

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 – WATER QUALITY STANDARDS

DOCKET NO. 58-0102-1703

NOTICE OF INTENT TO PROMULGATE A RULE - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality, Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the meeting at one of the following locations. The public may participate by telephone and web conferencing at any of the meeting locations or with individual connections. Individuals interested in participating by telephone and web conferencing should contact the undersigned by the date provided in the table below. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: The negotiated rulemaking meetings will be held as follows. Additional meetings will be scheduled if necessary.

ORIGINATING LOCATION – LIVE MEETING DEQ State Office Conference Center 1410 N. Hilton, Boise, Idaho Tuesday, December 19th, 2017 - 9:00 am to 12:30 pm (MST)	
TELEPHONE AND WEB CONFERENCE LOCATIONS	
DEQ Coeur d’Alene Regional Office 2110 Ironwood Parkway Coeur d’Alene, Idaho	DEQ Pocatello Regional Office 444 Hospital Way #300 Pocatello, Idaho
TELEPHONE AND WEB CONFERENCE INFORMATION	

Contact the undersigned by *December 12, 2017* to make arrangements for participation by telephone and web conferencing

The meeting locations will be accessible to persons with disabilities, and language translators will be made available upon request. Requests for these accommodations must be made no later than five (5) days prior to the meeting date. For arrangements, contact the undersigned.

PRELIMINARY DRAFT RULE: The preliminary draft rule is available at www.deq.idaho.gov/58-0102-1703 or by contacting Paula Wilson at paula.wilson@deq.idaho.gov, (208) 373-0418.

DESCRIPTIVE SUMMARY: This rulemaking has been initiated to designate domestic water supply as a beneficial use in twelve water bodies where the Safe Drinking Water Information System indicates an active surface water intake and where domestic water supply is not currently designated.

In Sections 110 through 140, Domestic Water Supply (DWS) designations will be added to the “Other” column for twelve water body units where DWS is an existing use. Subsection 100.03.a. will be revised to clarify that the domestic water supply use is intended to protect water quality appropriate for drinking water supplies after treatment.

In addition, Section 252.01 will be revised by deleting Subsections 252.01.a and b. Subsection 252.01.a. is unnecessary as it is redundant with the Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08, (Drinking Water Rules). Protection of surface waters from radioactivity is achieved with the narrative criteria in the Water Quality Standards, IDAPA 58.01.02.200.04. Subsection 252.01.b. will be deleted because all public drinking water systems, regardless of size, are required to meet turbidity standards as part of the Drinking Water Rules. It is not necessary to include the surface water standard for turbidity in the Water Quality Standards.

The text of the rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. Idahoans that recreate in Idaho's surface waters, drink from public drinking water systems that use Idaho's surface waters, or fish Idaho's surface waters; and all who discharge pollutants to those same waters may be interested in participating in this rulemaking.

Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment in the spring of 2018 and then present the final proposal to the Idaho Board of Environmental Quality (Board) in the fall of 2018 for adoption of a pending rule. If adopted by the Board, the rule will be reviewed by the 2019 Idaho Legislature.

EFFECTIVE FOR CLEAN WATER ACT PURPOSES: Water quality standards adopted and submitted to EPA since May 30, 2000, are not effective for federal Clean Water Act (CWA) purposes until EPA approves them (see **40 CFR 131.21**). This is known as the Alaska Rule. This rulemaking will be promulgated so that the existing rule, which continues to be effective for CWA purposes, remains in the Idaho Administrative Code until EPA approves the rule revisions. Notations explaining the effectiveness of the rule sections are also included. Upon EPA approval, the revised rule will become effective for CWA purposes and the previous rule and notations will be deleted from the Idaho Administrative Code. Information regarding the status of EPA review will be posted at <http://www.deq.idaho.gov/epa-actions-on-proposed-standards>.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact Jason Pappani at jason.pappani@deq.idaho.gov, (208) 373-0515.

For those who cannot participate by attending the scheduled meeting, written comments may be submitted by mail, fax or email at the address below. Written comments on the preliminary draft rule must be received by December 29, 2017. For information regarding submission of written comments on subsequent drafts of the negotiated rule, to receive copies of submitted written comments, and to receive the most recent version of the draft negotiated rule, contact the undersigned.

DATED this 6th day of December, 2017.

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