~)()

~~**13. Facility Plan.** A plan that describes the overall system, including sources of water, treatment processes and facilities, pumping stations and distribution piping, finished water storage, and waste disposal. It is a comprehensive planning document for the existing infrastructure and includes the plan for the future of the system/facility, including upgrades and additions. The plan also includes a systematic evaluation of feasible alternatives considering demographic, topographic, hydrologic and institutional characteristics of a project area to demonstrate that the selected alternative is cost effective and environmentally sound. A facility plan is sometimes referred to as a master plan or facilities planning study and is an overall system wide plan as opposed to a project specific plan. A facility plan shall be prepared by or~~

~~under the supervision of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal. Guidance on how to prepare a facility plan may be found in the Handbook.~~

~~(4-2-08)~~

142. Financial Capability. The ability to raise and manage funds to provide the necessary resources for proper operation. (3-30-01)

153. Finding of No Significant Impact (FONSI). A document prepared by the Department ~~briefly~~ presenting the reasons why an action, not otherwise excluded, will not have a significant effect on the human environment and for which an environmental impact statement (EIS) will not be prepared. It shall include the environmental information document or a summary of it and shall note any other environmental documents related to it. ~~(4-2-08)~~()

14. Grant Recipient. An applicant who has been awarded a grant. ()

165. Handbook. "Drinking Water Loan Handbook of Procedures." (4-2-08)

176. Ineligible Costs. Costs which are ~~described in Subsection 032.06~~ not eligible for funding pursuant to these rules. ~~(5-3-03)~~()

187. Maximum Contaminant Level (MCL). The maximum permissible level of a contaminant in water which is delivered to any user of a public drinking water system. (3-30-01)

198. Managerial Capability. The capabilities of the qualified entity to support the proper financial management and technical operation of the system. (3-30-01)

~~2019.~~ **Noncommunity Water System.** A public water system that is not a community water system. (5-3-03)

~~210.~~ **Nonprofit Noncommunity Water System.** A public drinking water system that is not a community water system and is governed by Section 501 of the Internal Revenue Code and includes, but is not limited to, state agencies, municipalities and nonprofit organizations such as churches and schools. (5-3-03)

~~221.~~ **Nontransient Noncommunity Water System.** A public drinking water system that is not a community water system and that regularly serves at least twenty-five (25) of the same persons over six (6) months per year. (4-2-08)

~~232.~~ **Person.** An individual, corporation, company, association, partnership, state agency, municipality, or federal agency (and includes officers, employees, and agents of any corporation, company, association, state agency, municipality, or federal agency). (5-3-03)

23. Planning Document. A document which describes the condition of a public drinking water system and presents a cost effective and environmentally sound alternative to achieve or maintain regulatory compliance. Engineering reports and facility plans are examples of such planning documents. The planning documents shall be prepared by or under the responsible charge of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal. Requirements for planning documents prepared using grant funds are provided in Section 030 of

these rules and in the Handbook.

()

24. Priority List. A list of proposed projects rated by severity of a risk to public health, the necessity to ensure compliance with, IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," and the Safe Drinking Water Act, 42 U.S.C., Sections 300f et seq., population affected, the need on a household basis for protection of Idaho's public drinking water supplies, and as otherwise described in Section 020. (4-2-08)

25. Public Drinking Water System/Public Water System/Water System. A system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen (15) service connections, regardless of the number of water sources or configuration of the distribution system, or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any "special irrigation district." A public water system is either a "community water system" or a "noncommunity water system." (4-2-08)

26. Qualifying Entity. Any county, city, special service district, nonprofit or investor-owned corporation, or other governmental entity, or a combination thereof, which owns or operates a public drinking water system or irrigation system. (4-2-08)

27. Rehabilitation. The repair or replacement of segments of drinking water facilities. (3-30-01)

28. Reserve Capacity. That portion of the system in the planned facilities to handle future drinking water demand. (3-30-01)

29. State. The state of Idaho. (3-30-01)

30. Suspension. An action by the Director to suspend a grant contract prior to project completion for a specified cause. Suspended contracts may be reinstated. (3-30-01)

31. Sustainability. Sustainability will include efforts for energy and water conservation, extending the life of capital assets, green building practices, and other environmentally innovative approaches to infrastructure repair, replacement and improvement. ()

~~**32. Technical Capability.** The ability of the public drinking water system to comply with existing and expected drinking water rules. (3-30-01)~~

~~**33. Termination.** An action by the Director to permanently terminate a grant contract prior to project completion for a specific cause. Terminated contracts will not be reinstated. (3-30-01)~~

~~**33. User Charge System.** A system of rates and service charges applicable to specific~~

~~types of users, including any legal enforcement mechanism as may be required, and which provides sufficient reserves and/or revenues for debt retirement, operation and maintenance, and replacement of the public drinking water system. (4-2-08)~~

~~**34. Unreasonable Risk to Health (URTH).** Refers to a level of contamination that presents an “unreasonable risk to health” and is determined on a contaminant by contaminant basis by the U.S. Environmental Protection Agency. (5-3-03)~~

354. Water Treatment Plant. That portion of the public drinking water system whose primary purpose is to remove contaminants. (3-30-01)

011. -- 019. (RESERVED).

020. PRIORITY RATING SYSTEM.

Projects are identified for placement on priority lists by surveying eligible entities directly on an annual basis. Information is also received from the Department and consulting engineers. Grant funds are awarded to projects based on priority ratings. Projects are rated by the Department on a standard priority rating form using public health, sustainability, and water quality criteria and condition of the existing system. (4-2-08)()

01. Purpose. A priority rating system shall be utilized by the Department to annually allot available funds to projects determined eligible for funding assistance in accordance with these rules. (4-2-08)

02. Priority Rating. The priority rating system shall be based on a numerical point system. Priority criteria shall contain the following points: (3-30-01)()

~~**a. Public Health Emergency.** Shall be certified by the Idaho Board of Environmental Quality or by a District Board of Health. Such emergencies shall be related to a waterborne outbreak, chemical or radiological contamination levels above Unreasonable Risk to Health (URTH), or a failed water source— one hundred (100) points. (4-2-08)~~

~~**ba. Public Health Hazard.** Identified and documented by the Department or by a District Health Department. Points shall be given based on the presence and severity of waterborne illnesses— nineteen (19) points. Any condition which creates, or may create, a danger to the consumer’s health, which may include any one (1) or more of the following, may be awarded a maximum of one hundred (100) points: (4-2-08)()~~

i. Documented unresolved violations of the primary drinking water standards including maximum contaminant levels, action levels, and treatment techniques (to include maximum contaminant levels for acute and chronic contaminates); ()

ii. Documented unresolved violations of pressure requirements; ()

iii. Documented reduction in source capacity that impacts the system’s ability to reliably serve water; or ()

iv. Documented significant deficiencies (e.g., documented in a sanitary survey) in the

physical system that is causing the system to not be able to reliably serve safe drinking water. ()

~~e. Water Quality Violations. Identified and verified by the Department. Points shall be given, based on maximum contaminant levels (MCLs) or based on treatment technique violations, for microbiological and chemical constituents - seventy-one (71) points. (3-30-01)~~

~~fb. General Conditions of Existing Facilities. Points shall be given based on deficiencies with facilities (which would not constitute a public health hazard) for pumping, treating, storing, and delivering drinking water - up to sixty-one (61) points. (3-30-01)()~~

~~c. Sustainability Efforts (e.g., prospective efforts at energy conservation, water conservation, extending the life of capital assets, green building practices, and other environmentally innovative approaches to infrastructure repair, replacement and improvement) - up to fifty (50) points. ()~~

~~d. Consent Order, Compliance Agreement Schedule, or Court Order. Points shall be given if the system is operating under and in compliance with a Consent Order, Compliance Agreement Schedule, or Court Order and the proposed construction project will address the Consent Order, Compliance Agreement Schedule, or Court Order - up to thirty (30) points.()~~

~~e. Overall Urgency. Points shall be given to entities that need a new source of water to assure safety and adequate supply - ten (10) points. (3-30-01)~~

~~f. Consent or Administrative Orders. Points shall be given if the system is operating under an order - thirty (30) points. (3-30-01)~~

~~ge. Incentives. Bonus points shall be awarded to systems that promote source water protection, conservation, economy, proper operation maintenance, and monitoring - up to sixteen ten (16) points. (3-30-01)()~~

~~hf. Affordability. Points shall be given when current system user charges exceed state affordability guidelines - ten (10) points. (3-30-01)~~

~~03. Rating Forms. Rating criteria for Subsection 020.02 is set forth in a rating form that is available in the Handbook. ()~~

~~034. Priority List. A list shall be developed annually from projects rated according to the priority rating system. Such list shall be submitted for public review and comment, and shall thereafter be submitted to the Board for approval and adoption. (3-30-01)()~~

~~04a. Priority Reevaluation. Whenever significant changes occur, which in the Department's judgment would affect the design parameters or treatment requirements by either increasing or decreasing the need for or scope of any project, a reevaluation of that priority rating will be conducted. (3-30-01)~~

~~05b. Priority Target Date. A qualifying entity whose project is on the approved list An eligible applicant whose project is on the approved priority list, and for which funding is~~

available, will be contacted by the Department and a target date for submission of a completed grant application will be established. (4-2-08)()

06c. Project Bypass. A project that does not or will not meet the project target date or a Department schedule that allows for timely utilization of grant funds may be bypassed, substituting in its place the next highest ranking project that is ready to proceed. An qualifying entity eligible applicant that is bypassed will be notified in writing of the reasons for being bypassed. (3-30-01)()

05. Amendment of Priority List. The Director may amend the Priority List as set forth in Section 080 of these rules. ()

021. -- 029. (RESERVED).

