

IDAHO ADMINISTRATIVE BULLETIN

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THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 97-05

**CONTINUATION OF THE IDAHO LEWIS AND CLARK TRAIL COMMITTEE
REPEALING AND REPLACING EXECUTIVE ORDER NO. 95-16**

WHEREAS, the Lewis and Clark Trail has great historical significance to the State of Idaho; and

WHEREAS, it is important that Idaho have an official organization to coordinate activities relating to the Lewis and Clark Trail with entities and individuals in Idaho and with other Lewis and Clark Trail states and organizations;

NOW, THEREFORE, I, PHILIP E. BATT, Governor of the State of Idaho, do hereby continue the Idaho Lewis and Clark Trail Committee as an advisory body to state, local and federal governments on development and management of the Lewis and Clark Trail and commemoration activities relating to the Lewis and Clark Expedition.

The Committee shall:

- 1. Act as the coordinating organization in planning activities to foster state recognition of the historic significance of the Lewis and Clark Expedition;*
- 2. Promote public awareness of the historic significance of the Lewis and Clark Expedition and encourage the development and protection of historical sites and outdoor recreation resources along the Lewis and Clark Trail;*
- 3. Act in an advisory capacity to other Idaho commissions, bureaus, agencies and committees by making recommendations regarding their activities and policies that relate to the history and trail of the Lewis and Clark Expedition; and*
- 4. Serve as the official liaison with other Lewis and Clark Trail states, the national Lewis and Clark Trail Heritage Foundation, Inc., and federal departments, bureaus, and committees concerned with the Lewis and Clark Trail, including promotion of the aims and recommendations of the federal Lewis and Clark Trail Commission, which existed from 1964 to 1969.*

The Committee shall consist of no more than 15 persons who are appointed by the Governor and serve at his pleasure. The membership of the Committee shall include the President of the Idaho chapter of the Lewis and Clark Trail Heritage Foundation, Inc., a representative of the Idaho Historical Society, a representative of the Idaho Department of Parks and Recreation, and the Governor or his designee.

The Committee shall have regular meetings as determined by the majority of the Committee and shall meet on special occasions upon the call of the Chairperson.

This Executive Order repeals and replaces Executive Order No. 95-16.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-eighth day of April, in the year of our Lord nineteen hundred ninety-seven, and of the Independence of the United States of America the two hundred twenty-first, and of the Statehood of Idaho the one hundred seventh.

PHILIP E. BATT
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 97-06

AUTHORIZING THE ESTABLISHMENT OF A GAMING STUDY COMMITTEE

WHEREAS, in 1992 at an Extraordinary Legislative Session the legislature of the State of Idaho adopted and the voters approved H.J.R. No. 4 at the general election that year; and

WHEREAS, H.J.R. No. 4 amended Section 20, Article III, of the Constitution of the State of Idaho and clarified that gambling is contrary to public policy in Idaho and is prohibited except for a state lottery, pari-mutuel betting, and bingo and raffle games operated by qualified charitable organizations; and

WHEREAS, H.J.R. No. 4 also prohibited any form of casino gambling including, but not limited to, blackjack, craps, roulette, poker, baccarat, keno and slot machines and prohibited the employment of any electronic or electromechanical imitation or simulation of any form of casino gambling; and

WHEREAS, certain games of chance are being operated on Idaho Indian reservations that are the subject of dispute as to whether they are authorized pursuant to the Indian Gaming Regulatory Act; and

WHEREAS, it is important for the state to promote economic development upon Indian reservations in a manner that is consistent with the public policy of Idaho; and

WHEREAS, there has been a trend in recent years toward increased gaming on and off reservations in Idaho which raises extremely important public policy concerns; and

WHEREAS, both the Executive Branch and Legislative Branch of Idaho government have recognized the need to study gaming in Idaho;

NOW THEREFORE, I, PHILIP E. BATT, Governor of the State of Idaho, do hereby, by virtue of the authority vested in me by law, order the following:

1. The Gaming Study Committee is hereby established and shall consist of the following representatives to be appointed by the Governor:
 - a. The Lieutenant Governor of the State of Idaho shall be the chairman of the committee.
 - b. The Coeur d'Alene, Kootenai, Nez Perce, and Shoshone-Bannock Tribes shall each be requested to designate one representative on the committee recognizing that each of these tribes is engaged in significant gaming activities.
 - c. Two representatives shall be appointed from the Idaho Senate and two representatives shall be appointed from the Idaho House of Representatives.
 - d. Four Idaho citizens who are knowledgeable and/or concerned about the social and cultural side effects of gaming activities, including one citizen associated with law enforcement, shall be appointed.
 - e. The offices of the Idaho Governor and Attorney General shall be requested to provide assistance to the committee.
 - f. Each member of the committee shall have one vote, except that the chairman shall not be entitled to vote.
2. The committee is established to accomplish the following:
 - a. The committee is directed to collect information and gain expertise as to the social and

economic costs and benefits of gaming activities.

- b. The committee is directed to develop informed and thoughtful recommendations with respect to gaming in the State of Idaho and the committee shall proceed in such a manner that this will be the result.*
- c. Without intending to limit the scope of the committee's recommendations, the committee is urged to offer recommendations regarding the desirable scope of state lottery games and specifically whether the state lottery should be allowed to engage in video gaming activities. The committee is urged to make recommendations regarding the desirable extent of simulcast betting. The committee is also urged to make recommendations regarding state policy toward tribal gaming. It is understood that while the committee does not make legal decisions, the committee may need to be briefed regarding legal issues in order to make informed recommendations.*
- d. Timely recommendations are extremely important to the state's policy-makers. Therefore, the committee is requested to work as intensively as possible and to report its recommendations to the Governor by November 1, 1997. This will allow for serious review of the recommendations prior to the 1998 Legislative session and will allow review of the recommendations by the 1998 Legislature.*
- e. The committee shall serve without compensation, but shall be reimbursed for actual travel expenses not to exceed state guidelines.*
- f. Committee travel and staffing expenses shall be paid by the Idaho Lottery.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at Boise, the Capitol, the 12th day of May, in the year of our Lord nineteen hundred ninety-seven, and of the Independence of the United States of America the two hundred twenty-first, and of the Statehood of Idaho the one hundred seventh.

PHILIP E. BATT
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 97-07

**AUTHORIZING THE ESTABLISHMENT OF A GOVERNOR'S COUNCIL ON
HYDROELECTRIC AND RIVER RESOURCES**

WHEREAS, Idaho's river system has, since statehood, been a vital factor in the lives of the people of the state and in the economy; and

WHEREAS, Idaho consumers enjoy rates for electrical energy that are among the lowest in the nation; and

WHEREAS, the restructuring of the electric utility industry and the relicensing of hydroelectric facilities will have important impacts on Idaho ratepayers and citizens; and

WHEREAS, it is in the state's best interests to explore the possibilities for preserving the benefits of Idaho's river system and low cost hydroelectricity for the ratepayers and citizens of Idaho; and

WHEREAS, it is in the state's best interests to continue efforts such as low-income energy assistance, universal service, conservation programs, and the research and development of alternative energy sources, which have traditionally been funded by the electrical industry.

NOW, THEREFORE, I, PHILIP E. BATT, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby establish the Governor's Council on Hydroelectric and River Resources as follows:

I. The purpose of the Council shall be:

- A. To establish guidelines and goals for the successful deregulation of the electrical industry, taking into consideration the social and/or fiscal impacts deregulation will have on Idaho's ratepayers and citizens, with the intent to protect and enhance access to low-cost, stable energy sources.*
- B. To recommend principles to govern power deregulation, river operations, and hydroelectric facility relicensing on behalf of Idaho's ratepayers and citizens, with the intent to protect and preserve water rights, fish and wildlife habitat, and recreational uses of Idaho's natural resources.*
- C. To solicit ideas and suggestions from a variety of sources, including but not limited to Idaho's Delegation in the United States Congress, the Governors of the other states of the Pacific Northwest, the Northwest Power Planning Council, the Legislature, all relevant state agencies, electrical and natural gas utilities, consumers of electrical energy, organizations representing Idaho's water users, environmental and other public interest organizations, and the public. The Council shall provide to the Governor a written report of its advice and recommendations.*

II. Composition

- A. The Governor's Council shall consist of:
 - 1) A Chairman, appointed by the Governor*
 - 2) The Attorney General or his designee*
 - 3) A member of the Idaho Public Utilities Commission or his/her designee*
 - 4) The Director of the Idaho Department of Fish and Game*
 - 5) The Director of the Idaho Department of Water Resources*
 - 6) The Chairpersons of the four citizen committees**
- B. The Governor's Council shall consult with, receive and consider recommendations from four separate citizen committees created and whose members shall be appointed by the Governor*

pursuant to this Executive Order. The Governor shall also appoint a chairman for each Committee.

- 1) *A Hydropower Relicensing Committee (FERC Relicensing) which will analyze issues and make recommendations concerning the mitigation of impacts to fish, wildlife, and recreation associated with the relicensing of hydroelectric facilities in Idaho.*
 - 2) *An Electric Restructuring Committee which will analyze issues and make recommendations concerning the potential restructuring of the electric energy industry.*
 - 3) *A River Governance Committee which will analyze issues and make recommendations concerning the coordinated operations of the Columbia and Snake River system.*
 - 4) *A Consumer and Public Purposes Committee which will analyze issues and make recommendations concerning the safety, reliability, and cost of energy, and to address the social and economic needs as they relate to low-income energy assistance, conservation programs, and alternative energy sources.*
- C. *The Office of the Governor and the Northwest Power Planning Council will provide staff and administrative support to the Council. Duties of the staff will include:*
- 1) *Provide information and data to the Council and Committees.*
 - 2) *Providing logistical coordination, record-keeping, and other project-related functions; and*
 - 3) *Preparing any legislative proposals, budget submissions or other written materials as may be required by the Council.*
- D. *The Council will invite and encourage representation from the Legislative Interim Committee on Electric Utility Restructuring.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 29th day of May in the year of our Lord nineteen hundred ninety-seven and of the Independence of the United States of America the two hundred twenty-first and of the Statehood of Idaho the one hundred seventh.

PHILIP E. BATT
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 97-08

ESTABLISHMENT OF THE STATEWIDE REHABILITATION ADVISORY COUNCIL

WHEREAS, management of vocational rehabilitation services by Idaho State agencies could benefit from review by and the advice of a council of citizens with personal knowledge of the needs of persons with disabilities and interest in the manner in which those needs are addressed; and

WHEREAS, the 1992 amendments to the Rehabilitation Act of 1973 (Title I, Section 105, of PL 102-569) mandate review of the "state plan" and "strategic plan" drafted by the designated state unit (the Division of Vocational Rehabilitation) by a Statewide Rehabilitation Advisory Council; and

WHEREAS, it is in the best interest of the State of Idaho to establish the Rehabilitation Advisory Council to advise the Division of Vocational Rehabilitation on the state plan, the strategic plan, and other Division activities undertaken to benefit the citizens of Idaho;

NOW, THEREFORE, I, PHILIP E. BATT, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho, do hereby order the establishment of the State Rehabilitation Advisory Council.

The Council shall review the activities of the Division of Vocational Rehabilitation and advise on the preparation of applications, the state plan, the strategic plan and amendments to the plans, reports, needs assessments, and evaluations required by Title I of the 1992 amendments of The Rehabilitation Act of 1973.

Members of the Council shall be appointed by the Governor and shall be selected after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. The members shall include:

- 1. at least one representative of the Statewide Independent Living Council;*
- 2. at least one representative of a parent training and information center established pursuant to section 631(c)(9) of the Individuals with Disabilities Act (20 U.S.C. 1431(c)(9));*
- 3. at least one representative of the client assistance program established under section 112 of the 1992 Amendments to the Rehabilitation Act of 1973;*
- 4. at least one vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs (who, if an employee of the Division of Vocational Rehabilitation, shall serve as a non-voting member of the Council);*
- 5. at least one representative of community rehabilitation program service providers;*
- 6. four representatives of business, industry, and labor;*
- 7. representatives of disability advocacy groups representing a cross section of:*
 - (a) individuals with physical, cognitive, sensory, and mental disabilities; and*
 - (b) parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities, to represent themselves; and*
- 8. current or former applicants for, or recipients of, vocational rehabilitation services; and*

9. *the Director of the Division of Vocational Rehabilitation, who shall serve as an ex-officio member of the Council.*

A majority of the Council shall be comprised of persons who are individuals with disabilities and not employed by the Division of Vocational Rehabilitation. Members of the Council shall select a chair from among their number.

This Executive Order shall cease to be effective four years after its entry into force.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 10th day of June in the year of our Lord nineteen hundred ninety-seven, and of the Independence of the United States of America the two hundred twenty-first and of the Statehood of Idaho the one hundred seventh.