030. PROJECT SCOPE AND FUNDING.

Grant funds awarded under this program will be used entirely to prepare ~~an engineering report or facility plan which identifies~~ a drinking water facility planning document. The planning document will identify the cost effective and environmentally sound ~~drinking water system~~ alternative to achieve or maintain compliance with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," and the Safe Drinking Water Act, 42 U.S.C. Sections 300f et seq., ~~and which is approvable~~ The planning document must be approved by the Department. (4-2-08)()

01. ~~Engineering Report or Facility~~ Planning Document. (4-2-08)()

a. A planning document shall include all items required by IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Subsection 503.03 or 502.04. Should the grant recipient proceed to construction using federal funds (e.g., a state revolving fund loan), then the items listed in Subsection 030.01.b. of these rules shall be required prior to construction. ()

b. A planning document that is prepared anticipating the use of federal funds shall include an environmental review that will require the Department approval of both a draft and final planning document. ()

ai. The ~~engineering report or facility plan shall be certified by an Idaho licensed professional engineer. The engineering report or facility plan shall include, as a minimum,~~ draft planning document shall include all items required by IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Subsection 502.04 or 503.03, as well as the following: (4-2-08)()

~~i.~~(1) Description of existing conditions for the proposed project area; (3-30-01)

~~ii.~~(2) Description of future conditions for the proposed project area; (3-30-01)

~~iii.~~(3) Development and initial screening of alternatives; (3-30-01)

(4) Development of an environmental review specified by the Department as described in Section 040. ()

ii. The final planning document shall include all items required of the draft planning

document as well as the following: ()

~~iv.~~(1) Final screening of principal alternatives and plan adoption; (3-30-01)

~~v.~~(2) Selected plan description and implementation arrangements; and ~~(3-30-01)~~()

~~vi.~~(3) Relevant engineering data supporting the final alternative; ~~and~~. ~~(3-30-01)~~()

~~vii.~~ *Level of environmental review specified by the Department as described in Section 040.* (4-2-08)

iii. The grant recipient shall provide an opportunity for the public to comment on the draft planning document. The public comment period shall be held after alternatives have been developed and the Department has approved the draft planning document. The grant recipient shall provide written notice of the public comment period and hold at least one (1) public meeting within the jurisdiction of the grant recipient during the public comment period. At the public meeting, the draft planning document shall be presented by the grant recipient with an explanation of the alternatives identified. The cost effective and environmentally sound alternative selected shall consider public comments received from those affected by the proposed project. After the public meeting and public comment period, the final alternative will be selected and the Environmental Information Document may be prepared. ()

c. The draft and final planning document shall bear the imprint of an Idaho licensed professional engineer's seal that is both signed and dated by the engineer. ()

bd. The ~~engineering report or facility plan~~ draft and final planning documents must be reviewed and approved by the Department. (4-2-08)()

ee. The planning period shall be twenty (20) years for all facilities except for distribution and transmission systems which may be forty (40) years. (4-2-08)

~~d.~~ *At least one (1) public hearing shall be held within the jurisdiction of the grantee and shall be conducted in accordance with state law. The cost effective and environmentally sound alternative selected shall be based in part on public comments received from intended users affected by the proposed project.* (4-2-08)

02. Limitation on Funding Assistance. The maximum grant funding provided in a state planning grant award shall not exceed fifty percent (50%) of the total eligible costs for grants awarded. (3-30-01)

~~031. LIMITATION ON PRE-GRANT ENGINEERING REVIEWS.~~

~~Pre-grant engineering documents prepared by consulting engineers will be reviewed by Department staff only when accompanied by a certificate that the consulting engineer carries professional liability insurance in accordance with Subsection 050.05.d.~~ (5-3-03)

0321. REVIEW AND EVALUATION OF GRANT APPLICATIONS.

01. Submission of Application. Those eligible systems which received high priority

ranking shall be invited to submit an application. The applicant shall submit to the Department, a completed application in a form prescribed by the Department. (3-30-01)

02. Application Requirements. Applications shall contain the following documentation, as applicable: (5-3-03)

a. An authorizing resolution passed by a majority of the governing body authorizing an elected official or officer of the qualifying entity to commit funding; and (5-3-03)

b. Contracts for engineering services or other technical services and the description of costs and tasks set forth therein shall be in sufficient detail for the Department to determine whether the costs associated with the tasks are eligible costs pursuant to Section 03~~32~~; and ~~(4-2-08)~~()

c. A plan of study describing the work tasks to be performed in the ~~engineering report or facility~~ planning document, a schedule for completion of the work tasks and an estimate of staff hours and costs to complete the work tasks; and ~~(4-2-08)~~()

d. Justification for the engineering firm selected. An engineering firm selected by the applicant must at a minimum: (5-3-03)

i. Be procured through the selection guidelines and procedures prescribed under Section 67-2320, Idaho Code; and (5-3-03)

ii. Be a registered professional engineer currently licensed by the Idaho Board of Professional Engineers and Land Surveyors; and (5-3-03)

iii. Not be debarred or otherwise prevented from providing services under another federal or state financial assistance program; and (5-3-03)

iv. Be covered by professional liability insurance in accordance with Subsection 050.05.d. A certification of liability insurance shall be included in the application; and (5-3-03)

e. A description of other costs, not included in the contracts for engineering or other technical services, for which the applicant seeks funding. The description of the costs and tasks for such costs must be in sufficient detail for the Department to determine whether the costs are eligible costs pursuant to Section 03~~32~~; and ~~(4-2-08)~~()

f. A demonstration that the obligation to pay the costs for which funding is requested, is the result or will be the result of the applicant's compliance with applicable competitive bidding requirements and requirements for professional service contracts, including without limitation, the requirements set forth in Sections 67-2801 et seq., 67-2320, 59-1026, and 42-3212, Idaho Code; and (4-2-08)

g. A statement regarding how the non-grant portion of the project will be funded; and (5-3-03)

h. For incorporated nonprofit applicants only, Articles of Incorporation and/or

Bylaws showing nonprofit and incorporated status according to Chapter 3, Title 30, Idaho Code. (3-30-01)

03. Determination of Completeness of Application. Applications will be reviewed to determine whether they contain all of the information required by Subsection 03~~2~~¹.02. ~~(5-3-03)~~()

04. Notification Regarding Incompleteness of Application. Written notification if an application is incomplete, including an explanation of missing documentation, will be sent to the applicant. The applicant may provide the missing documentation. (5-3-03)

05. Reapplication for Grant. The action of disapproving, recalling, or terminating a grant in no way precludes or limits the former applicant from reapplying for another grant when the project deficiencies are resolved and project readiness is secured. (5-3-03)

03~~3~~². DETERMINATION OF ELIGIBILITY OF COSTS.