PHILIP E. BATT
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 97-09

**LABOR MARKET INFORMATION PROGRAMS, DEPARTMENT OF LABOR
REPEALING AND REPLACING EXECUTIVE ORDER 93-03**

WHEREAS, the "Job Training Partnership Act" as amended by the "Job Training Reform Amendments Act of 1992" mandates designation of a state organizational unit to be responsible for oversight and management of a statewide comprehensive labor market and occupational supply and demand information system as a condition for receipt of federal funds for this sort of activity; and

WHEREAS, participating states are to design comprehensive cost-efficient labor market and occupational supply and demand information systems that:

1. are responsive to the economic demand and education and training supply support needs of the state and areas within the state; and
2. meet the federal standards under Chapter 35 of Title 44, United States Code and other appropriate federal standards established by the Bureau of Labor Statistics; and

WHEREAS, the state's system must standardize available federal and state multi-agency administrative records and direct survey data sources to produce an employment and economic analysis with the published set of projections for the state and designated areas within the state, which shall be used to contribute in carrying out the provisions of the "Job Training Partnership Act as Amended," the "Carl D. Perkins Vocational and Applied Technology Education Act of 1990," and the "Act of June 6, 1993," known as the "Wagner-Peyser Act"; and

WHEREAS, the Governor must assure to the extent feasible that:

1. automated technology will be used by the state,
2. administrative records have been designed to reduce paperwork, and
3. multiple survey burdens on the employers of the state have been reduced; and

WHEREAS, the Idaho Department of Labor operates a highly automated labor market information system supported by six area labor market analysts located in each of the largest cities in Idaho; and

WHEREAS, the Idaho State Occupational Information Coordinating Committee operates a statewide computerized information system, which provides career information to state agencies, area public agencies, libraries, private not-for-profit users, and individuals who are in the process of making career decision choices;

NOW, THEREFORE, I, PHILIP E. BATT, Governor of the State of Idaho, by the authority vested in me by the constitution and laws of the State of Idaho, do hereby continue the designation of the Idaho Department of Labor as the organizational unit responsible for oversight and management of Idaho's statewide comprehensive labor market and occupational supply and demand information system; and

I FURTHER DIRECT that the Idaho Department of Labor continue to rely upon the Idaho State Occupational Information Coordinating Committee for coordinating and disseminating occupational supply and demand information, state and local career information, and training and technical assistance to support comprehensive career guidance programs.

This Executive Order repeals and replaces Executive Order No. 93-03. This Executive Order shall cease to be effective four years after its entry into force.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 16th day of June in the year of our Lord nineteen hundred ninety-seven and of the Independence of the United States of America the two hundred twenty-first and of the Statehood of Idaho the one hundred seventh.

PHILIP E. BATT
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 97-10

**ESTABLISHMENT OF THE STATEWIDE INDEPENDENT LIVING COUNCIL
REPEALING AND REPLACING EXECUTIVE ORDER 93-01**

WHEREAS, the 1992 Amendments to the Rehabilitation Act of 1973 mandate the creation of a statewide Independent Living Council; and

WHEREAS, it is in the best interest of the citizens of the state of Idaho to engage in activities that will enhance the opportunities of people with disabilities to become independent, participating; and supporting members of society; and

WHEREAS, in order to assist citizens with disabilities to have a greater voice in obtaining services that are cost-effective, consumer-responsive, and community-based;

NOW, THEREFORE, I, PHILIP E. BATT, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho, do hereby establish the Statewide Independent Living Council for the State of Idaho.

I. The Council shall:

- 1. develop and submit, in conjunction with the State Board of Education's Division of Vocational Rehabilitation and the Idaho Commission for the Blind and Visually Impaired, the statewide independent living plan mandated by section 704 of the 1992 Amendments to the Rehabilitation Act of 1973;*
- 2. monitor, review, and evaluate the implementation of the State plan;*
- 3. coordinate its activities with the State Rehabilitation Advisory Council and other councils that address the needs of specific disability populations and issues addressed pursuant to other Federal laws;*
- 4. ensure that all regularly scheduled meetings of the Council are accessible and open to the public and that sufficient advance notice of said meetings is provided;*
- 5. submit periodic reports as required by law, keep such records, and afford access to such records as may be necessary to verify such reports; and*
- 6. shall follow the guidelines contained in the 1992 Amendments to the Rehabilitation Act of 1973, Section 705.*

II. The council shall be composed of members who provide statewide representation; who represent a broad range of individuals with disabilities; who are knowledgeable about centers for independent living and independent living services; and a majority of whom are individuals with disabilities and not employed by any state agency or center for independent living. Each member of the Council shall serve for a term of 3 years, except that a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term. Members of the council shall select a chair from among their number.

III. Membership of the Council shall include:

- 1. At least one director of a center for independent living chosen by the directors of centers for independent living within the state; and*
- 2. As ex-officio, nonvoting members: a representative from the Idaho Board of Education's Vocational*

Rehabilitation office and representatives from other state agencies (such as the Industrial Commission, the Commission for the Blind and Visually Impaired, etc.) that provide services for individuals with disabilities.

3. *Additional members: the council may also include other representatives from centers for independent living; parents and guardians of individuals with disabilities; advocates of and for individuals with disabilities; representatives from private businesses; representatives from organizations that provide services for individuals with disabilities; and other appropriate persons.*

This Executive Order repeals and replaces Executive Order No. 93-01. This Executive Order shall cease to be effective four years after its entry into force.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 16th day of June in the year of our Lord nineteen hundred ninety-seven and of the Independence of the United States of America the two hundred twenty-first and of the Statehood of Idaho the one hundred seventh.

PHILIP E. BATT
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR
IDAHO DEPARTMENT OF ADMINISTRATION**

**NOTICE OF LEGISLATIVE ACTION
RELATING TO THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF LANDS
AND THE ADMINISTRATION OF THE SOIL CONSERVATION COMMISSION**

AUTHORITY: In compliance with Sections 67-5203 and 67-5220, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Fifty-fourth Legislature in the First Regular Session - 1997, passed Senate Bill 1241 relating to the Department of Agriculture and the Department of Lands.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative action:

Senate Bill 1241 amends existing law to provide that it is declared to be the policy of the Legislature that the Soil Conservation Commission provide support and service to Soil Conservation Districts in the use and enhancement of soil, water and related resources, to further define terms, to transfer the Soil Conservation Commission to the Department of Agriculture from the Department of Lands, and to provide for the appointment of an administrator.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the Legislative intent of Senate Bill 1241 by transferring the authority of the effected chapters of rules from the Department of Lands to the Department of Agriculture. IDAPA 20.05.01, "Rules Governing Resource Conservation and Rangeland Development Program," will now become IDAPA 02.05.01. The rule title of this chapter will remain the same. IDAPA 20.05.02, "Rules Governing Antidegradation Plan for Agriculture for the Idaho Soil Conservation Commission and Soil Conservation Districts," will now become IDAPA 02.05.02. The rule title of this chapter will remain the same. Pursuant to Section 67-5204, Idaho Code, these changes will be incorporated into and published in the July 1, 1998, edition of the Idaho Administrative Code.

ASSISTANCE ON QUESTIONS: For assistance on questions concerning this notice, contact Karen L. Gustafson at (208) 334-3579.

DATED this 1st day of July, 1997.

Rick Thompson
Administrative Rules Coordinator
Department of Administration
P.O. Box 83720
Boise, ID 83720-0011
PHONE: (208) 334-3577
FAX: (208) 334-2395

IDAPA 02 - DEPARTMENT OF AGRICULTURE

**02.06.37 - IDAHO DEPARTMENT OF AGRICULTURE RULES CREATING THE
CARIBOU COUNTY AND THAT PORTION OF FRANKLIN COUNTY INCLUDED IN
SCHOOL DISTRICT NO. 148 SEED POTATO CROP MANAGEMENT AREA**

DOCKET NO. 02-0637-9701

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective June 6, 1997.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rule-making procedures have been initiated. The action is authorized pursuant to Sections 22-1003 and 22-505, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 20, 1997.

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:

This rule establishes the procedures for planting, transporting and storing of potatoes, identification, inspection of bedding plants and treatment of cull and volunteer potatoes in the Caribou and that Portion of Franklin County included in School District No. 148 Seed Potato Crop Management Area.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The adoption of IDAPA 02.06.37 will confer benefits to the potato industry. This rule will prevent the introduction of pests and diseases of concern into the seed potato management area. The use of certified seed potatoes is very important in improving the quality of Idaho potatoes.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these temporary and proposed rules, contact Dr. Roger R. Vega or Michael E. Cooper at (208) 332-8620.

Anyone can submit written comments regarding these rules. All written comments and data concerning the rule must be directed to the undersigned and delivered on or before August 27, 1997.

DATED this 6th day of June, 1997.

Mike Everett
Deputy Director
Department of Agriculture
2270 Old Penitentiary Road
P. O. Box 790
Boise, Idaho 83701-0790
Phone: (208) 332-8500
Fax: (208) 334-4623

TEXT OF DOCKET NO. 02-0637-9701

IDAPA 02
TITLE 06
Chapter 37

02.06.37 - RULES CREATING THE CARIBOU COUNTY AND THAT PORTION OF
FRANKLIN COUNTY INCLUDED IN SCHOOL DISTRICT
NO. 148 SEED POTATO CROP MANAGEMENT AREA

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 22, Chapter 10, and Title 22, Chapter 5, Idaho Code.

(6-6-97)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is Rules Creating the Caribou County and that Portion of Franklin County included in School District No. 148 Seed Potato Crop Management Area.

(6-6-97)T

02. Scope. This chapter has the following scope: These rules shall govern procedures for planting, transporting and storing of potatoes, identification, inspection of bedding plants and treatment of cull and volunteer potatoes in Caribou and that Portion of Franklin County included in School District No. 148 Seed Potato Crop Management Area.

(6-6-97)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules.

(6-6-97)T

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code.

(6-6-97)T

004. DEFINITIONS.

The Idaho Department of Agriculture adopts the definitions set forth in Sections 22-501 and 22-1002, Idaho Code.

(6-6-97)T

005. FINDINGS.

The adoption of this rule will confer benefits to the seed potato industry. The establishment of a crop management area was requested by the growers in Caribou and a portion of Franklin counties pursuant to Section 22-1003, Idaho Code. The proposed rule is necessary to prevent the introduction of pests and diseases of significance in the crop management area.

(6-6-97)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the department.

(6-6-97)T

007. -- 009. (RESERVED).

010. MANAGEMENT AREA.

The management area includes the following:

(6-6-97)T

01. Caribou County. All of Caribou County, Idaho.

(6-6-97)T

02. Franklin County. That portion of Franklin County, Idaho, included in School District number 148.

(6-6-97)T

011. -- 049. (RESERVED).

050. REGULATED ARTICLES.

01. Irish Potato. All plants and plant parts of the Irish potato, *Solanum tuberosum*. (6-6-97)T
02. Green Peach Aphid Hosts. All plants which are hosts to the green peach aphid, *Myzus persicae*, including but not limited to peach and apricot trees and bedding plants. (6-6-97)T
03. Any Host. Any host which may spread or assist in the spread of any of the diseases or pests of concern. (6-6-97)T

051. -- 099. (RESERVED).

100. DISEASES AND PESTS OF CONCERN.

01. Leaf Roll. Net necrosis or leaf roll. (6-6-97)T
02. Ring Rot. Ring rot, *Corynebacterium sepedonicum*. (6-6-97)T
03. Columbia Root Knot Nematode. Columbia root knot nematode, *Meloidogyne chitwoodii*. (6-6-97)T
04. Green Peach Aphid. Green peach aphid, *Myzus persicae*, a vector of the leaf roll virus. (6-6-97)T
05. Northern Root Knot Nematode. Northern root knot nematode, *Meloidogyne hapla*. (6-6-97)T
06. Corky Ring Spot. Corky ring spot, a disease caused by tobacco rattle virus. (6-6-97)T
07. Powdery Scab. Powdery scab, *Spongospora subterranea* (Wallr.) Lagerh. f. sp. subterranea. (6-6-97)T
08. Stubby Root Nematode. Stubby root nematode, *Paratrichodorus pachydermus*, *Paratrichodorus christiei*, *Trichodorus primitivus*. (6-6-97)T
09. Potato Late Blight. Potato late blight, a disease caused by *Phytophthora infestans*. (6-6-97)T

101. -- 149. (RESERVED).

150. PLANTING OF POTATOES.

01. Management Area. No person shall plant any potatoes in the management area except those which have met standards for recertification of the Idaho Crop Improvement Association (hereinafter referred to as ICIA) or equivalent agency of another state or political jurisdiction in accordance with Section 22-503, Idaho Code. (6-6-97)T
02. Certification. All plantings of potatoes except those in home gardens which are fifteen one hundredths (.15) acre or less shall be entered for certification with ICIA. (6-6-97)T
03. Home Garden Inspection. Potatoes planted shall be subject to inspection by the Department, and proper control measures shall be taken if necessary. (6-6-97)T

151. -- 199. (RESERVED).

200. BEDDING PLANTS.

01. Aphid Inspection. All bedding plants shall be subject to inspection by the Director for aphids. If aphids are found, the plants shall be treated by a method approved by the Director. Such methods may include destruction of the infested plants. (6-6-97)T
02. Treatment For Infestation. Bedding plants in transit to the management area shall be subject to inspection for aphids and if found infested, treated in a manner approved by the Director before delivery to the

management area. (6-6-97)T

03. Treatment of Property. The Director may order treatment of property on which there are bedding plants or cut floral arrangements where he determines such treatment is necessary to control aphids. (6-6-97)T

201. -- 249. (RESERVED).

250. STORAGE OF INFECTED POTATOES.

01. Diseases or Pests of Concern. When a disease or pest of concern is found in a field of potatoes within the management area by ICIA inspectors, ICIA and the grower shall notify the Department. Prior to harvest, the owner shall notify the Department of his intent for storage, sale or disposal of the potatoes. If the potatoes are stored, the owner shall notify the Department of the intended disposition prior to removal from storage and the destination of the potatoes and tare shall be approved by the Department. All potatoes coming under this subsection shall be removed from the management area no later than March 1 of the year following harvest. (6-6-97)T

02. Notification to the Department. When a disease or pest of concern is first detected in a lot of potatoes in storage within the management area, the ICIA and the Federal/State Inspection Service shall notify the Department before any portion of the lot is removed and the Department must approve the method of disposition of the portion to be removed. (6-6-97)T

251. -- 299. (RESERVED).

300. CULL AND VOLUNTEER POTATOES.

01. Plant Growth. All plant growth on cull potato piles shall be controlled by an EPA and state approved chemical or mechanical measure including, but not limited to, burial with a minimum of eighteen (18) inches of soil, field spreading no more than two (2) potato layers and composting. (6-6-97)T

02. Destroying Volunteer Potatoes. It shall be the responsibility of each landowner or manager within the management area to destroy all cull piles and volunteer potatoes growing on summer fallow, set-aside and non-cultivated areas of his property. In the event that the landowner or manager fails to destroy such plants, the Director may order them destroyed at the expense of the landowner. (6-6-97)T

301. -- 349. (RESERVED).

350. TRANSPORTATION OF POTATOES.

01. Responsibilities. It shall be the responsibility of the growers of rejected lots to keep contaminated trucks and equipment, infested vegetable matter and foliage from contaminating public roadways, neighboring fields and cellars. (6-6-97)T

02. In Transit. Potatoes in transit through the management area shall be only in covered and sealed vehicles. Potatoes in transit through the management area shall not be unloaded in the management area. (6-6-97)T

03. Introduction of Pests. Introduction into the management area of any of the pests or diseases listed in Section 100 by a contaminated vehicle or any other means shall constitute a violation of this rule. (6-6-97)T

04. Inspection. Before any lot of potatoes can be brought into the management area, the lot shall have been inspected, certified, and tagged by ICIA, the Federal-State Inspection Service or a recognized equivalent agency of another state or territory in accordance with Section 22-503, Idaho Code. (6-6-97)T

05. Failure To Pass Inspection. Potatoes which have not passed a state field certification shall not be brought to any facility in the management area which was placed in operation after promulgation of these rules, for storage, grading, packing or any other purpose except retail food sale. (6-6-97)T

351. -- 399. (RESERVED).

400. VIOLATIONS.

Any person who violates any provision of this rule or who interferes with the carrying out of the provisions of this rule shall be guilty of a civil offense, and may be liable for treble the damages sustained and all costs of the suit including a reasonable attorney's fee. In addition, a civil fine of not more than three thousand dollars (\$3,000) may be imposed per incident of violation, as provided in Idaho Code, Section 22-1006. (6-6-97)T

401. -- 449. (RESERVED).

450. EXEMPTIONS.

Potatoes for human and animal consumption, grown outside the Caribou County and that Portion of Franklin County included in School District No. 148 Seed Potato Crop Management Area shall be treated with a sprout inhibitor before being offered for sale within the Caribou County and that Portion of Franklin County included in School District No. 148 Seed Potato Crop Management Area. (6-6-97)T

451. -- 999. (RESERVED).

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.01.06 - RULES GOVERNING THE APPEALS BUREAU
DOCKET NO. 09-0106-9701
NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has proposed rule-making. The action is authorized pursuant to Section 72-1333(b), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 20, 1997.

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 rule-making:

IDAPA 09.01.06.007 and 008 clarifies that all appeals within the Department are governed solely by the Department's rules of appeals procedure and by the Employment Security Law or by the applicable federal law governing the program.

IDAPA 09.01.06.012 adds filing by fax machine to the existing filing methods of mailing and personal delivery of appeals. An appeal filed by fax shall be considered filed on the business day received by any Job Service office or by the Appeals Bureau of the Department if received by 5:00 p.m.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Joseph Karpach, Jr., Appeals Bureau Chief, Idaho Department of Labor, at (208) 334-6268.

Anyone may submit written comments regarding this proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before August 27, 1997.

DATED this 20th day of June, 1997.

Roger B. Madsen, Director
Idaho Department of Labor
317 Main St.
Boise, ID 83735
Fax #(208) 334-6430

TEXT OF DOCKET NO. 09-0106-9701

007. EXEMPTION FROM ATTORNEY GENERAL ADMINISTRATIVE PROCEDURE RULES FOR CONTESTED CASES.

Pursuant to the provisions of Section 67-5206(5), Idaho Code, the procedures contained in Subchapter B, "Contested Cases," of the rules of administrative procedure promulgated by the Attorney General as IDAPA 04.11.01.100 through 799 do not apply to appeals within the Department. All appeals within the Department are governed solely by the provisions of Idaho Employment Security Law and the rules of appeals procedure contained in IDAPA 09.01.06.001 et seq. ("Appeals") and/or by the applicable federal regulations law governing the Employment Security Job Service Complaint System, the Job Training Partnership Act (JTPA) program, or other programs administered by the Department. (7-28-94)()

008. REASONS FOR EXEMPTION FROM ATTORNEY GENERAL'S ADMINISTRATIVE PROCEDURE RULES.

All proceedings to determine the rights to unemployment insurance benefits and tax contribution coverage are exempt from the contested case and judicial review provisions of the Idaho Administrative Procedure Act, pursuant to judicial review provisions of the Idaho Administrative Procedure Act, pursuant to Sections 72-1361 and 72-1368, Idaho Code. Appeals of complaint determinations and other decisions arising within the complaint system or other programs administered by the Department must be determined by the requirements of applicable federal regulations law. The Department has promulgated its own rules of procedure for its appeals proceedings contained in IDAPA 09.01.06.001 et seq. All procedures affecting the rights to benefits and unemployment insurance coverage must be determined solely by the requirements of Employment Security Law. Such proceedings must be speedy and simple as required by the Federal Unemployment Tax Act and the Social Security Act. The Department determines that it can more adequately meet these requirements through promulgating its own rules rather than relying upon the rules applicable to other state agencies. (7-28-94)(____)

(BREAK IN CONTINUITY OF SECTIONS)

012. FILING OF AN APPEAL.

01. ~~Filing.~~ Filing of an Appeal. ~~Filing.~~ An appeal shall be in writing, signed by an interested party or representative, and shall contain words that, by fair interpretation, request the appeal process for a specific determination, redetermination or decision of the Department. The appeal may be filed by delivering it or faxing it to any Job Service office or to the Appeals Bureau of the Department, 317 Main Street, Boise, Idaho 83735. The date of personal delivery shall be noted on the appeal and shall be deemed the date of filing. A faxed appeal that is received by a Job Service office or the Appeals Bureau by 5 p.m. (as of the time zone of the office receiving the appeal) on a business day shall be deemed filed on that date. A faxed appeal that is received by a Job Service office or the Appeals Bureau on a weekend or holiday or after 5 p.m. on a business day shall be deemed filed on the next business day. An appeal may also be filed by mailing it to any Job Service office or to the Appeals Bureau, Department of Employment, ~~Box 35~~ Labor, 317 Main Street, Boise, Idaho 83735. If mailed, the appeal shall be deemed to be filed on the date of mailing as determined by the postmark on the request. Section 72-1368(f) (2-25-94)(____)

02. Date Of Mailing. The "Date of Mailing" or "Date Mailed." The date indicated on Department determinations, redeterminations and decisions shall be presumed to be the date the document was deposited in the United States mail, unless shown otherwise by a preponderance of competent evidence. (2-25-94)

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.01.30 - RULES GOVERNING UNEMPLOYMENT INSURANCE BENEFIT CLAIMS
DOCKET NO. 09-0130-9701
NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has proposed rule-making. The action is authorized pursuant to Section 72-1333(b), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 20, 1997.

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 rule-making:

IDAPA 09.01.30.591 changes the current criteria in Subsection 591.04 for bypassing the redetermination stage to clarify that a claims examiner may transfer any request for redetermination to the Appeals Bureau. The provisions in Subsection 591.02 on filing requests for redeterminations by fax is changed to be the same as the proposed rule for faxed appeals – that the request must be received by 5:00 p.m. on a business day to be deemed filed on that day.

IDAPA 09.01.30.671 provides that upon written request of claimant, a claim may be canceled at any time, provided that the claimant did not misrepresent or fail to report a material fact in making the claim and the claimant has repaid any benefits received on the claim, unless the benefits received will be offset from a new claim the claimant is filing.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jean Hull, Benefits Bureau Chief, Idaho Department of Labor, at (208) 334-6317.

Anyone may submit written comments regarding this proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before August 27, 1997.

DATED this 20th day of June, 1997.

Roger B. Madsen, Director
Idaho Department of Labor
317 Main St.
Boise, ID 83735
Fax #(208) 334-6430

TEXT OF DOCKET NO. 09-0130-9701

591. NON-MONETARY DETERMINATION AND REQUEST FOR REDETERMINATION.

A non-monetary determination shall be made in writing and delivered to the interested parties when there is a question as to whether or not the claimant meets the personal eligibility requirements listed under Section 72-1366 of the Idaho Employment Security Law. Ref. Sec. 72-1368(c) Idaho Code. (9-1-81)

01. Interested Party. An interested party to a benefit claim who is dissatisfied with a determination shall be entitled to a redetermination, or appeal, provided a request therefore is filed within fourteen (14) days after service of notice of such determination. Ref. Sec. 72-1368(a), (c), (d), (e), Idaho Code. (6-30-94)

02. Filing of Redetermination Request. A request for redetermination shall be in writing, signed by an interested party or representative. It must include an explanation as to why the protesting party disagrees with the original determination, and include any additional evidence the protesting party has to present. The request may be in letter form or on forms prescribed and approved by the director. The request may be delivered in person, faxed, or mailed to ~~the Department of Labor~~ any Job Service office. A request for redetermination delivered in person shall be considered filed when received by a representative of the Department of Labor. A request for redetermination that is mailed shall be considered filed as of the date of the postmark on the envelope. A faxed redetermination request filed by fax shall be considered timely if the evidence supports that it was submitted by the last date to protest that is received by a Job Service office by 5 p.m. (as of the time zone of the office receiving the request) on a business day shall be deemed filed on that date. A faxed redetermination request that is received by a Job Service office on a weekend or holiday or after 5 p.m. on a business day shall be deemed filed on the next business day. Ref. Sec. 72-1368(d) Idaho Code. (6-30-94)(____)

03. Redetermination by a Claims Examiner. A redetermination may be made by the claims examiner who made the original determination or by another claims examiner. Ref. Sec. 72-1368(d) Idaho Code. (6-30-94)

04. Bypass Transfer of Redetermination Request. By delegated authority, a Redetermination claims Examiner may bypass a transfer any request for redetermination to the Appeals Bureau, and any such request shall be deemed to be an appeal, as of the date of the request, from the determination. ~~when:~~ (6-30-94)(____)

a. ~~Conflicting evidence cannot be resolved without giving the interested parties the opportunity for cross-examination; and/or~~ (6-30-94)

b. ~~No new non-cumulative evidence has been submitted.~~ Ref. Sec. 72-1368(d) Idaho Code. (6-30-94)

05. ~~Issuance of Corrected Monetary Determination~~

592. ISSUANCE OF CORRECTED MONETARY DETERMINATION.

The Department of Labor shall issue a corrected monetary determination when there is a change in base period wages which occurs within a year from the date of the last monetary determination based on such base period wages. Ref. Sec. 72-1367 and 72-1368(†) Idaho Code. (6-30-94)(____)

5923. – 600. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

671. CLAIM CANCELLATION.

~~At the discretion of the director, a valid claim may be cancelled upon request of the claimant, if such request is made within fourteen (14) days of the date of the last monetary determination or redetermination issued to the claimant. Ref. Sec. 72-1327 A Idaho Code. Upon the written request of a claimant, a claim may be canceled at any time, provided that the claimant did not misrepresent or fail to report a material fact in making the claim and the claimant has repaid any benefits received on the claim, unless the benefits received will be offset from a new claim the claimant is filing.~~ (11-1-91)(____)

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.01.40 - RULES GOVERNING THE JOB TRAINING PARTNERSHIP ACT
DOCKET NO. 09-0140-9701
NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has proposed rule-making. The action is authorized pursuant to Section 72-1333(b), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 20, 1997.