The Department shall review the application, including any contracts required to be submitted with the application, to determine whether the costs are eligible costs for funding. (5-3-03)

01. Eligible Costs. Eligible costs are those determined by the Department to be: (5-3-03)

a. Necessary ~~for planning drinking water treatment facilities~~ costs; ~~(5-3-03)~~()

b. Reasonable costs; and ~~(5-3-03)~~()

c. Costs that are not ineligible as described in Subsection 03~~3~~².05. ~~(5-3-03)~~()

02. Necessary Costs. The Department shall determine whether costs are necessary by comparing the tasks for which the costs will be incurred to the scope of the project as described in the plan of study for the ~~engineering report or facility~~ planning document. ~~(4-2-08)~~()

03. Reasonable Costs. Costs shall be determined by the Department to be reasonable if the obligation to pay the costs is the result of or will be the result of the applicant's compliance with applicable competitive bidding requirements and requirements for professional service contracts, including without limitation, the requirements set forth in Sections 67-2801 et seq., 67-2320, 59-1026, and 42-3212, Idaho Code. (4-2-08)

04. Examples of Costs That May Be Eligible. Examples of costs that may be eligible, if determined necessary, reasonable and not ineligible costs include: (5-3-03)

a. Costs of salaries, benefits, and expendable material the qualified entity incurs in the project except ordinary expenses such as salaries and expenses of a mayor; city council members; board; or a city, district or board attorney; (4-2-08)

b. Professional and consulting services utilizing a lump-sum contract, specifying costs of individual tasks. (5-3-03)

c. Engineering costs pursuant to a lump-sum contract, specifying costs of individual tasks, directly related to the planning of public drinking water treatment, storage and distribution facilities including but not limited to the preparation of ~~an engineering report or facility a~~ planning document and environmental review report; (4-2-08)()

d. Financial, technical and management capability analysis; (5-3-03)

e. Public participation for alternative selection; (5-3-03)

f. Certain direct and other costs as determined eligible by the Department; and (5-3-03)

g. Site acquisition services which could include legal fees, appraisals and surveys for land associated with the cost-effective alternative in the report and ~~for land~~ for purchase ~~through future State Revolving Fund loan funding~~ from a willing seller. (5-3-03)()

05. Ineligible Project Costs. Costs which are ineligible for funding include, but are not limited to: (5-3-03)

a. Basin or area wide planning not directly related to the project; (5-3-03)

b. Personal injury compensation or damages arising out of the project; (5-3-03)

c. Fines or penalties due to violations of, or failure to comply with, federal, state, or local laws; (5-3-03)

d. Costs outside the scope of the approved project; (5-3-03)

e. Ordinary operating expenses such as salaries and expenses of a mayor, city council members, city attorney, district or association personnel costs, and acquiring project funding; (4-2-08)

f. Preparation of a grant application; (5-3-03)

g. All costs related to assessment, defense and settlement of disputes; (5-3-03)

h. Costs of supplying required permits or waivers; (5-3-03)

i. Costs incurred prior to award of the grant unless specifically approved in writing as eligible pre- award costs by the Department; (5-3-03)

j. Engineering costs incurred prior to approval of the engineering contract or those costs in excess of the contract ceiling unless preapproval has been given in writing by the Department; and (5-3-03)

~~k. Land acquisition costs and associated costs other than those listed as eligible in Subsection 032.05.g.~~ (5-3-03)

06. Notification Regarding Ineligible Costs. Prior to providing a grant offer, the Department shall notify the applicant that certain costs are not eligible for funding and the reasons for the Department's determination. If such costs are included in the engineering contract, the Department shall also provide notification to the engineer. The applicant may provide the Department additional information in response to the notice. (5-3-03)

07. Eligible Costs and the Grant Offer. The grant offer shall reflect those costs determined by the Department to be eligible costs. The grant offer, however, may include estimates of some eligible costs that have not yet been set. Actual eligible costs may differ from such estimated costs set forth in the grant offer. In addition, grant disbursements may be increased or decreased if eligible costs are modified. (4-2-08)

0343. -- 039. (RESERVED).

040. ENVIRONMENTAL REVIEW.

01. Environmental Documentation. The ~~applicant shall~~ **grant recipient may** complete an environmental review as part of and in conjunction with ~~an engineering report or a facility~~ **planning document**. Guidance on how to complete an environmental review may be found in Chapter 5 of the Handbook. ~~The applicant shall consult with~~ **If the grant recipient prepares an environmental review, then** the Department **shall be consulted** at an early stage in the preparation of the ~~engineering report or facility~~ **planning document** to determine the required level of environmental review. Based on review of existing information and assessment of environmental impacts, the ~~applicant shall~~ **grant recipient may** complete one (1) of the following ~~per the Department's instruction:~~ (4-2-08)()

a. Submit a request for Categorical Exclusion (CE) with supporting backup documentation as specified by the Department; (4-2-08)

b. Prepare an Environmental Information Document (EID) in a format specified by the Department; or (4-2-08)

c. Prepare an Environmental Impact Statement (EIS) in a format specified by the Department. (4-2-08)

02. Categorical Exclusions. If the ~~applicant~~ **grant recipient** requests a CE, the Department shall review the request and, based upon the supporting documentation, take one (1) of the following actions: (4-2-08)()

a. Determine if an action is consistent with categories eligible for exclusion whereupon the Department shall issue a notice of CE from further substantive environmental review. Once the CE is granted for the selected alternative, the Department will publish a notice of CE in a local newspaper, following which the ~~engineering report or facility~~ **planning document** can be approved; or (4-2-08)()

b. Determine if an action is not consistent with categories eligible for exclusion and that issuance of a CE is not appropriate. If issuance of a CE is not appropriate, the Department shall notify the ~~applicant~~ **grant recipient** of the need to prepare an EID. (4-2-08)()

03. Environmental Information Document Requirements. When an EID is required, the ~~applicant~~ **grant recipient** shall prepare the EID in accordance with the following Department procedures: (4-2-08)()

a. Various laws and executive orders related to environmentally sensitive resources shall be considered as the EID is prepared. Appropriate state and federal agencies shall be consulted regarding these laws and executive orders. (4-2-08)

b. A full range of relevant impacts, both direct and indirect, of the proposed project shall be discussed in the EID, including measures to mitigate adverse impacts, cumulative impacts, and impacts that shall cause irreversible or irretrievable commitment of resources. (4-2-08)

c. The Department shall review the draft EID and either request additional information about one (1) or more potential impacts, or shall draft a “finding of no significant impact” (FONSI). (4-2-08)

04. Final Finding of No Significant Impact. The Department shall publish the draft FONSI in a newspaper of general circulation in the geographical area of the proposed project and shall allow a minimum thirty (30) day public comment period. Following the required period of public review and comment, and after any public concerns about project impacts are addressed, the FONSI shall become final. The Department shall assess the effectiveness and feasibility of the mitigation measures identified in the FONSI and EID prior to the issuance of the final FONSI and approval of the ~~engineering report or facility~~ **planning document**. (4-2-08)()

05. Environmental Impact Statement (EIS) Requirements. If an EIS is required, the ~~applicant~~ **grant recipient** shall: (4-2-08)()

a. Contact all affected state agencies, and other interested parties, to determine the required scope of the document; (4-2-08)

b. Prepare and submit a draft EIS to all interested agencies, and other interested parties, for review and comment; (4-2-08)

c. Conduct a public ~~hearing~~ **meeting** which may be **held** in conjunction with ~~an engineering report or facility plan hearing~~ **a planning document meeting**; and (4-2-08)()

d. Prepare and submit a final EIS incorporating all agency and public input for Department review and approval. (4-2-08)

06. Final EIS. Upon completion of the EIS by the ~~applicant~~ **grant recipient** and approval by the Department of all requirements listed in Subsection 040.05, the Department shall issue a record of decision, documenting the mitigative measures which shall be required of the ~~applicant~~ **grant recipient**. The ~~engineering report or facility~~ **planning document** can be completed once the final EIS has been approved by the Department. (4-2-08)()

07. Use of Environmental Reviews Conducted by Other Agencies. If an

environmental review for the project has been conducted by another state, federal, or local agency, the Department may, at its discretion, issue its own determination by adopting the document and public notification process of the other agency. (4-2-08)

08. Validity of Review. Environmental reviews, once completed by the Department, are valid for five (5) years from the date of completion. If a grant application is received for a project with an environmental review which is more than five (5) years old, the Department shall reevaluate the project, environmental conditions, and public comments and shall: ~~(3-30-01)~~()

a. Reaffirm the earlier decision; or (3-30-01)

b. Require supplemental information to the earlier Environmental Impact Statement, Environmental Information Document, or request for Categorical Exclusion. Based upon a review of the updated document, the Department shall issue and distribute a revised notice of Categorical Exclusion, finding of no significant impact, or record of decision. (3-30-01)

041. -- 049. (RESERVED).