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 rule-making:

The current rule defining one category of "dislocated worker" for eligibility under Title III of the Job Training Partnership Act is too vague. By amending the definition and making it more specific, the Department will ensure that the criteria is interpreted as required by the Act.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kay Vaughan, Workforce Systems, Idaho Department of Labor, at (208) 334-6138.

Anyone may submit written comments regarding this proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before August 27, 1997.

DATED this 20th day of June, 1997.

Roger B. Madsen, Director
Idaho Department of Labor
317 Main St.
Boise, ID 83735
Fax #(208) 334-6430

TEXT OF DOCKET NO. 09-0140-9701

051. DISLOCATED WORKER.

Except for those individuals who are seasonally or temporarily unemployed, individuals will be eligible for participation in Title III if they are a member of one of the following groups: (7-1-93)

01. Recently Dislocated Workers. Individuals who have either received a notice of layoff or termination or who have been laid off or terminated no more than two (2) years prior to the date of application; and (7-1-93)

a. Who, at the time of application, are eligible for or have received unemployment insurance from the job of dislocation, or who have exhausted their unemployment insurance from the job of dislocation, or whose job of dislocation was required by law to have been covered by unemployment insurance compensation; and (2-22-95)

b. Who have been unemployed or who have not held suitable employment during the four (4) weeks immediately prior to application, or who are members of a group which has been designated by the Governor as being

unlikely to return to the same or similar occupation in the labor market area. (7-1-93)

02. Workers Dislocated as a Result of a Plant Closure or Substantial Layoff. Individuals including contractors or subcontractors, who: (7-1-93)

a. Have received notice of termination or layoff as a result of pending permanent plant closure or substantial layoff; or (7-1-93)

b. Those who were terminated or laid off due to a permanent plant closure or substantial layoff; and (7-1-93)

c. Were terminated or received notice of termination no more than two (2) years prior to the date of application, from any position in a plant or facility. (7-1-93)

03. Long-Term Unemployed. Individuals who have been employed full time in the same or similar occupation for fifty-two (52) out of the last one hundred fifty-six (156) weeks immediately prior to application, or who can otherwise demonstrate substantial attachment to the same or similar occupation for at least one year; and (7-1-93)

a. Who are unemployed at the time of application; and (7-1-93)

b. Who have been unemployed for any fifteen (15) of the twenty-six (26) weeks immediately prior to application. (7-1-93)

04. Self-Employed. Farmers, ranchers, and other self-employed individuals, including contributing family members, whose: (7-1-93)

a. Business operations have terminated no more than two (2) years prior to the date of application due to failure of the business(es); or (7-1-93)

b. Whose business operations are likely to terminate due to failure of the business(es), as determined by the Governor or his designated representative. (7-1-93)

05. Governor's Disaster Groups. Individuals unemployed at the time of application due to natural disaster, as defined and approved by the Governor or his designated representative. (7-1-93)

06. Displaced Homemakers. As defined in The Job Training Partnership Act and when approved by the Governor or his designated representative. (7-1-93)

07. Individuals Profiled. Individuals whose selected characteristics have been subject to analysis and ranking by the approved state Unemployment Insurance Profiling model, and whose names are included on a generated Profiling Report provided to Job Service Offices, who are unemployed, and who are unlikely to return to their former occupation. Eligibility in this category shall be for a period not to exceed two (2) years from the date of the applicant's last inclusion on the generated Profiling Report. ~~(2-22-95)~~(____)

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT

11.04.02 - RULES GOVERNING SIMULCASTING

DOCKET NO. 11-0402-9701

NOTICE OF PROPOSED AND TEMPORARY RULES

EFFECTIVE DATE: The temporary rules are effective January 1, 1997 and July 1, 1997, and remain effective until rescinded or superseded by replacement rule or the approval of the final rule by the legislature or such other date specified in the concurrent resolution, or upon the conclusion of the 1998 legislative session, whichever is sooner.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules and has proposed rule-making. The action is authorized pursuant to Title 19, Chapter 51, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be held as follows:

Public hearings concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 20, 1997.

The hearing site 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 at the address below.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the proposed rule:

Needed to define the definitions and requirements for a simulcast license. This rule will also give jurisdiction over the simulcast racing within the state to the Idaho State Racing Commission and defines the administration of the jurisdiction.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Jack Baker, at (208) 884-7080. Anyone may submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked or delivered by August 27, 1997.

DATED this 25th day of June, 1997.

Eugene O. "Jack" Baker
Idaho State Racing Commission
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7080
(208) 884-7098 (FAX)

TEXT OF DOCKET NO. 11-0402-9701

004. DEFINITIONS.

01. Association Which Accepts the Wager. The guest association where the bettor contributes his money to the pari-mutuel pool and receives a pari-mutuel ticket. (7-1-93)

02. Authorized User. A person authorized by the Commission to receive, to decode and use for legal

- purposes the encrypted simulcast signal of pari-mutuel events. (7-1-93)
03. Combined Pari-Mutuel Pools (Combined Pools). The pari-mutuel wagers at one or more guest associations being contributed into the pari-mutuel pools of a host association of the combined pari-mutuel pools of simulcast facilities within the state of Idaho. (7-1-93)
04. Commission. The Idaho State Racing Commission. (7-1-93)
05. Decoder. A device and/or means to convert encrypted audio-visual signals and/or data into a form recognizable as the original content of the signals. (7-1-93)
06. Downlink. Receiving antenna coupled with an audio-visual signal receiver compatible with and capable of receiving simultaneous audio-visual signals and/or data emanating from a host association, and includes the electronic transfer of received signals from the receiving antenna to TV monitors within the satellite facility. (7-1-93)
07. Enclosure, Enclosure-Public. Includes all enclosed areas of the simulcast wagering facility. (7-1-93)
08. Encryption (Encrypted or Encoded). The scrambling or other manipulation of the audio-visual signals to mask the original content of the signal and so cause such signals to be indecipherable and unrecognizable to any person receiving such signal. (7-1-93)
09. Guest, Guest Association or Simulcast Operator. An association simulcast licensee authorized by the Commission to offer, sell, cash, redeem or exchange pari-mutuel tickets on races being run at a host association. (7-1-93)
10. Host or Host Association. The racing association conducting a licensed horse racing meeting when it is authorized by the Commission to simulcast its racing program. It may also be considered the sending track which means any track from which simulcast signals originate. (7-1-93)
11. Interstate Simulcast Wagering. Wagering conducted by a betting system outside the state of Idaho on the results of one or more races being run at an Idaho host association or wagering conducted by a betting system within the state of Idaho on the results of one or more races being run at a host association outside the state of Idaho. (7-1-93)
12. Intrastate Simulcasting Wagering. Pari-mutuel wagering at an Idaho guest association on Idaho horse racing events run at an Idaho host association. (7-1-93)
13. Out of State Wagering. Acceptance of wagers by a host or guest association in Idaho on the results of races run at a race meeting outside the state of Idaho. Nothing in these rules shall be deemed to include acceptance of wagers by telephone, telegraph, radio, or in any manner other than in cash or other authorized method at a pari-mutuel machine operated by one authorized pursuant to Idaho law and these rules. (7-1-93)
14. Satellite Facility, Intrastate Wagering Facility, Extended Wagering Facility. The physical premises, structure and equipment utilized by a guest association for the conduct of pari-mutuel wagering on horse racing events being run elsewhere. Such facility must be a part of the license granted to the Guest or Host Association. (7-1-93)
15. Satellite Transponder, Transponder. Leased space segment time of an earth-orbit communications satellite. (7-1-93)
16. Simulcast. The simultaneous telecast of audio and visual signals of running horse races and other permitted pari-mutuel events conducted for the purposes of pari-mutuel wagering. (7-1-93)
17. Simulcast Operator. A person licensed by the Commission to operate a simulcast wagering system as is provided for by these rules. (7-1-93)(1-1-97)T

18. Simulcast Service Supplier. A person engaged in providing service, supplies or equipment necessary to the operation of intrastate, interstate or out-of-state simulcast wagering for use by a host association, guest association, simulcast operator, or authorized user, including pari-mutuel wagering terminals, uplink, downlink, television receivers and related equipment; but does not include persons authorized by the Federal Communications Commission to provide telephone service or space segment time on satellite transponders. (7-1-93)

19. Uplink. An earth station broadcasting facility, whether mobile or fixed, which is used to transmit audio-visual signals and/or data on FCC-controlled frequencies, and includes any electronic transfer of the audio-visual signals from within the racing enclosure to the location of the transmitter at the uplink. (7-1-93)

005. GENERAL JURISDICTION

01. Simulcasting of Horse Races Within the State. The Idaho State Racing Commission shall have general jurisdiction over the simulcasting of horse races within the state, and the Commission may issue rules and regulations in accordance with the provisions of this article as provided for in Idaho Statutes. (1-1-97)T

~~005-006~~, -- 010. (RESERVED).

011. REQUIREMENTS FOR SIMULCAST FACILITIES.

01. General. Any racing association or corporation authorized to conduct pari-mutuel wagering under this chapter, desiring to display the simulcast of pari-mutuel events on which pari-mutuel betting shall be permitted in the manner and subject to the conditions provided for under these rules may apply to the Commission for a license. Applications for licenses shall be in such form as may be prescribed by the Commission and shall contain such information or other material or evidence as the Commission may require. The fee for such licenses shall be ~~one hundred dollars (\$100) per race day payable by the licensee to the Commission. Twenty-five dollars (\$25) of this fee will be deposited in the Public School Income Fund and Seventy-Five dollars (\$75) will be deposited in the racing account.~~ based upon the weekly handle. If the handle is greater than thirty thousand dollars (\$30,000), the fee will be one hundred dollars (\$100) per race day payable by the licensee to the Commission, seventy-five dollars (\$75) of this fee will be paid to the Idaho State Racing Commission and twenty-five (\$25) will be deposited in the Public School Income Fund. If the weekly handle is at least fifteen thousand dollars (\$15,000), but less than thirty thousand dollars (\$30,000), the fee will be fifty dollars (\$50) per race day payable by the licensee to the Commission, twenty-five dollars (\$25) of this fee will be deposited in the Public School Income Fund and twenty-five dollars (\$25) will be deposited in the racing account. If the weekly handle is less than fifteen thousand dollars (\$15,000) the fee will be twenty-five dollars (\$25), which will be deposited in the Public School Income Fund. (7-1-93)(7-1-97)T

02. Review and Approve. Before the Commission may grant such license, it shall review and approve a plan of operation submitted by an applicant including, but not limited to the following information: (7-1-93)

- a. A feasibility study denoting the revenue earnings expected from the simulcast facility and the costs expected to operate such a facility. The feasibility study shall include: (7-1-93)
 - i. The number of simulcast races to be displayed; (7-1-93)
 - ii. The types of wagering to be offered; (7-1-93)
 - iii. The level of attendance expected and the area from which such attendance will be drawn; (7-1-93)
 - iv. The level of anticipated wagering activity; (7-1-93)
 - v. The source and amount of revenues expected from other than pari-mutuel wagering; (7-1-93)
 - vi. The cost of operating the simulcast facility and the identification of costs to be amortized and the method of amortization of such costs; and (7-1-93)
 - vii. The probable impact of the proposed operation on revenues to local government. (7-1-93)

- b. The security measures to be employed to protect the facility, to control crowds, to safeguard the transmission of wagering data to effectuate common wagering pools. (7-1-93)
 - c. The type of data processing, communication and transmission equipment to be utilized. (7-1-93)
 - d. The description of the management groups responsible for the operation of the simulcast facility. (7-1-93)
 - e. The system of accounts to maintain a separate record of revenues collected by the simulcast facility, the distribution of such revenues and the accounting of costs relative to the simulcast operation. (7-1-93)
 - f. The location of the facility and a written confirmation from appropriate local officials that the location of such facility and the number of patrons expected to occupy such facility are in compliance with all applicable local ordinances, along with approval by the Board of County Commissioners involved. (7-1-93)
03. Satellite Facilities. Satellite facilities shall provide the same information as required in Subsection 011.02. (7-1-93)
04. Criteria. The Commission shall use the following decisional criteria in the approval or disapproval of an application for simulcast operator. (7-1-93)
- a. The operator's general benefit to the state of Idaho. (7-1-93)
 - b. The operator's general benefit to the state of Idaho's horse racing industry. (7-1-93)
 - c. The operator's integrity: (7-1-93)
 - i. Individual and corporate conduct; (7-1-93)
 - ii. Criminal history; and (7-1-93)
 - iii. Betting and gaming industry conduct. (7-1-93)
 - d. The operator's credibility: (7-1-93)
 - i. Accuracy of a feasibility study; and (7-1-93)
 - ii. Experience and expertise of the operator in the simulcast industry. (7-1-93)
 - e. Financial stability. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

030. LICENSES FOR SIMULCAST OPERATORS.

01. License. Every person acting as a simulcast operator within Idaho shall procure a license from the Commission and no person shall act in the capacity of a simulcast operator without a valid license. Such license may be renewed annually unless the application is denied for any cause justifying suspension or revocation of license for violation of these rules. (7-1-93)
- a. Submits a financial statement as required by the Idaho State Racing Commission. (7-1-93)
 - b. Post with the Commission a surety in the amount and in such form as the Commission may require,

sufficient to ensure payment of distributable amounts of pari-mutuel pools pursuant to statute, operational costs, salaries, wages, benefits, and related financial obligations. (7-1-93)

c. Demonstrates experience and/or adequate knowledge of the conduct of simulcast wagering and/or pari-mutuel wagering operations. (7-1-93)

~~d. Pays a license fee in the amount of one hundred dollars (\$100) for each race day. (7-1-93)~~

02. Granting Restrictions. (7-1-93)

a. No license as simulcast operator shall be granted to a person or entity who has failed, refused or neglected to comply with any rule, condition of license, or order of the Commission or its stewards reasonably related to its conduct as a simulcast operator, or who has engaged in any activity which is grounds for denial, suspension or revocation of license pursuant to the rules of the Commission or whose general partners, officers, directors, or employees have engaged in any unlawful activity determined to be conduct detrimental to the best interest of horseracing. (7-1-93)

b. Additionally, no license as simulcast operator shall be granted to a person or entity who has failed, refused or neglected to enter into an agreement with a Horsemen's group as defined by section 54-2502, Idaho Code. (1-1-97)T

03. No Limitation. There shall be no limitation as to the number of days a licensee may operate except as may otherwise be provided for within these rules or the Idaho Code. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

035. DUTIES OF SIMULCAST OPERATOR.

01. General. A simulcast operator conducts and operates a pari-mutuel wagering system at one or more guest associations on the results of horse races being held or conducted and simulcast from the enclosures of one or more host associations pursuant to its agreement with such guest and host association and with the approval of the Commission. (7-1-93)

02. Provisions. A simulcast operator shall provide: (7-1-93)

a. Adequate transmitting and/or receiving equipment which shall not interfere with the closed circuit TV system of the host track association for officiating any on-track patron information. All to be acceptable broadcast quality and meet applicable Federal Communication Commission and Commission rules and orders. Said equipment may include approved microwave transmitters, with appropriate safeguards, as approved by the Commission. (7-1-93)

b. Pari-mutuel terminals, pari-mutuel odds display, modems and/or switching units enabling pari-mutuel data transmissions, and data communication between the sending and the receiving associations. (7-1-93)(1-1-97)T

c. A voice communication system between each guest association and the host association providing direct voice contact among the stewards, placing judges and/or pari-mutuel departments. (7-1-93)

03. Wagering. A simulcast operator shall conduct the pari-mutuel wagering at a guest association pursuant to the applicable Commission rules. (7-1-93)

04. ~~Steward.~~ Pari-Mutuel Inspector. The Commission shall appoint at least one (1) ~~steward~~ pari-mutuel inspector to supervise the operation of the pari-mutuel of all approved simulcast facilities and may require additional ~~stewards~~ pari-mutuel inspectors as is reasonably necessary for the protection of the public interest.

~~(7-1-93)~~(1-1-97)

05. Video. The simulcast operator shall, for a period of one (1) year, retain a video record of all simulcasts, in decoded form, and shall provide a copy of such record on a one-half (1/2) inch V.H.S. video cassette to the Commission, or have the ability to acquire such record from the host track upon request. (7-1-93)

06. Test Program. Not less than thirty (30) minutes prior to the commencement of transmission of the racing program for each day or night, the simulcast operator shall initiate a test program of its transmitter, encryption and decoding, and data communication to assure proper operation of the system. (7-1-93)

07. Display. The simulcast operator shall, at the request of any representative of the Commission, display a listing of all locations within this state enabled to receive the simulcast in decoded forms; and failure to do so is grounds for immediate summary suspension of license and immediate cessation of simulcasting activities. (7-1-93)

08. Security. The simulcast operator shall maintain such security controls over its uplink and communications system as directed by the Commission. (7-1-93)

09. Report. The simulcast operator shall, in conjunction with the host association or associations for which it operates pari-mutuel wagering, provide the Commission with a certified report of its pari-mutuel operations as directed by the Commission. (7-1-93)

10. File. Every simulcast operator shall file with the Commission an annual report of its simulcast operations and an audited financial statement. (7-1-93)

11. Compliance. The simulcast operator shall comply with Section 54-2512, Idaho Code. (7-1-93)

036. OUT-OF-STATE AND INTERSTATE WAGERING.

01. General. When conducting out-of-state and interstate wagering, the following conditions shall also apply: (7-1-93)

a. A racing association, guest association, or simulcast operator may conduct a simulcast wagering on the results of one or more races conducted by an out-of-state racing association provided: (7-1-93)

i. The association intending to conduct wagering on an out-of-state race files with the Commission a copy of the agreement with the out-of-state association and ~~any written approvals required by the Commission include Section 3001, of Title 15 of the United States Code and any other applicable federal laws, and a statement setting forth the date and time it intends to commence accepting wagers on out-of-state race or races.~~ a completed simulcast application. The application will be provided and approved by the Commission. At a minimum the application will require the applicant to provide the following information: ~~(7-1-93)~~(1-1-97)T

(1) The number of live races ran in the current year: (1-1-97)T

(2) The number of live races ran in the preceding year: (1-1-97)T

(3) Documentation that the required bond has been posted: (1-1-97)T

(4) Documentation that the appropriate public liability insurance has been obtained: (1-1-97)T

(5) A signed approval letter from the Appropriate County Commissioners: (1-1-97)T

(6) A signed Contract from a local horsemen's group. The horsemen's group must be one which meets the definition of a horsemen's group as delineated in Section 54-2502, Idaho Code. The contract must not be in conflict with any of the provisions of Sections 3001 through 3007, of Title 15 of the United States Code or any other federal laws; (1-1-97)T

(7) A statement setting forth the date and time it intends to commence accepting wagers on out-of-state race or races; and (1-1-97)T

(8) Any other written or oral approvals required by the Commission. (1-1-97)T

ii. The Commission approves the methods by which the out-of-state association intends to transmit the simulcast of its race or races and the restrictions, if any, placed on the use of such simulcast, and the methods to be used to assure a separate voice communication system between its steward and the stewards or placing judges at the track where the race or races are held. (7-1-93)

b. A racing association may authorize use of its simulcast for interstate wagering by out-of-state betting systems provided: (7-1-93)

i. The association files with the Commission a copy of the agreement with the out-of-state betting system which sets forth the payment to the association for use of its simulcast, and of any agreements required by Chapter 57, including Section 3001, of Title 15 of the United States Code. (7-1-93)

02. Permitted. Wagering shall be permitted only on races conducted at approved locations at pari-mutuel tracks governed by a state racing commission, racing board or other governmental agency. (7-1-93)

03. Interruption. If a simulcasting facility has an interruption in its audio-visual signal, the race may be deemed no contest at the discretion of the assigned steward and all wagers at the facility in such instances shall be refunded. (7-1-93)

04. Results. All wagers are made on the official results of the hosting track. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

040. DISTRIBUTION OF DEPOSITS.

With regard to the distribution of deposits generated by simulcast races, the Commission adopts by reference Idaho Code Section 54-2507 and 54-2513, as applicable. ~~(7-1-93)~~(1-1-97)T

BIG PAYETTE LAKE WATER QUALITY COUNCIL

DOCKET NO. 16-0001-9701

NOTICE OF PUBLIC REVIEW OF THE PRELIMINARY AND PRE-FINAL LAKE MANAGEMENT PLAN:

AUTHORITY: In compliance with Title 67, Chapter 52, Idaho Code, notice is hereby given that the Big Payette Lake Water Quality Council will provide an opportunity for the public to comment on the Lake Management Plan. The action is authorized by Idaho Code Section 39-6611.

DESCRIPTIVE SUMMARY: The Big Payette Lake Water Quality Council (Council) was created by state statute in 1993. The purpose of the Council is to study the condition of the Big Payette Lake and its watershed and prepare a Lake Management Plan for submission to the Idaho State Legislature. By statute, the Council is to complete a Lake Management Plan by October 13, 1997. To meet this requirement, the Council will review and approve a preliminary Lake Management Plan on August 4, 1997. The Council wishes to have wide critical review of this preliminary Lake Management Plan and welcomes written suggestions, comments or proposals. There will be two public workshops to solicit comment and recommendations. Following these workshops, the Council will prepare the pre-final Lake Management Plan. This pre-final Lake Management Plan will have a public review period from October 13, 1997 to November 12, 1997. A public hearing will be held on October 29, 1997. Following this public review period, the Council will make any needed modifications to the Lake Management Plan and submit to the Idaho State Legislature a Lake Management Plan by January 1, 1998.

Copies of the preliminary and pre-final Lake Management Plan will be available for review at the public libraries in McCall, Lewiston, and Weiser; the Division of Environmental Quality (DEQ) Cascade Satellite Office; and the DEQ Boise and Lewiston Regional Offices. The preliminary Lake Management Plan will be available after August 15, 1997; the pre-final Lake Management Plan will be available after October 13, 1997.

PUBLIC MEETING SCHEDULE: Public meetings will be held as follows:

Council meeting to review and approve a preliminary Lake Management Plan:

August 4, 1997, 7 p.m., Legion Hall below City Hall, 216 Park Street, McCall, Idaho.

WORKSHOPS ON THE PRELIMINARY LAKE MANAGEMENT PLAN:

September 10, 1997, 7 p.m. to 9 p.m., Payette Lake Middle School, 111 Samson Trail, McCall, Idaho.

September 17, 1997, 7 p.m. to 9 p.m., Division of Environmental Quality Conference Center, 1410 N. Hilton, Boise, Idaho.

PURPOSE OF WORKSHOPS:

- 1) discuss with Council members questions concerning the preliminary Lake Management Plan and
- 2) present comments and suggestions.

Council meeting to review and approve the pre-final Lake Management Plan:
October 6, 1997, 7 p.m., Legion Hall below City Hall, 216 Park Street, McCall, Idaho.

Public Hearing on the Lake Management Plan:
October 29, 1997, 7 p.m. to 9 p.m., Payette Lake Middle School, 111 Samson Trail, McCall, Idaho.

PURPOSE OF PUBLIC HEARING: Receive oral and/or written comments on the Lake Management Plan.

Council review of comments and adoption of Lake Management Plan:
December 1, 1997, 7 p.m., Legion Hall below City Hall, 216 Park Street, McCall, Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:

For assistance on questions concerning the Lake Management Plan, or for additional information, contact Peter Johnson at (208)634-5951 or Kirk Hall at (208)634-4785.

Anyone may submit written comments regarding the Lake Management Plan. All written comments must be received by the undersigned on or before November 12, 1997.

DATED this 6th day of August, 1997.

Peter T. Johnson, Chairman
Big Payette Lake Water Quality Council
P.O. Box T
McCall, Idaho 83638

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 16-0101-9701

NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized by Sections 39-105 and 39-107, Idaho Code. In addition, certain proposed changes in this rulemaking are mandated by the United States Environmental Protection Agency (EPA) for final interim approval of Idaho's Title V operating permit program pursuant to 61 Fed. Reg. 64,622-35 (December 6, 1996).

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

Tuesday, September 9, 1997, 7:00 p.m.
Division of Environmental Quality Conference Center
1410 N. Hilton, Boise, Idaho

The hearing site will be accessible to the physically disabled. Interpreters for persons with hearing impairments and brailled or taped information for persons with visual impairments can be provided upon five days' notice. For arrangements, contact the undersigned at (208)373-0418.

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

This proposed rule will make changes in the existing Tier I operating permit rules to address deficiencies identified in EPA's December 6, 1996 notice granting interim approval of Idaho's Title V operating permit program (61 Fed. Reg. 64,622-35). These changes are necessary in order for the state to gain full approval for the program. The text of the proposed rule is based on a consensus recommendation resulting from the negotiated rulemaking process. The negotiation was open to the public. Actual participants in the negotiation included industry representatives and consultants. The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, Volume 97-3, March 5, 1997, page 3.

This proposed rule also changes the alteration sections (380-387) of the Tier I operating permit rules and Section 209 of the permit to construct rules so that they more accurately reflect the federal regulations found at 40 CFR Part 70. Due to the late discovery of inconsistencies with the alteration rules and EPA's latest interpretations, insufficient time existed to negotiate these proposed rule changes.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the proposed rulemaking, contact Sue Richards at (208)373-0502.