050. GRANT OFFER AND ACCEPTANCE.

01. Grant Offer. Grant offers will be delivered by certified mail to applicants who received high priority ranking, were invited to submit an application, and provided a complete application. (3-30-01)

02. Acceptance of Grant Offer. Applicants have sixty (60) days in which to officially accept the grant offer on prescribed forms furnished by the State. The sixty (60) day acceptance period commences from the date indicated on the grant offer notice. If the applicant does not accept the grant offer within the sixty (60) day period, the grant funds may be offered to the next project of priority. (3-30-01)

03. Acceptance Executed as a Contract Agreement. Upon signature by the Director or the Director's designee as the grantor, and upon signature by the authorized representative of the qualifying entity, as the grantee grant recipient, the grant offer shall become a grant contract agreement. The disbursement of funds pursuant to an agreement is subject to a finding by the Director that the grantee grant recipient has complied with all agreement conditions and has prudently managed the project. The Director may, as a condition of payment, require that a grantee grant recipient vigorously pursue any claims it has against third parties who will be paid in whole or in part, directly or indirectly, with grant funds or transfer its claim against such third parties to the Department. Grant contract agreements shall be interpreted according to the law of grants in aid. No third party shall acquire any rights against the State or its employees from a grant contract agreement. ~~(3-30-01)~~()

04. Estimate of Reasonable Cost. Each grant project contract will include the eligible cost of conducting the planning study. Some eligible costs may be estimated and payments may be increased or decreased as provided in Section 060. (5-3-03)

05. Terms of Agreement. The grant offer shall contain terms of agreement as prescribed by the Department including, but not limited to special conditions as determined

necessary by the Department for the successful planning of the project. (3-30-01)

a. Terms consistent with ~~this chapter~~ these rules and consistent with the scope of the grant project; and ~~(5-3-03)~~()

b. Special clauses as determined necessary by the Department for the successful investigation and management of the project; and (5-3-03)

c. Terms consistent with applicable state and federal laws pertaining to ~~engineering reports or facility plans~~ engineering documents; and ~~(4-2-08)~~()

d. Requirement for the prime engineering firm(s) retained for engineering services to carry professional liability insurance to protect the public from the engineer's negligent acts and errors of omission of a professional nature. The total aggregate of the engineer's professional liability shall be one hundred thousand dollars (\$100,000) or twice the amount of the engineer's fee, whichever is greater. Professional liability insurance must cover all such services rendered for all project steps, whether or not such services or steps are state funded, until the certification of project performance is accepted by the Department. (4-2-08)

051. -- 059. (RESERVED).

060. PAYMENTS.

01. Eligibility Determination. Grant funds will only be provided for eligible costs as defined at Section 010 and determined in accordance with Section 0332. ~~(5-3-03)~~()

02. Payments for State Grants. Requests for payment shall be submitted to the Department on a form provided by the Department. The Department shall pay for those costs that are determined to be eligible. (3-30-01)

03. Grant Increases. Grant amendment increase requests as a result of an increase in eligible project costs will be considered, provided funds are available. Documentation and justification supporting the unavoidable need for a grant increase must be submitted to the Department for approval prior to incurring any costs above the approved eligible cost ceiling. (3-30-01)

04. Grant Decreases. If the actual eligible cost is determined to be lower than the estimated eligible cost the grant amount will be reduced proportionately. (3-30-01)

05. Final Project Review to Determine Actual Eligible Costs. The Department may conduct a final project review to determine the actual eligible costs. The financial records of the ~~grantee~~ grant recipient may be reviewed by the Department. ~~(4-2-08)~~()

06. Final Payment. The final payment consisting of five percent (5%) of the total state grant will not be made until the ~~project review has been completed or deferred, or after final approval of the engineering, or completion of the environmental review process~~ requirements contained in the grant agreement have been satisfied. ~~(4-2-08)~~()

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.24 - STANDARDS AND PROCEDURES FOR APPLICATION OF RISK BASED CORRECTIVE ACTION AT PETROLEUM RELEASE SITES

DOCKET NO. 58-0124-1101

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 2012 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-first 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 Chapters 1, 36, 44, 72 and 74, Title 39, 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 3, 2011, Vol. 11-8, pages 296 through 308](#). After consideration of public comments, the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0124-1101-pending or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: Section 39-107D, Idaho Code, provides that DEQ must meet certain requirements when it formulates and recommends rules which are broader in scope or more stringent than federal law or regulations. There is no federal law or regulation that is comparable to the Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites. Therefore, this rule is not broader in scope or more stringent than federal law or regulations.

Section 39-107D, Idaho Code, also applies to a rule which “proposes to regulate an activity not regulated by the federal government.” This rule does not propose to regulate an activity not regulated by the federal government. However, the rule does delineate a process that is not specifically delineated or required by the federal government. The following is a summary of additional information specified in Sections 39-107D(3) and (4), Idaho Code. DEQ previously addressed Sections 39-107D(3) and (4), Idaho Code, when this rule chapter was first promulgated in 2009 and is reiterating the information in this notice.

Section 39-107D(3)(a), Idaho Code. Identification of each population or receptor addressed by an estimate of public health effects or environmental effects.

This rule delineates a process to evaluate the human health risks resulting from exposure to chemicals associated with petroleum releases. It is not known prior to the release of petroleum at a specific site which potential populations or receptors may be exposed. During the initial conservative screening portion of the process, it is assumed that the target populations at risk are residential receptors and sensitive subpopulations. In subsequent steps in the risk evaluation process described in the rule, site-specific determination of current and likely potential future receptors can be made.

Section 39-107D(3)(b) and (c), Idaho Code. Identification of the expected risk or central estimate of risk for the specific population or receptor and identification of each appropriate upper bound or lower bound estimate of risk.

This rule describes a procedure for risk evaluation at petroleum release sites and requirements, both general and specific, for the site-specific estimation of risk. In the initial step of the risk evaluation process described by this rule, a screening level approach is utilized. The screening levels are compared to site media-specific petroleum chemical concentrations to determine the need for further evaluation or corrective action.

The screening levels were calculated using target cancer and non-cancer health risks in combination with specific parameter values for each of the variables in the standard equations used to calculate acceptable concentrations. For some factors central estimate values were used while for other factors an upper bound estimate was selected. The screening levels can be characterized as representing upper bound estimates of risk for residential receptors for the routes of exposure evaluated.

The more detailed risk evaluation process described in the rule allows the incorporation of site-specific data and assumptions, such as the likely future land use and receptors, into the risk calculation. The requirements for site-specific risk evaluation described in this rule specify 1) the acceptable cumulative risk and hazard that should apply at all sites and 2) that calculated risks should represent a reasonable maximum exposure scenario.

Section 39-107D(3)(d), Idaho Code. Identification of each significant uncertainty identified in the process of the assessment of public health effects or environmental effects and any studies that would assist in resolving the uncertainty.

There are a number of uncertainties in the risk evaluation process described in the rule. These include uncertainty in the estimation of exposure for specific receptors or populations, as well as uncertainty in the magnitude of effects associated with a specific dose of a chemical. The estimation of exposure is based on both environmental transport pathways from a petroleum release to a receptor, as well as on physiological and behavioral characteristics of the receptor.

Examples of physiological characteristics include body weight and breathing rate. Behavioral characteristics include such things as how much time a receptor spends outdoors each day, and how long a receptor lives at one location. Within a population there is variability in physiological and behavioral characteristics; uncertainty results from lack of knowledge of the characteristics of current or future individuals who may be exposed to chemicals from a petroleum release. In the initial screening step of the risk evaluation process described in the rule, this uncertainty is addressed by utilizing values for these parameters from databases that are universally accepted in standard risk assessment practice. Many of the values selected for the screening step are upper-bound values from distributions in the databases, as the goal in this initial evaluation is to evaluate risk to residential and sensitive populations. In subsequent steps of the risk evaluation process, it is sometimes possible to collect site-specific data that can reduce uncertainty for a specific population. For example, there might be information available that allows a more accurate estimation of exposure frequency or duration, thereby reducing uncertainty for this population.

Uncertainty in environmental transport, such as the leaching of chemicals in soil to ground water, is related to the physical and chemical properties of the chemicals present in a petroleum

release, as well as physical characteristics of the setting, such as depth to ground water. Parameter values from the scientific literature and accepted databases are utilized to assess environmental transport for the initial screening step of the process described in the rule. In the subsequent site-specific risk evaluation, collection of site-specific data is a powerful tool to reduce uncertainty, resulting in a better understanding of risks at the site.

Uncertainty in dose-response assessment is addressed by use of the best available toxicological data from databases which are universally recognized and accepted as part of standard risk assessment practice.

Section 39-107D(3)(e), Idaho Code. Identification of studies known to the department that support, are directly relevant to, or fail to support any estimate of public health effects or environmental effects and the methodology used to reconcile inconsistencies in the data.

The referenced studies and analyses will be included in the rulemaking record and can be reviewed during the public comment period for further detailed information regarding health effects.

REFERENCES:

American Society for Testing and Materials. 1995. *Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites*. E1739-95.

DOE, 1995. *Housing Characteristics 1993*. United States Department of Energy. Energy Information Administration. DOE/EIA-0314 (93).

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EPA, 2003. *User's Guide for Evaluating Subsurface Vapor Intrusion into Buildings (Revised)*. United States Environmental Protection Agency. OSWER. June 19, 2003.

EPA, 2005. *Supplemental Guidance for Assessing Susceptability from Early-Life Exposure to Carcinogens*. United States Environmental Protection Agency. Risk Assessment Forum. EPA-630-R-03-003F. March 2005.

EPA, 2008. *Child-Specific Exposure Factors Handbook*. EPA/600/R-06/096F. United States Environmental Protection Agency, NCEA, ORD. September, 2008.

EPA, 2009. *Risk Assessment Guidance for Superfund, Volume I: Human Health Evaluation Manual (Part F, Supplemental Guidance for Inhalation Risk Assessment)*. United States Environmental Protection Agency. OSWER Directive 9285.7-82. EPA-540-R-070-002. January 2009.

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Hers, I. 2002. *Technical Memorandum to Debbie Newberry*, USEPA OSW. Input Parameters for OSWER Wide Guidance for Vapor Intrusion Pathway. June 3, 2002.

Johnson, Paul C. 2005. *Identification of Application-Specific Critical Inputs for the 1991 Johnson and Ettinger Vapor Intrusion Algorithm*. Ground Water Monitoring and Remediation. Volume 25. No. 1. Pages 63-78.

Johnson and Ettinger, 1991. Johnson, P.C. and R.A. Ettinger. *Heuristic Model for Predicting the Intrusion Rate of Contaminant Vapors into Buildings*. Environmental Science and Technology. Volume 25, Pages 1445-1452.

MDEQ, 1998. *Part 201 Generic Groundwater and Soil Volatilization to Indoor Air Inhalation Criteria: Technical Support Document*. Michigan Department of Environmental Quality. Environmental Response Division.

Nielsen and Rodgers, 1990. Nielsen, K.K. and V.C. Rodgers. *Radon transport properties of soil classes for estimating indoor radon entry*. In Proceedings of the 29th Hanford Symposium of Health and the Environment. Indoor Radon and Lung Cancer: Reality or Myth? Part 1. F.T. Cross (ed), Battelle Press, Richland, Washington.

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 pending rule, contact Bruce Wicherski at bruce.wicherski@deq.idaho.gov or (208)373-0246.

Dated this 10th day of November, 2011.

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

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This action is authorized by Chapters 1, 36, 44, 72 and 74, Title 39, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before August 17, 2011. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: DEQ rule chapter “Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites,” IDAPA 58.01.24, was adopted by the Idaho Board of Environmental Quality in 2008 and approved by the Idaho Legislature in 2009. The rule requires that DEQ develop a guidance document to aid in implementation of the rule. During work group meetings for guidance development, the work group identified that the current state of the science regarding the methodologies describing how the toxicity data is used to calculate risk, particularly for inhalation exposures, had changed. The work group also concluded that the procedures and screening levels for risk evaluation of the vapor intrusion pathway, as delineated in the existing rule, did not meet current industry practice by omitting the use of soil vapor measurements. This rulemaking has been initiated to update portions of the rule that are pertinent to evaluation of petroleum release sites in order to promote consistent corrective action decision-making at these sites.

The proposed rule includes the following revisions:

1. Correct chemical toxicity values in Table 3 to conform to currently accepted standards;
2. Update the Screening Level values for soil and ground water in Table 2 using these updated toxicity values and current risk calculation methodologies;
3. Revise the Screening Level Table 2 by adding screening values for soil vapor measurements; and
4. Sections 200, 300, and 400 will be revised to incorporate the use of soil vapor

into the risk evaluation process.

Cities, counties, bankers, lenders, realtors, petroleum marketers, consultants, and citizens of the state of Idaho may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality at the November 2011 Board meeting for adoption as a pending rule. The rule is expected to be final and effective upon the adjournment of the 2012 legislative session if adopted by the Board and approved by the Legislature.

While not part of this rulemaking, DEQ is also seeking public comment on the guidance document drafted to aid in implementation of this rule. The guidance document is titled “Draft Idaho Risk Evaluation Manual for Petroleum Releases” and may be obtained at www.deq.idaho.gov/risk-evaluation-manual. Submit written comments on the “Draft Idaho Risk Evaluation Manual for Petroleum Releases” by e-mail or fax to Bruce Wicherski at bruce.wicherski@deq.idaho.gov or (208)373-0154 (fax number). DEQ will consider all written comments received on or before August 31, 2011.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

NEGOTIATED RULEMAKING: The text of the proposed rule has been drafted based on discussions held during negotiations conducted pursuant to Section 67-5220, Idaho Code, and IDAPA 58.01.23.810-815. On June 1, 2011, the Notice of Negotiated Rulemaking was published in the [Idaho Administrative Bulletin, Vol. 11-6, pages 142 through 143](#), and a preliminary draft rule was made available for public review. A meeting was held on June 23, 2011. One member of the public participated in this negotiated rulemaking process by attending the meeting. A record of the negotiated rule drafts and documents distributed during the negotiated rulemaking process is available at <http://www.deq.idaho.gov/58-0124-1101-proposed>.

IDAHO CODE SECTION 39-107D STATEMENT: Section 39-107D, Idaho Code, provides that DEQ must meet certain requirements when it formulates and recommends rules which are broader in scope or more stringent than federal law or regulations. There is no federal law or regulation that is comparable to the Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites. Therefore, this proposed rule is not broader in scope or more stringent than federal law or regulations.

Section 39-107D, Idaho Code, also applies to a rule which “proposes to regulate an activity not regulated by the federal government.” This rule does not propose to regulate an activity not regulated by the federal government. However, the rule does delineate a process that is not specifically delineated or required by the federal government. The following is a summary of additional information specified in Sections 39-107D(3) and (4), Idaho Code. DEQ previously addressed Sections 39-107D(3) and (4), Idaho Code, when this rule chapter was first promulgated in 2009 and is reiterating the information in this notice.

Section 39-107D(3)(a), Idaho Code. Identification of each population or receptor addressed by an estimate of public health effects or environmental effects.

This rule delineates a process to evaluate the human health risks resulting from exposure to chemicals associated with petroleum releases. It is not known prior to the release of petroleum at a specific site which potential populations or receptors may be exposed. During the initial conservative screening portion of the process, it is assumed that the target populations at risk are residential receptors and sensitive subpopulations. In subsequent steps in the risk evaluation process described in the rule, site-specific determination of current and likely potential future receptors can be made.

Section 39-107D(3)(b) and (c), Idaho Code. Identification of the expected risk or central estimate of risk for the specific population or receptor and identification of each appropriate upper bound or lower bound estimate of risk.

This rule describes a procedure for risk evaluation at petroleum release sites and requirements, both general and specific, for the site-specific estimation of risk. In the initial step of the risk evaluation process described by this rule, a screening level approach is utilized. The screening levels are compared to site media-specific petroleum chemical concentrations to determine the need for further evaluation or corrective action.

The screening levels were calculated using target cancer and non-cancer health risks in combination with specific parameter values for each of the variables in the standard equations used to calculate acceptable concentrations. For some factors central estimate values were used while for other factors an upper bound estimate was selected. The screening levels can be characterized as representing upper bound estimates of risk for residential receptors for the routes of exposure evaluated.

The more detailed risk evaluation process described in the rule allows the incorporation of site-specific data and assumptions, such as the likely future land use and receptors, into the risk calculation. The requirements for site-specific risk evaluation described in this rule specify 1) the acceptable cumulative risk and hazard that should apply at all sites and 2) that calculated risks should represent a reasonable maximum exposure scenario.

Section 39-107D(3)(d), Idaho Code. Identification of each significant uncertainty identified in the process of the assessment of public health effects or environmental effects and any studies that would assist in resolving the uncertainty.