Anyone may submit written comments regarding this proposed rule. All written comments must be received by the undersigned on or before September 10, 1997.

DATED this 6th day of August, 1997.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255
Fax No. (208)373-0481

TEXT OF DOCKET NO. 16-0101-9701

008. DEFINITIONS FOR THE PURPOSES OF SECTIONS 300 THROUGH 387.

01. Accountable. Any SIP emission trading program must account for the aggregate effect of the emissions trades in the demonstration of reasonable further progress, attainment, or maintenance. (5-1-94)
02. 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)
03. Air Pollution. The presence in the outdoor atmosphere of any air pollutant or combination thereof in such quantity of such nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property. (5-1-94)
04. Allowance. An authorization allocated to a Phase II source by the EPA to emit during or after a specified calendar year, one ton of sulfur dioxide. (5-1-94)
05. 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 225 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. (5-1-94)
- 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 7661a(c)(b) or Sections 120 through 1268 of these rules; (~~5-1-94~~) ()
- 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)

06. 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)

07. 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)

08. Emergency. (5-1-94)

a. For the purposes of Sections 326 through 332, an emergency is any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including natural disasters, 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. (5-1-94)

b. For the purposes of Sections 380 through 387 an emergency is any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including natural disasters, which situation requires immediate corrective action to restore normal operation. (5-1-94)

09. Emissions Allowable Under the Tier I Operating Permit. A federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emission cap that the facility has assumed to avoid an applicable requirement to which the source would otherwise be subject. (5-1-94)

10. Excess Emissions. Emissions of an air pollutant in excess of any applicable air quality standard, emission standard emission limit or permit terms or conditions. (5-1-94)

11. 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)

12. General Permit. A Tier I permit issued pursuant to Section ~~323~~35. (~~5-1-94~~)()

13. Insignificant Activity. Categorically exempt insignificant activities as determined in Section 317. (3-3-95)L

14. Major Facility. A facility (as defined in Section 006-~~34~~) is major if the facility meets any of the following criteria: (~~5-1-94~~)()

a. For hazardous air pollutants: ()

ai. 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)

bii. 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: ()

e. ~~The facility directly emits or has the potential to emit, one hundred (100) tpy or more of any air~~

~~pollutant. Fugitive emissions from emissions units within the facility shall be included as provided in any or all of the following:~~
~~(5-1-94)~~

~~ei.~~ 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)

~~eii.~~ 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)

~~eiij.~~ 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)

~~eiiv.~~ 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): (5-1-94)

~~i.~~ If the area is "marginal" or "moderate," one hundred (100) tpy or more. (5-1-94)

~~ii.~~ If the area is "serious," fifty (50) tpy or more. (5-1-94)

~~iii.~~ If the area is "severe," twenty five (25) tpy or more, and. (5-1-94)

~~iv.~~ If the area is "extreme," ten (10) tpy or more. (5-1-94)()

~~c.~~ The facility emits or has the potential to emit one hundred (100) tons per year or more of any 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: ()

~~h.~~ For facilities addressed in Subsections 008.14.e. through 14.g. above, fugitive emissions from emissions units within the facility shall not be considered in determining whether a facility is major except in the following cases: (3-7-95)L

~~i.~~ For d Designated facilities. (3-7-95)L()

~~ii.~~ For fossil fuel fired steam electric plants of more than two hundred fifty million (250,000,000) BTU's per hour heat input. (3-7-95)L

~~iii.~~ For any emissions units in a All other source categories regulated, as of August 7, 1980, by 40 CFR Part 60, 40 CFR Part 61 or 40 CFR Part 63, but only to the extent the fugitive emissions are regulated by 40 CFR Part 60, 40 CFR Part 61 or 40 CFR Part 63 for the particular source category with respect to those air pollutants that have been regulated for that category. (3-7-95)L()

15. Permit Revision. Any minor permit modification, substantive permit modification, administrative permit amendment or reopening. (5-1-94)

16. Phase II Source. A source that is subject to emissions reduction requirements of 42 U.S.C. Section 7651 through 7651o and shall have the meaning given to it pursuant to those sections. (5-1-94)

17. Phase II Unit. A unit that is subject to emissions reduction requirements of 42 U.S.C. Sections 7651 through 7651o and the term shall have the meaning given to it pursuant to those sections. (5-1-94)

18. Proposed Permit. The version of a permit that the Department proposes to issue and forwards to the EPA for review. (5-1-94)

19. Quantifiable. The Department must be able to determine the emissions impact of any SIP trading

- programs requirement(s) or emission limit(s). (5-1-94)
20. Regulated Air Pollutant. The following air pollutants: (5-1-94)
- a. Nitrogen oxides including nitrogen dioxide, volatile organic compounds, ozone, lead, carbon monoxide, PM-10 and sulfur oxides. (7-1-97)
- b. Any air pollutant that is regulated in 40 CFR Part 60. (5-1-94)
- c. Any Class I or II substance listed in, or listed in accordance with 42 U.S.C. Sections 7671a(a) or 7671a(b). (5-1-94)
- d. Any air pollutant subject to a standard promulgated under 42 U.S.C. Section 7412 or other requirements established under 42 U.S.C. Section 7412, including 42 U.S.C. Section 7412(g), (j), and (r), including the following: (5-1-94)
- i. Any air pollutant subject to requirements under 42 U.S.C. Section 7412(j). If the EPA fails to promulgate a standard by the date established pursuant to 42 U.S.C. Section 7412(e), any air pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to 42 U.S.C. Section 7412(e); and (5-1-94)
- ii. Any air pollutant for which the requirements of 42 U.S.C. Section 7412(g)(2) have been met, but only with respect to the individual source subject to 42 U.S.C. Section 7412(g)(2) requirement. (5-1-94)
21. Replicable. Any SIP procedures for applying emission trading shall be structured so that two (2) independent entities would obtain the same result when determining compliance with the emission trading provisions. (5-1-94)
22. Tier I Operating Permit. Any permit covering a Tier I source that is issued, renewed, amended, or revised pursuant to Sections 300 through 387. (5-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

125. FALSE STATEMENTS.

No person shall knowingly make any false statement, representation, or certification in any form, notice, or report required under any permit, or any applicable rule or order in force pursuant thereto. ()

126. TAMPERING.

No person shall knowingly render inaccurate any monitoring device or method required under any permit, or any applicable rule or order in force pursuant thereto. ()

1257. FORMAT OF RESPONSES.

All responses and information submitted to the Department shall be provided in a format approved by the Department. (5-1-94)

1268. CONFIDENTIAL INFORMATION.

Persons may request that information submitted to the Department be treated as confidential information by separating the confidential information from non-confidential information, clearly identifying each page or portion of the information as confidential and certifying that the information qualifies for confidential treatment in accordance with Idaho Code 39-111. If the information for which the person is requesting confidential treatment is submitted to the Department under Sections 300 through 387 or the terms or conditions of a Tier I operating permit, the person shall also submit the same information directly to the EPA. All documents shall be subject to disclosure in accordance with Idaho Code Sections 9-301 through 9-350 and, if it is applicable, Idaho Code Section 39-111. (5-1-94)

~~127.~~—129. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

136. EXCESS EMISSIONS RECORDS.

01. Maintenance of Excess Emissions Records. The owner or operator shall maintain excess emissions records at the facility for the most recent five (5) calendar year period. (3-20-97)

02. Availability of Excess Emissions Records. The excess emissions records shall be made available to the Department upon request. (3-20-97)

03. Contents of Excess Emissions Records. The excess emissions records shall include the following: (3-20-97)

a. An excess emissions log book for each emissions unit or piece of equipment containing copies of all reports that have been submitted to the Department pursuant to Section 135 for the particular unit or equipment; and (3-20-97)

b. Copies of all startup, shutdown, and scheduled maintenance procedures and upset/breakdown/safety preventative maintenance plans which have been developed by the owner or operator in accordance with Sections 133 and 134, and facility records as necessary to demonstrate compliance with such procedures and plans. (3-20-97)

04. Protections Under Section 1268. The protections under Section 1268 for confidential information shall be available for excess emissions reports and records upon proper request of the owner or operator in accordance with Section 1268. (3-20-97)()

(BREAK IN CONTINUITY OF SECTIONS)

201. PERMIT TO CONSTRUCT REQUIRED.

No owner or operator may commence construction or modification of any stationary source, facility, major facility, or major modification without first obtaining a permit to construct from the Department which satisfies the requirements of Sections 200 through 225 unless the source is exempted in any of Sections 220 through 225. No permit to construct shall be issued by the Department for any solid waste incineration unit subject to a standard pursuant to 42 U.S.C. 7429 to any Division within the Department. (5-1-94)()

(BREAK IN CONTINUITY OF SECTIONS)

209. PROCEDURE FOR ISSUING PERMITS.

01. General Procedures. General procedures for permits to construct. (5-1-94)

a. Within thirty (30) days after receipt of the application for a permit to construct, the Department shall determine whether the application is complete or whether more information must be submitted and shall notify the applicant of its findings in writing. (5-1-94)

b. Within sixty (60) days after the application is determined to be complete the Department shall: (5-1-94)

i. Notify the applicant in writing of the approval, conditional approval, or denial of the application if an opportunity for public comment is not required pursuant to Section 209.01.c. The Department shall set forth reasons for any denial; or (5-1-94)

ii. Issue a proposed approval, proposed conditional approval, or proposed denial. (5-1-94)

c. An opportunity for public comment shall be provided on an application for any new major facility or major modification, any new facility or modification which would cause a significant contribution to existing ambient concentrations or affect any Class I area, any application which uses fluid modeling or a field study to establish a good engineering practice stack height pursuant to Sections 510 through 516, any application which uses an interpollutant trade pursuant to Subsection 210.17, and any other application which the Director determines an opportunity for public comment should be provided. (6-30-95)

i. The Department's proposed action, together with the information submitted by the applicant and the Department's analysis of the information, shall be made available to the public in at least one (1) location in the region in which the stationary source or facility is to be located. (5-1-94)

ii. The availability of such materials shall be made known by notice published in a newspaper of general circulation in the county(ies) in which the stationary source or facility is to be located. (5-1-94)

iii. A copy of such notice shall be sent to the applicant and to appropriate federal, state and local agencies. (5-1-94)

iv. There shall be a thirty (30) day period after initial publication for comment on the Department's proposed action, such comment to be made in writing to the Department. (5-1-94)

v. After consideration of comments and any additional information submitted during the comment period, and within forty-five (45) days after initial publication of the notice, or notice of public hearing if one is requested under Subsections 209.02.b.iv. or 209.02.a.ii., unless the Director deems that additional time is required to evaluate comments and information received, the Department shall notify the applicant in writing of approval, conditional approval, or denial of the permit. The Department shall set forth the reasons for any denial. (5-1-94)

vi. All comments and additional information received during the comment period, together with the Department's final determination, shall be made available to the public at the same location as the preliminary determination. (5-1-94)

d. A copy of each permit will be sent to the U.S. Environmental Protection Agency. (5-1-94)

02. Additional Procedures for Specified Sources. (5-1-94)

a. For any new major facility or major modification in an attainment or unclassifiable area for any air pollutant, except for those new major facilities and major modifications exempted under Subsections 205.04.a. and 205.04.b. (5-1-94)

i. The public notice issued pursuant to Subsection 209.01.c.ii. shall indicate the degree of increment consumption that is expected from the new major facility or major modification; and (5-1-94)

ii. The public notice issued pursuant to Subsection 209.01.c.ii. shall indicate the opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality effects of the new major facility or major modification, alternative to it, the control technology required, and other appropriate considerations. (5-1-94)

b. For any new major facility or major modification which would affect a federal Class I area or an integral vista of a mandatory federal Class I area. (5-1-94)

i. If the Department is notified of the intent to apply for a permit to construct, it shall notify the

appropriate Federal Land Manager within thirty (30) days; (5-1-94)

ii. A copy of the permit application and all relevant information, including an analysis of the anticipated effects on visibility in any federal Class I area, shall be sent to the Administrator of the U.S. Environmental Protection Agency and the Federal Land Manager within thirty (30) days of receipt of a complete application and at least sixty (60) days prior to any public hearing on the application; (5-1-94)

iii. Notice of every action related to the consideration of the permit shall be sent to the Administrator of the U.S. Environmental Protection Agency; (5-1-94)

iv. The public notice issued pursuant to Subsection 209.01.c.ii. shall indicate the opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality effect of the new major facility or major modification, alternative to it, the control technology required, and other appropriate considerations. (5-1-94)

v. The notice of public hearing, if required, shall explain any differences between the Department's preliminary determination and any visibility analysis performed by the Federal Land Manager and provided to the Department within thirty (30) days of the notification pursuant to Subsection 209.02.b.ii. (5-1-94)

vi. Upon a sufficient showing by the Federal Land Manager that a proposed new major facility or major modification will have an adverse impact upon the air quality related values (including visibility) of any federal mandatory Class I area, the Director may deny the application notwithstanding the fact that the concentrations of air pollutants would not exceed the maximum allowable increases for a Class I area. (5-1-94)