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Examples of physiological characteristics include body weight and breathing rate. Behavioral characteristics include such things as how much time a receptor spends outdoors each day, and how long a receptor lives at one location. Within a population there is variability in physiological and behavioral characteristics; uncertainty results from lack of knowledge of the characteristics of current or future individuals who may be exposed to chemicals from a petroleum release. In the initial screening step of the risk evaluation process described in the rule, this uncertainty is

addressed by utilizing values for these parameters from databases that are universally accepted in standard risk assessment practice. Many of the values selected for the screening step are upper-bound values from distributions in the databases, as the goal in this initial evaluation is to evaluate risk to residential and sensitive populations. In subsequent steps of the risk evaluation process, it is sometimes possible to collect site-specific data that can reduce uncertainty for a specific population. For example, there might be information available that allows a more accurate estimation of exposure frequency or duration, thereby reducing uncertainty for this population.

Uncertainty in environmental transport, such as the leaching of chemicals in soil to ground water, is related to the physical and chemical properties of the chemicals present in a petroleum release, as well as physical characteristics of the setting, such as depth to ground water. Parameter values from the scientific literature and accepted databases are utilized to assess environmental transport for the initial screening step of the process described in the rule. In the subsequent site-specific risk evaluation, collection of site-specific data is a powerful tool to reduce uncertainty, resulting in a better understanding of risks at the site.

Uncertainty in dose-response assessment is addressed by use of the best available toxicological data from databases which are universally recognized and accepted as part of standard risk assessment practice.

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DOE, 1995. *Housing Characteristics 1993*. United States Department of Energy. Energy Information Administration. DOE/EIA-0314 (93).

DOE, 2001. *Commercial Building Energy Characteristics Survey*. United States Department of Energy. Energy Information Administration. Summary Table B2. (http://www.eia.doe.gov/emeu/cbecs/detailed_tables_1999.htm)

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Remedial Response. Washington, D.C. OSWER No. 9355.4-17A.

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Johnson and Ettinger, 1991. Johnson, P.C. and R.A. Ettinger. *Heuristic Model for Predicting the Intrusion Rate of Contaminant Vapors into Buildings*. Environmental Science and Technology. Volume 25, Pages 1445-1452.

MDEQ, 1998. *Part 201 Generic Groundwater and Soil Volatilization to Indoor Air Inhalation Criteria: Technical Support Document*. Michigan Department of Environmental Quality. Environmental Response Division.

Nielsen and Rodgers, 1990. Nielsen, K.K. and V.C. Rodgers. *Radon transport properties of soil classes for estimating indoor radon entry*. In Proceedings of the 29th Hanford Symposium of Health and the Environment. Indoor Radon and Lung Cancer: Reality or Myth? Part 1. F.T. Cross (ed), Battelle Press, Richland, Washington.

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 AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Bruce Wicherski at bruce.wicherski@deq.idaho.gov or (208)373-0246.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before August 31, 2011.

DATED this 8th day of July, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0124-1101

005. AVAILABILITY OF REFERENCED MATERIAL.

Documents and data bases referenced within these rules are available at the following locations: (5-8-09)

01. Idaho Risk Evaluation Manual for Petroleum Releases. Idaho Risk Evaluation Manual for Petroleum Releases and subsequent editions, <http://www.deq.idaho.gov>. (5-8-09)()

02. U.S. EPA RAGS. U.S. EPA RAGS, Volume 1, <http://www.epa.gov/oswer/riskassessment/policy.htm#5>. (5-8-09)

03. U.S. EPA Exposure Factors Handbook. U.S. EPA Exposure Factors Handbook, <http://www.epa.gov/ncea/pdfs/efh/front.pdf>. (5-8-09)

~~**04. U.S. EPA IRIS Database.** U.S. EPA IRIS Database.~~ (5-8-09)

054. Idaho Source Water Assessment Plan. Idaho Source Water Assessment Plan, <http://www.deq.idaho.gov>. (5-8-09)

05. EPA Regional Screening Tables. EPA Regional Screening Tables, http://www.epa.gov/reg3hwmd/risk/human/rb-concentration_table/index.htm. ()

~~**06. Provisional Guidance for Quantitative Risk Assessment of Polycyclic Aromatic Hydrocarbons.** Provisional Guidance for Quantitative Risk Assessment of Polycyclic Aromatic Hydrocarbons. 1993. U.S. Environmental Protection Agency, Office of Research and Development, Office of Health and Environmental Assessment, Washington, DC, EPA/600/R-93/~~

~~089.~~

~~(5-8-09)~~

(BREAK IN CONTINUITY OF SECTIONS)

009. ACRONYMS.

- ~~01.~~ ~~ATSDR. Agency for Toxic Substances and Disease Registry.~~ ~~(5-8-09)~~
- 021.** EPA. The United States Environmental Protection Agency. (5-8-09)
- ~~03.~~ ~~IRIS. Integrated Risk Information System.~~ ~~(5-8-09)~~
- ~~04.~~ ~~NCEA. National Center for Environmental Assessment.~~ ~~(5-8-09)~~
- 052.** PST. Petroleum Storage Tank System. (5-8-09)
- 063.** RAGS. Risk Assessment Guidance for Superfund. (5-8-09)
- 074.** UECA. Uniform Environmental Covenant Act. See definition in Section 010. (5-8-09)

(BREAK IN CONTINUITY OF SECTIONS)

200. RISK EVALUATION PROCESS.

The following risk evaluation process shall be used for petroleum releases in accordance with the Petroleum Release Response and Corrective Action Rules described in IDAPA 58.01.02, "Water Quality Standards," Section 852. (5-8-09)

01. Screening Evaluation. The screening evaluation may be performed at any time during the release response and corrective action process described in IDAPA 58.01.02, "Water Quality Standards," Section 852. The screening evaluation shall include, at a minimum: (5-8-09)

- a.** Collection of media-specific (soil, surface water, ground water) data; and (5-8-09)
- b.** Identification of maximum soil ~~and~~, ground water, and soil vapor petroleum chemical concentrations for the chemicals identified in Subsection 800.01 (Table 1) as appropriate for the petroleum product or products released. ~~(5-8-09)~~()
- c.** Comparison of the maximum media-specific petroleum contaminant concentrations to the screening levels identified in Subsection 800.02 (Table 2). If the maximum media-specific petroleum contaminant concentrations at a site do not exceed the screening levels, the owner and/or operator may petition for site closure, subject to other Department regulatory

obligations. If the maximum media-specific concentrations at a site exceed the screening levels, the owner and/or operator shall proceed to: (5-8-09)

i. Adopt the screening levels as cleanup levels and develop a corrective action plan to achieve those levels pursuant to Subsection 200.03; or (5-8-09)

ii. Perform a site specific risk evaluation pursuant to Section 300. The Department may require the collection of additional site-specific data prior to the approval of the risk evaluation. (5-8-09)

02. Results of Risk Evaluation. If the results of the approved risk evaluation do not exceed the acceptable target risk level, acceptable target hazard quotient, or acceptable target hazard index specified in Section 300, the owner and/or operator may petition for site closure, subject to other Department regulatory obligations. If the results of the approved risk evaluation indicates exceedance of the acceptable target risk level, acceptable target hazard quotient, or acceptable target hazard index specified in Section 300, the risk evaluation shall: (5-8-09)

a. Be modified by collection of additional site-specific data, or review of chemical toxicological information, and resubmitted to the Department for review and approval; or (5-8-09)

b. Provide the basis for the development of risk based concentrations, establishment of remediation standards as described in Section 400, and development of a corrective action plan. (5-8-09)

03. Development and Implementation of Corrective Action Plan. A Corrective Action plan required as a result of the risk evaluation process described in Section 200 shall include, but not be limited to, the following information, as applicable: (5-8-09)

a. Description of remediation standards, points of exposure, and points of compliance where remediation standards shall be achieved; (5-8-09)

b. Description of remedial strategy and actions that will be taken to achieve the remediation standards; (5-8-09)

c. Current and reasonably anticipated future land use and use of on-site and immediately adjacent off-site ground water, and surface water; (5-8-09)

d. Activity and use limitations, if any, that will be required as part of the remedial strategy; (5-8-09)

e. Proposed environmental covenants, developed to implement activity and use limitations, in accordance with Section 600; (5-8-09)

f. Estimated timeline for completion; and (5-8-09)

- g.** Monitoring Plan to monitor effectiveness of remedial actions. (5-8-09)
- h.** Description of practical quantitation limits as they apply. (5-8-09)
- i.** Description of background concentrations as they apply. (5-8-09)

04. Department Review and Approval of Risk Evaluation or Corrective Action Plan. Within thirty (30) days of receipt of the risk evaluation or corrective action plan, the Department shall provide in writing either approval, approval with modifications, or rejection of the risk evaluation or corrective action plan. If the Department rejects the risk evaluation or corrective action plan, it shall notify the owner and/or operator in writing specifying the reasons for the rejection. If the Department needs additional time to review the documents, it will provide written notice to the owner and/or operator that additional time to review is necessary and will include an estimated time for review. Extension for review time shall not exceed one hundred eighty (180) days without a reasonable basis and written notice to the owner and/or operator. (5-8-09)

201. -- 299. (RESERVED)

300. SITE SPECIFIC RISK EVALUATION REQUIREMENTS.

01. General Requirements. The general requirements for human health risk evaluations shall include, at a minimum: (5-8-09)

a. A conceptual site model which describes contaminant sources; release mechanisms; the magnitude, spatial extent, and temporal trends of petroleum contamination in all affected media; transport routes; current and reasonably likely future land use and human receptors; and relevant exposure scenarios. (5-8-09)

b. Toxicity Information derived from Subsection 800.03 (Table 3). (5-8-09)

c. Data quality objectives and sampling approaches based on the conceptual site model that support the risk evaluation and risk management process. (5-8-09)

d. Estimated exposure point concentrations for a reasonable maximum exposure based on a conservative estimate of the mean of concentrations of chemicals that would be contacted by an exposed receptor. (5-8-09)

e. Exposure analysis including identification of contaminants of concern, potentially exposed populations, pathways and routes of exposure, exposure point concentrations and their derivation, and a quantitative estimate of reasonable maximum exposure for both current and reasonably likely future land and water use scenarios. Appropriate reference sources of reasonable maximum exposure factor information may include, but are not limited to: (5-8-09)

i. U.S. EPA RAGS, Volume 1; (5-8-09)

ii. U.S. EPA Exposure Factors Handbook; (5-8-09)

- iii. Idaho Risk Evaluation Manual for Petroleum Releases; and ~~(5-8-09)~~()
 - iv. Other referenced technical publications. (5-8-09)
 - f. Risk characterization presenting the quantitative human health risks and a qualitative and quantitative assessment of uncertainty for each portion of the risk evaluation. (5-8-09)
 - g. Risk evaluations may include the use of transport and fate models, subject to Department approval of the model and the data to be used for the parameters specified in the model. (5-8-09)
- 02. Specific Requirements.** Human health risk evaluations shall, at a minimum: (5-8-09)
- a. Utilize an acceptable target risk level as defined in Section 010; (5-8-09)
 - b. Utilize an acceptable target hazard index as defined in Section 010; (5-8-09)
 - c. Utilize an acceptable target hazard quotient as defined in Section 010; (5-8-09)
 - d. Evaluate the potential for exposure from: (5-8-09)
 - i. Ground water ingestion; (5-8-09)
 - ii. Direct contact with contaminated soils resulting from soil ingestion, dermal contact, and inhalation of particulates and vapors; (5-8-09)
 - iii. Indoor inhalation of volatile chemicals via volatilization of chemicals from soil, ground water, or free phase product; (5-8-09)
 - iv. Ingestion, inhalation, or dermal exposure to ground water and/or surface water which has been impacted by contaminants that have leached from the soils; and (5-8-09)
 - v. Other complete or potentially complete routes of exposure; (5-8-09)
 - e. Evaluate the potential for exposure to: (5-8-09)
 - i. Adult and child residential receptors; (5-8-09)
 - ii. Adult construction and utility workers; (5-8-09)
 - iii. Aquatic life; (5-8-09)
 - iv. Recreational receptors; and (5-8-09)
 - v. Other relevant potentially exposed receptors; (5-8-09)

- f. Evaluate the potential for use of impacted ground water for ingestion based on: (5-8-09)
 - i. The current and historical use of the ground water for drinking water or irrigation; (5-8-09)
 - ii. The location and approved use of existing ground water wells in a one half (½) mile radius from the contaminated site at the release point; (5-8-09)
 - iii. The degree of hydraulic connectivity between the impacted ground water and other ground water bearing zones or surface water; and (5-8-09)
 - iv. The location of delineated source water protection areas for public drinking water systems. (5-8-09)

301. -- 399. (RESERVED)**400. ESTABLISHMENT OF REMEDIATION STANDARDS.**

If, as a result of the assessment and risk evaluation completed as described in Section 300, it is determined that corrective action is required, remediation standards shall be established. The remediation standards established in these rules shall be no more stringent than applicable or relevant and appropriate federal and state standards and are consistent with Section 121 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. Section 9621) and Section 39-107D(2), Idaho Code, taking into consideration site specific conditions. These standards, and any activity use limitations proposed for the site, shall be established as part of a corrective action plan approved in writing by the Department. The standards may consist of the following. (5-8-09)

01. Screening Levels. The petroleum contaminant concentrations in soil ~~and~~, ground water, and soil vapor in Subsection 800.02 (Table 2). ~~(5-8-09)~~()

02. Risk Based Levels. Site-specific, media-specific petroleum contaminant concentrations established in accordance with the risk evaluation procedures and requirements described in Section 300. (5-8-09)

03. Generic Health Standards. An established state or federal generic numerical health standard which achieves an appropriate health-based level so that any substantial present or probable future risk to human health or the environment is eliminated or reduced to protective levels based upon present and reasonably anticipated future uses of the site. (5-8-09)

04. Other. Remediation standards may be a combination of standards found in Subsections 400.01 through 400.03. (5-8-09)

(BREAK IN CONTINUITY OF SECTIONS)**800. TABLES.****01. Table 1.** Chemicals of Interest for Various Petroleum Products.

CHEMICALS OF INTEREST FOR VARIOUS PETROLEUM PRODUCTS				
Chemical	Gasoline/ JP-4/ AVGas	Diesel/ Fuel Oil No. 2/ Kerosene	Fuel Oil No.4	Jet Fuels (Jet A, JP-5, JP-8)
Benzene	X	X		X
Toluene	X	X		X
Ethyl benzene	X	X		X
Xylenes (mixed)	X	X		X
Ethylene Dibromide (EDB)	X ¹			
1,2 Dichloroethane (EDC)	X ¹			
Methyl Tert-Butyl Ether (MTBE)	X			
Acenaphthene		X	X	X
Anthracene		X	X	X
Benzo(a)pyrene		X	X	X
Benzo(b)fluoranthene		X	X	X
Benzo(k)fluoranthene		X	X	X
Benz(a)anthracene		X	X	X
Chrysene		X	X	X
Fluorene		X	X	X
Fluoranthene		X	X	X
Naphthalene	X	X	X	X
Pyrene		X	X	X
X ¹ Leaded Regular Only				

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02. Table 2. Residential Use Screening Levels.

RESIDENTIAL USE SCREENING LEVELS						
CHEMICALS	SOIL		GROUNDWATER			SOIL VAPOR ^e
	Screening Level [mg/kg]	Critical Pathway	Critical Receptor Screening Level [mg/L]	Screening Level [mg/L] Critical Pathway	Critical Pathway Basis for Ingestion Screening Level ^d	Basis for Ingestion-Target/Inhalation-Critical Receptor Screening Level [ug/m ³]
Benzene	1.78E-02 0.025	GWP ^a	GWP 0.005	5.00E-03 Ingestion	Ingestion MCL ^b	MCL ^b 31
Toluene	4.89E+00 6.6	GWP	GWP 1.0	1.00E+00 Ingestion	Ingestion MCL	MCL 520.000
Ethylbenzene	7.10E-02 0.25	Subsurface Soil Vapor Intrusion	Child 0.05	1.07E-01 Vapor Intrusion	Indoor Inhalation N/A	Age-Adjusted 97
Total Xylenes	1.68E+00 27	Subsurface Soil Vapor Intrusion	Child 8.7	4.46E+00 Vapor Intrusion	Indoor Inhalation N/A	Child 10.000
Naphthalene	7.8E-02 0.12	Subsurface Soil Vapor Intrusion	Age-Adjusted 0.07	1.02E-01 Vapor Intrusion	Indoor Inhalation N/A	Age-Adjusted 7.2
MTBE ^c	6.70E-02 0.08	GWP	GWP 0.04	3.10E-02 Ingestion	Ingestion Risk-Based	Risk-Based 940
Ethylene dibromide (EDB)	1.43E-04 0.0001	GWP	GWP 0.00005	5.00E-05 Ingestion	Ingestion MCL	MCL 0.4
1,2-Dichloroethane	7.71E-03 0.013	Subsurface Soil GWP	Child 0.005	5.00E-03 Ingestion	Ingestion MCL	MCL 9.4
Acenaphthene	5.23E+01 200	GWP	GWP 2.2	6.26E-01 Ingestion	Ingestion Risk-Based	Risk-Based N/A
Anthracene	1.04E+03 3200	GWP	GWP 11	3.13E+00 Ingestion	Ingestion Risk-Based	Risk-Based N/A
Benz(a)anthracene	4.22E-01 0.09	Surficial Soil GWP	Age-Adjusted 0.00003	7.65E-05 Ingestion	Ingestion Risk-Based	Risk-Based N/A
Benzo(a)pyrene	4.22E-02 0.02	Surficial Soil Direct Contact	Age-Adjusted 0.0002	2.00E-04 Ingestion	Ingestion MCL	MCL N/A
Benzo(b)fluoranthene	4.22E-01 0.2	Surficial Soil Direct Contact	Age-Adjusted 0.00003	7.65E-05 Ingestion	Ingestion Risk-Based	Risk-Based N/A
Benzo(k)fluoranthene	4.22E+00 1.9	Surficial Soil Direct Contact	Age-Adjusted 0.0003	7.65E-04 Ingestion	Ingestion Risk-Based	Risk-Based N/A
Chrysene	3.34E+01 9.5	GWP	GWP 0.003	7.65E-03 Ingestion	Ingestion Risk-Based	Risk-Based N/A