03. Establishing a Good Engineering Stack Height. The Department will notify the public of the availability of any fluid model or field study used to establish a good engineering practice stack height and provide an opportunity for a public hearing before issuing a permit or setting an emission standard based thereon. (5-1-94)

04. Revisions of Permits to Construct. The Director may approve a revision of any permit to construct provided the stationary source or facility continues to meet all applicable requirements of Sections 200 through 225. Revised permits will be issued pursuant to procedures for issuing permits (Section 209), except that the requirements of Subsections 209.01.c., 209.02.a., 209.02.b. and 209.04, shall only apply if the permit revision results in an increase in allowable emissions or if deemed appropriate by the Director. (5-1-94)

05. Permit to Construct Procedures for Tier I Sources. For Tier I sources that require a permit to construct, the owner or operator shall either: (5-1-94)

a. Submit only the information required by Sections 200 through ~~225~~19 for a permit to construct, in which case: (5-1-94)()

i. A permit to construct or denial will be issued in accordance with Subsections 209.01.a. and 209.01.b. (5-1-94)

ii. The owner or operator may construct the source after permit to construct issuance or in accordance with Subsection 213.02.c. (5-1-94)()

iii. The owner or operator may operate the source after permit to construct issuance so long as it does not violate any terms or conditions of the existing Tier I operating permit. ()

iiii. Within twelve (12) months after commencing operation, the owner or operator shall submit an application for a Tier I operating permit or a request for a minor or substantive permit modification, whichever is appropriate. (5-1-94)()

iv. The application or minor or substantive permit modification request shall be processed in accordance with timelines: ~~Subsections 361 and Subsections~~ 367.02 through 367.05. (5-1-94)()

vi. The final Tier I operating permit action shall supersede the permit to construct; or- (5-1-94)()

- b. Submit all information required by Sections 200 through 2199 and 300 through 387 for a permit to construct and a Tier I operating permit, in which case: (5-1-94)(____)
- i. Completeness of the application shall be determined within thirty (30) days. (5-1-94)
- ii. The Department shall prepare a proposed permit to construct or denial, in accordance with Sections 200 through 2199 and 300 through 387, within sixty (60) days. (3-20-97)(____)
- iii. The Department shall provide for public comment in accordance with Section 364 on the proposed permit to construct or denial. (5-1-94)
- iv. Except as otherwise provided by these rules, the Department shall prepare and issue to the owner or operator a final permit to construct or denial within fifteen (15) days after the close of the public comment period. The owner or operator may construct the source after permit to construct issuance or in accordance with Subsection 213.02.c. The owner or operator may operate the source after permit to construct issuance so long as it does not violate any terms or conditions of the existing Tier I operating permit. (5-1-94)(____)
- v. The final permit to construct will be sent to EPA as the proposed Tier I operating permit, or as a proposed amendment to the Tier I operating permit, for review in accordance with Section 366. (5-1-94)(____)
- vi. The permittee shall request that the permit to construct requirements be incorporated into the Tier I operating permit through an administrative amendment in accordance with Section 384. (5-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

301. REQUIREMENT TO OBTAIN TIER I OPERATING PERMIT.

01. Prohibition. No owner or operator shall operate, or allow or tolerate the operation of, any Tier I source without an effective Tier I operating permit. (5-1-94)
02. ~~Exemptions~~ Exceptions. (5-1-94)(____)
- a. No Tier I operating permit is required if the owner or operator is in compliance with Sections 311 through 315 and the Department has not taken final action on the application. (5-1-94)
- b. The following Tier I sources do not require a Tier I operating permit until June 1, 1999: Tier I sources not located at major facilities do not require a Tier I operating permit until: (5-1-94)(____)
- i. Tier I sources not located at major facilities; December 31, 1997 for Phase II sulfur dioxide sources; (5-1-94)(____)
- ii. January 1, 1999 for Phase II nitrogen oxides sources; and (5-1-94)(____)
- iii. January 1, 2000 for solid waste incineration units required to obtain a permit pursuant to 42 U.S.C. Section 7429(e); and (5-1-94)(____)
- iv. June 1, 2001 for all other such sources, unless an earlier date is required by an applicable standard or EPA determines that no Tier I operating permit is required. (____)
- c. No Tier I operating permit is required for the following Tier I sources: (5-1-94)
- i. All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 60, Subpart AAA; and (5-1-94)

ii. All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 61.145. (5-1-94)

302. OPTIONAL TIER I OPERATING PERMIT.

Any facility listed in Section 301 not required to obtain a Tier I operating permit may opt to apply for a Tier I operating permit. ()

3023. -- 310. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

313. TIMELY APPLICATION.

01. Original Tier I Operating Permits. (5-1-94)

a. For Tier I sources existing on May 1, 1994, the owner or operator of the Tier I source shall submit to the Department a complete application for an original Tier I operating permit by no later than June 1, 1996, or within twelve (12) months of EPA approval of the Tier I operating program, whichever is earlier, unless: (3-20-97)

i. The Department provides written notification of an earlier date to the owner or operator. (5-1-94)

ii. The Tier I source is identified in Subsections 301.02.b. or 301.02.c. (5-1-94)

~~eb.~~ For sources that become Tier I sources ~~due to construction, reconstruction or modification~~ after May 1, 1994, that are located at a facility not previously authorized by a Tier I operating permit, the owner or operator of the Tier I source shall submit to the Department a complete application for an original Tier I operating permit within twelve (12) months after becoming a Tier I source or commencing operation, unless: (5-1-94)()

i. The Department provides written notification of an earlier date to the owner or operator. (5-1-94)

ii. The Tier I source is identified in Subsections 301.02.b. or 301.02.c. (5-1-94)

~~ec.~~ For initial phase II acid rain sources identified in Subsections 301.02.b.i. or 301.02.b.ii., the owner or operator of the initial Phase II acid rain source shall submit to the Department a complete application for an original Tier I operating permit by January 1, 1996 for sulfur dioxide, and by January 1, 1998 for nitrogen oxides. (5-1-94)()

~~ed.~~ For Tier I sources identified in Subsections 301.02.b.i. or 301.02.b.iii: (5-1-94)()

~~i.~~ eExisting on ~~November~~ July 1, 19978, the owner or operator of the Tier I source shall submit to the Department a complete application for an original Tier I operating permit by no later than January 1, 19989, unless the Department provides written notification of an earlier date to the owner or operator. (5-1-94)()

~~ii.~~ That become Tier I sources after July 1, 1998, located at a facility not previously authorized by a Tier I operating permit, the owner or operator of the Tier I source shall submit to the Department a complete application for an original Tier I operating permit within twelve (12) months after becoming a Tier I source or commencing operation, unless the Department provides written notification of an earlier date to the owner or operator. ()

~~de.~~ For Tier I sources identified in Subsection 301.02.b.iv.: ()

i. Existing on January 1, 2000, the owner or operator of the Tier I source shall submit to the Department a complete application for an original Tier I operating permit by no later than June 1, 2000, unless the

Department provides written notification of an earlier date to the owner or operator. ()

ii. ~~That become Tier I sources identified in Subsections 301.02.b.i. or 301.02.b.iii. due to construction, reconstruction or modification after November 1, 1997~~ January 1, 2000, that are located at a facility not previously authorized by a Tier I operating permit, the owner or operator of the Tier I source shall submit to the Department a complete application for an original Tier I operating permit within twelve (12) months after becoming a Tier I source or commencing operation, unless the Department provides written notification of an earlier date to the owner or operator. (5-1-94)()

02. Earlier Dates During Initial Period. Except as otherwise provided in these rules, during the initial period which begins May 1, 1994 and ends three (3) years after EPA approval of the Tier I operating program, the Department may designate Tier I sources for processing as follows: (5-1-94)

a. The Department may develop a general estimate of the total work load and benefits associated with the Tier I operating permit applications that are predicted to be submitted during the initial period including, but not limited to, original permit applications and substantive permit modification applications. (5-1-94)

b. Considering the complexity of the applications, air quality benefits of permitting and requests for early actions from owners and operators, the Department may divide the applications into three groups each representing approximately one-third of the total work load and benefits. (5-1-94)

c. The Department may prioritize the three groups and the Tier I sources within each group for processing, establish early application deadlines and notify the owners or operators of the Tier I sources in the group in writing of a required submittal date earlier than the general deadlines provided in Subsection 313.01. (5-1-94)

03. Renewals of Tier I Operating Permits. The owner or operator of the Tier I source shall submit a complete application to the Department for a renewal of the Tier I operating permit at least nine (9) months before, but no earlier than eighteen (18) months before, the expiration date of the existing Tier I operating permit. (5-1-94)()

04. Alterations to Tier I Operating Permits. Sections 380 through 387 provide the requirements and procedures for alterations at Tier I sources or to Tier I operating permits. (5-1-94)

314. REQUIRED STANDARD APPLICATION FORM AND REQUIRED INFORMATION.

01. General Requirements. (5-1-94)

a. Applications shall be submitted on a form or forms provided by the Department or by other means prescribed by these rules or the Department. The application shall be certified by the responsible official in accordance with Section 123. (5-1-94)

i. If the Tier I source is regulated under 42 U.S.C. Sections 7651 through 7651o, the owner or operator shall also submit nationally-standardized acid rain forms provided by EPA. (5-1-94)

b. All information shall be in sufficient detail so that the Department may efficiently and effectively determine the applicability of requirements and make all other necessary evaluations and determinations. (5-1-94)

02. General Information for the Facility. (5-1-94)

a. Provide identifying information, including the name, address and telephone number of: (5-1-94)

i. The owner; (5-1-94)

ii. The operator; (5-1-94)

iii. The facility where the Tier I source is located; (5-1-94)

- iv. The registered agent of the owner, if any; (5-1-94)
 - v. The registered agent of the operator, if any; (5-1-94)
 - vi. The responsible official, if other than the owner or operator; and (5-1-94)
 - vii. The contact person. (5-1-94)
 - b. Provide a general description of the processes used and products produced by the facility where the Tier I source is located, including any associated with each requested alternative operating scenario and trading scenario. The description shall include narrative and applicable SIC codes. (5-1-94)
 - c. Provide a general description of each process line affecting a Tier I source. (5-1-94)
03. Excess Emissions Procedures. For all air pollution control equipment, emissions units, or other sources from which excess emissions may occur during startup, shutdown, and scheduled maintenance, provide detailed descriptions of the specific procedures which will be used to minimize excess emissions. Specific information for each of these three (3) types of excess emissions events (i.e. startup, shutdown and scheduled maintenance) shall be described in full detail for each piece of control equipment, emissions unit or other source and shall include all of the following: (5-1-94)
- a. Identification of the specific air pollution control equipment, emissions unit, or other source. (5-1-94)
 - b. Identification of the specific air pollutants likely to be emitted in excess of applicable standards or limits during the startup, shutdown, or scheduled maintenance period. (5-1-94)
 - c. The estimated amount of excess emissions expected to be released during each event. (5-1-94)
 - d. The expected duration of each excess emissions event. (5-1-94)
 - e. An explanation of why the excess emissions are unavoidable for each of the three types of excess emissions events (i.e. startup, shutdown, and scheduled maintenance). (5-1-94)
 - f. Specification of the frequency at which each of the three types of excess emissions events (i.e. startup, shutdown, and scheduled maintenance) are expected to occur. (5-1-94)
 - g. For scheduled maintenance, the owner or operator shall also provide detailed explanations of: (5-1-94)
 - i. Why the maintenance is needed. (5-1-94)
 - ii. Why it is impractical to reduce or cease operation of the emissions unit(s) or other source(s) during the scheduled maintenance period. (5-1-94)
 - iii. Why the excess emissions are not avoidable through better scheduling of the maintenance or through better operation and maintenance practices. (5-1-94)
 - iv. Why, where applicable, it is necessary to by-pass, take off line, or operate the air pollution control equipment at reduced efficiency while the maintenance is being performed. (5-1-94)
 - v. Why auxiliary air pollution control equipment is not used during the scheduled maintenance period to eliminate the excess emissions. (5-1-94)
 - h. Justification to explain why the piece of control equipment, emissions unit or other source can not be modified or redesigned to eliminate or reduce the excess emissions which occur during startup, shutdown, and scheduled maintenance. (5-1-94)

i. Detailed specification of the procedures to be followed by the owner or operator which will minimize excess emissions at all times during startup, shutdown, and scheduled maintenance. These procedures may include such measures as preheating or otherwise conditioning the emissions unit prior to its use or the application of auxiliary air pollution control equipment to reduce the excess emissions. (5-1-94)

04. Specific Information for Each Emissions Unit. The owner or operator shall provide, in an itemized format, all of the information identified in Subsections 314.05 through 314.12 for each emissions unit, unless the emissions unit is an insignificant activity. (3-3-95)