RESIDENTIAL USE SCREENING LEVELS						
CHEMICALS	SOIL		GROUNDWATER			SOIL VAPOR ^e
	Screening Level [mg/kg]	Critical Pathway	Critical Receptor Screening Level [mg/L]	Screening Level [mg/L] Critical Pathway	Critical Pathway Basis for Ingestion Screening Level ^d	Basis for Ingestion-Target/Inhalation-Critical Receptor ^d Screening Level [ug/m ³]
Fluoranthene	3.64E+02 1.400	GWP	GWP 1.5	4.17E-01 Ingestion	Ingestion Risk-Based	Risk-Based N/A
Fluorene	5.48E+01 240	GWP	GWP 1.5	4.17E-01 Ingestion	Ingestion Risk-Based	Risk-Based N/A
Pyrene	3.59E+02 1.000	GWP	GWP 1.1	3.13E-01 Ingestion	Ingestion Risk-Based	Risk-Based N/A
a. Ground Water Protection Via Petroleum Contaminants in Soil Leaching to Ground Water						
b. Maximum contaminant level						
c. Methyl tert-butyl ether						
d. For the ingestion pathway, the source of the target level is indicated (MCL or a risk-based calculation); for the inhalation pathway the critical receptor is indicated (child or age-adjusted individual).						
e. Soil vapor measurements obtained at greater than 3-5 feet below ground surface.						

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03. Table 3. Default Toxicity Values for Risk Evaluation.

DEFAULT TOXICITY VALUES FOR RISK EVALUATION											
CHEMICALS	CAS Number ^a	Slope-Factor				Reference-Dose				Oral-RA ^b -Factor	Dermal-RA-Factor
		Oral (SF _o)		Inhalation (SF _i)		Oral (RfD _o)		Inhalation (RfD _i)			
CHEMICALS	CAS Number ^a	Oral Slope Factor (SF _o) (kg-day/mg)	Slope (kg-day/mg)	Inhalation Unit Risk (IUR) (ug/m ³)	Slope (kg-day/mg)	Oral Reference Dose (RfD _o) (mg/kg-day)	Slope (mg/kg-day)	Inhalation Reference Concentration (RfC) (mg/m ³)	Oral RA ^b -Factor (RAF _o)	Dermal RA-Factor (RAF _d)	
Benzene	71-43-2	0.055	↓	0.027 7.8E-06	↓	0.004	↓	0.0086 0.03	1	0.0005 0	
Toluene	108-88-3	NA		NA		0.08	↓	4.43 5.0	1	0.03 0	
Ethylbenzene	100-41-4	0.011	ε	0.009 2.5E-06	ε	0.1	↓	0.29 1.0	1	0.03 0	

DEFAULT TOXICITY VALUES FOR RISK EVALUATION										
CHEMICALS	CAS-Number ^a	Slope-Factor			Reference-Dose			Oral-RA ^b -Factor	Dermal-RA-Factor	
		Oral (Sf _o)	Inhalation (Sf _i)		Oral (RfD _o)	Inhalation (RfD _i)				
CHEMICALS	CAS-Number ^a	Oral Slope Factor (SF _o) (kg-day/mg)	$\frac{S}{e}$ (kg-day/mg) Inhalation Unit Risk (IUR) (ug/m ³)	$\frac{S}{e}$	Oral Reference Dose (RfD _o) (mg/kg-day)	$\frac{S}{e}$	(mg/kg-day) Inhalation Reference Concentration (RfC) (mg/m ³)	$\frac{S}{e}$	Oral RA ^b Factor (RAF _o)	Dermal RA Factor (RAF _d)
Total Xylenes	1330-20-7	NA		NA		0.2	$\frac{0.029}{0.1}$	1	$\frac{0.03}{0}$	
Naphthalene	91-20-3	NA	$\frac{0.12}{3.4E-05}$		0.02	$\frac{0.00086}{0.003}$		1	0.13	
MTBE ^c	1634-04-4	0.0018	$\frac{0.00004}{2.6E-07}$		NA	$\frac{0.86}{3.0}$		1	$\frac{0.0005}{0}$	
1,2-Dichloroethane	107-06-2	0.091	$\frac{0.091}{2.6E-05}$		NA 0.006	$\frac{0.69}{0.007}$	A T S D R	1	$\frac{0.03}{0}$	
Ethylene Dibromide	106-93-4	2	$\frac{2}{6.0E-04}$		0.009	$\frac{0.0026}{0.009}$		1	$\frac{0.03}{0}$	
Acenaphthene	83-32-9	NA		NA		0.06		1	0.13	
Anthracene	120-12-7	NA		NA		0.3		1	0.13	
Benz(a)anthracene	56-55-3	0.73	$\frac{0.39}{1.1E-04}$		NA			1	0.13	
Benzo(a)pyrene	50-32-8	7.3	$\frac{3.9}{1.1E-03}$		NA			1	0.13	
Benzo(b)fluoranthene	205-99-2	0.73	$\frac{0.39}{1.1E-04}$		NA			1	0.13	
Benzo(k)fluoranthene	207-08-9	0.073	$\frac{0.39}{1.1E-04}$		NA			1	0.13	
Chrysene	218-01-9	0.0073	$\frac{0.039}{1.1E-05}$		NA			1	0.13	
Fluoranthene	206-44-0	NA		NA		0.04		1	0.13	
Fluorene	86-73-7	NA		NA		0.04		1	0.13	
Pyrene	129-00-0	NA		NA		0.03		1	0.13	
Notes:					Sources of Information:					
a Chemical Abstract Service					e- Derived by CAL-EPA					

DEFAULT TOXICITY VALUES FOR RISK EVALUATION									
CHEMICALS	CAS-Number ^a	Slope-Factor			Reference-Dose			Oral-RA ^b -Factor	Dermal-RA-Factor
		Oral (SF _o)		Inhalation (SF _i)	Oral (RfD _o)		Inhalation (RfD _i)		
CHEMICALS	CAS-Number ^a	Oral Slope Factor (SF _o) (kg-day/mg)	Slope (kg-day/mg) Inhalation Unit Risk (IUR) (ug/m ³)	Slope (mg/kg-day) Oral Reference Dose (RfD _o) (mg/kg-day)	Slope (mg/kg-day) Inhalation Reference Concentration (RfC) (mg/m ³)	Oral RA ^b -Factor (RAF _o)	Dermal RA-Factor (RAF _d)		
b Relative Absorption				I-IRIS					
c Methyl tert-butyl ether				n: NCEA: USEPA (1993). Provisional Guidance for Quantitative Risk Assessment of Polycyclic Aromatic Hydrocarbons. Office of Research and Development. EPA/600/R-93/089. July 1993					
NA: No data available				ATSDR: Agency for Toxic Substances and Disease Registry					
Source of toxicity values is the Regional Screening Level Summary Table (May 2011) found at the U.S. EPA Regional Screening Table website. The website is located at http://www.epa.gov/reg3hwmd/risk/human/rb-concentration_table/index.htm .									

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