05. Emissions. (5-1-94)

a. Identify and describe all emissions of pollutants for which the source is major and all emissions of regulated air pollutants from each emissions unit. Fugitive emissions shall be included in the application in the same manner as stack emissions, regardless of whether the source category is included in the list of sources contained in the definition of major facility (Subsection 008.14). (3-20-97)()

b. Emissions rates shall be quantified in tons per year (tpy) and in such additional terms as are necessary to determine compliance consistent with the applicable test method. (3-20-97)

c. Identify and describe all points of emissions in sufficient detail to establish the basis for fees and applicability of requirements of the Clean Air Act. (3-20-97)

d. To the extent it is needed to determine or regulate emissions, identify and quantify all fuels, fuel use, raw materials, production rates, and operating schedules. (5-1-94)

e. Identify and describe all air pollution control equipment and compliance monitoring devices or activities. (5-1-94)

f. Identify and describe all limitations on source operation or any work practice standards affecting emissions. (5-1-94)

g. Provide the calculations on which the information provided under Subsections 314.05.a. through 314.05.e. is based. (5-1-94)

06. Applicable Requirements. (5-1-94)

a. Cite and describe all applicable requirements affecting the emissions unit; and (5-1-94)

b. Describe or reference all methods required by each applicable requirement for determining the compliance status of the emissions unit with the applicable requirement, including any applicable monitoring, recordkeeping and reporting requirements or test methods. (5-1-94)

07. Other Requirements. Other specific information that may be necessary to determine the applicability of, implement or enforce any requirement of the Act, these rules, 42 U.S.C. Sections 7401 through 7671q or federal regulations. (5-1-94)

08. Proposed Exemptions and Determinations of Nonapplicability. (5-1-94)()

a. Identify and provide an explanation of any proposed exemptions from applicable requirements. (5-1-94)

b. Identify any other requirements for which the applicant seeks a determination of nonapplicability and provide an explanation of why the requirement is not applicable to the Tier I source. (5-1-94)

09. Alternative Operating Scenarios. (5-1-94)

- a. Identify all requested alternative operating scenarios. (5-1-94)
- b. Provide a detailed description of all requested alternative operating scenarios. Include all the information required by Section 314 that is relevant to the alternative operating scenario. (5-1-94)
- 10. Compliance Certifications. (5-1-94)
 - a. Provide a compliance certification regarding the compliance status of each emissions unit at the time the application is submitted to the Department that: (5-1-94)
 - i. Identifies all applicable requirements affecting each emissions unit. (5-1-94)
 - ii. Certifies the compliance status of each emissions unit with each of the applicable requirements. (5-1-94)
 - iii. Provides a detailed description of the method(s) used for determining the compliance status of each emissions unit with each applicable requirement, including a description of any monitoring, recordkeeping, reporting and test methods that were used. Also provide a detailed description of the method(s) required for determining compliance. (5-1-94)
 - iv. Certifies the compliance status of the emissions unit with any applicable enhanced monitoring requirements. (5-1-94)
 - v. Certifies the compliance status of the emissions unit with any applicable enhanced compliance certification requirements. (5-1-94)
 - vi. Provides all other information necessary to determining the compliance status of the emissions unit. (5-1-94)
 - b. Provide a schedule for submission of compliance certifications during the term of the Tier I operating permit. The schedule shall require compliance certifications to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the Department. (5-1-94)
- 11. Compliance Plans. (5-1-94)
 - a. Provide a compliance description as follows: (5-1-94)
 - i. For each applicable requirement with which the emissions unit is in compliance, state that the emissions unit will continue to comply with the applicable requirement. (5-1-94)
 - ii. For each applicable requirement that will become effective during the term of the Tier I operating permit that does not contain a more detailed schedule, state that the emissions unit will meet the applicable requirement on a timely basis. (5-1-94)
 - iii. For each applicable requirement that will become effective during the term of the Tier I operating permit that contains a more detailed schedule, state that the emissions unit will comply with the applicable requirement on the schedule provided in the applicable requirement. (5-1-94)
 - iv. For each applicable requirement with which the emission unit is not in compliance, state that the emissions unit will be in compliance with the applicable requirement by the time the Tier I operating permit is issued or provide a compliance schedule in accordance with Subsection 314.11.b. (5-1-94)
 - b. All compliance schedules shall: (5-1-94)
 - i. Include a schedule of remedial measures leading to compliance, including a verifiable sequence of actions and specific dates for achieving milestones and achieving compliance. (5-1-94)

- ii. Include a schedule for submission to the Department of periodic progress reports no less frequently than every six (6) months or at a more frequent period if one is specified in the underlying applicable requirement or by the Department. (5-1-94)
- iii. Incorporate the terms and conditions of any applicable consent order, judicial order, judicial consent decree, administrative order, settlement agreement or judgment. (5-1-94)
- iv. Be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based. (5-1-94)
- c. Provide a schedule for submission of compliance plans during the term of the Tier I operating permit. The schedule shall require compliance plans to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the Department. (5-1-94)
12. Trading Scenarios. (5-1-94)
- a. Identify all requested trading scenarios, including alternative emissions limits (bubbles) authorized by Section 440. (5-1-94)
- b. Provide a detailed description of all requested trading scenarios. Include all the information required by Section 314 that is relevant to the trading scenario and all the information required by Section 440, if applicable. Emissions trades must comply with all applicable requirements. (5-1-94)()
- c. Provide proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. Emissions trades involving emissions units for which the emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trade shall not be approved. ()
13. Additional Information. Provide all additional information that the Department determines is necessary for the Department to efficiently and effectively perform its functions. Such functions include, but are not limited to, determining the applicability of requirements for all air pollutants, determining compliance with applicable requirements, developing or defining Tier I operating permit terms and conditions, defining all approved alternative operating scenarios, evaluating excess emissions procedures and making all necessary evaluations and determinations. (5-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

317. INSIGNIFICANT ACTIVITIES.

01. Applicability Criteria. Insignificant Activities. This Section contains the criteria for identifying insignificant activities for the purposes of the Tier I operating permit program. Notwithstanding any other provision of this rule, no emission unit or activity subject to an applicable requirement shall qualify as an insignificant emission unit or activity. Applicants may not exclude from Tier I operating permit applications information that is needed to determine whether the facility is major or whether the facility is in compliance with applicable requirements. (3-3-95)L()
- a. Categorically exempt Presumptively insignificant emission units. (3-3-95)L()
- i. This Section contains lists of units and activities that are categorically exempt from this chapter. Except as provided above, the activities listed in this section may be omitted from the permit application. (3-3-95)L()
- (1) Alterations that do not constitute a modification or require a permitting action under Sections 200 through 225, or are permitting actions that pertain only to Toxic Air Pollutants. Blacksmith forges. (3-3-95)L()

- (2) Mobile transport tanks on vehicles except for those containing asphalt and not including loading and unloading operations. (3-3-95)L(____)
- (3) ~~Lubricating oil storage tanks.~~ Natural gas pressure regulator vents, excluding venting at oil and gas production facilities. (3-3-95)L(____)
- (4) Storage tanks, reservoirs and pumping and handling equipment of any size, limited to soaps, lubricants, lubricating oil, treater oil, hydraulic fluid, vegetable oil, grease, animal fat, aqueous salt solutions or other materials and processes using appropriate lids and covers where there is no generation of objectionable odor or airborne particulate matter. (3-3-95)L(____)
- (5) Pressurized storage of oxygen, nitrogen, carbon dioxide, air, or inert gases. (3-3-95)L
- (6) Storage of solid material, dust-free handling. (3-3-95)L
- (7) ~~Vehicle exhaust from auto maintenance and repair shops.~~ Boiler water treatment operations, not including cooling towers. (3-3-95)L(____)
- (8) Vents from continuous emission monitors and other analyzers. (3-3-95)L
- (9) Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing, industrial or commercial process from rooms, buildings and enclosures that contain permitted emissions units or activities from which local ventilation, controls, and separate exhaust are provided. (3-3-95)L(____)
- (10) Internal combustion engines for propelling or powering a vehicle. (3-3-95)L
- (11) Recreational fireplaces including the use of barbecues, campfires and ceremonial fires. (3-3-95)L
- (12) Brazing, soldering, and welding equipment and ~~oxygen-hydrogen~~ cutting torches for use in cutting metal wherein components of the metal do not generate HAPs or HAP precursors. (3-3-95)L(____)
- (13) Atmospheric generators used in connection with metal heat treating processes using non-HAP metals as the primary raw material. (3-3-95)L(____)
- (14) Non-HAP Mmetal finishing or cleaning using tumblers. (3-3-95)L(____)
- (15) ~~Metal casting molds and molten metal crucibles that do not contain potential HAPs.~~ (3-3-95)L
- (16) ~~Die casting.~~ (3-3-95)L
- (17) ~~Metal or glass heat treating, in the absence of molten materials, oils, or VOCs.~~ (3-3-95)L
- (185) Drop hammers or hydraulic presses for forging or metalworking. (3-3-95)L
- (196) Electrolytic deposition, used to deposit brass, bronze, copper, iron, tin, zinc, precious and other metals not listed as the parents of HAPs. (3-3-95)L
- (2017) ~~Metal fume vapors from electrically heated foundry/forge operations wherein the components of the metal do not generate HAPs or HAP precursors. Electric arc furnaces are excluded from consideration for listing as insignificant. Equipment used for surface coating, painting, dipping or spraying operations, except those that will emit VOC or HAP.~~ (3-3-95)L(____)
- (2118) ~~Metal melting and molten metal holding equipment and operations wherein the components of the metal do not generate HAPs or HAP precursors. Electric arc furnaces are not considered for listing as insignificant. Process water filtration systems.~~ (3-3-95)L(____)

~~(2219)~~ ~~Inspection equipment for metal products.~~ Portable electrical generators that can be moved by hand from one location to another. Moved by hand means that it can be moved without the assistance of any motorized or non-motorized vehicle, conveyance, or device. (3-3-95)L(____)

(230) Plastic and resin curing equipment, excluding FRP and provided these activities are not related to the source's primary business activity. (3-3-95)L(____)

(241) Extrusion equipment, metals, minerals, plastics, grain or wood used without solvents containing HAP. (3-3-95)L(____)

(252) Presses and vacuum forming, for curing rubber and plastic products or for laminating plastics without solvents containing HAPs present. (3-3-95)L(____)

(263) Roller mills and calendars; for use with rubber and plastics without solvents containing HAPs. (3-3-95)L(____)

(274) Conveying and storage of plastic pellets. (3-3-95)L

(285) Plastic compression, injection, and transfer molding and extrusion, rotocasting, pultrusion, blowmolding, excluding acrylics, PVC, polystyrene and related copolymers and the use of plasticizer. Only oxygen, carbon dioxide, nitrogen, air or inert gas allowed as blowing agent. (3-3-95)L

(296) Plastic pipe welding. (3-3-95)L

~~(30)~~ ~~Nonmetallic mineral mines and screening plants except for crushing and associated activities that are not subject to 40 CFR Part 60 Subpart 000. Quarrying of silica rock and associated activities are not considered for listing as insignificant.~~ (3-3-95)L

~~(31)~~ ~~Wet sand and gravel screening.~~ (3-3-95)L

~~(3227)~~ Wax application in either a molten state or aqueous suspension. (3-3-95)L(____)

~~(3328)~~ Plant maintenance and upkeep including routine housekeeping, janitorial activities, cleaning and preservation of equipment, preparation for and painting of structures or equipment, retarring roofs, applying insulation to buildings in accordance with applicable environmental and health and safety requirements and paving or stripping parking lots lawn landscaping and groundskeeping activities. Provided these activities are not conducted as part of a manufacturing process, are not related to the source's primary business activity, and not otherwise triggering a permit modification. (3-3-95)L(____)

~~(3429)~~ Agricultural activities on a facility's property that are not subject to registration or new source review by the permitting authority. (3-3-95)L

(350) Maintenance of paved streets and parking lots including paving, stripping, salting, sanding, cleaning and sweeping of streets and paved surfaces and salting and sanding. Provided these activities are not related to the source's primary business activity, do not otherwise trigger a permit modification, and fugitive emissions are reasonably controlled as required in Section 808. (3-3-95)L(____)

(361) Ultraviolet curing processes. (3-3-95)L

(372) Hand-held equipment for Hhot melt adhesive application with no VOCs in the adhesive formula. (3-3-95)L(____)

(383) Laundering, dryers, extractors, tumblers for fabrics, using water solutions of bleach and/or detergents except for boilers. (3-3-95)L(____)

(394) Steam cleaning operations. (3-3-95)L

- (4035) Steam sterilizers. (3-3-95)L
- (4136) ~~Food preparing for human consumption~~ Food service activities including cafeterias, kitchen facilities and barbecues located at a source for providing food service on premises. (~~3-3-95~~)L(____)
- (4237) Portable drums and totes. (3-3-95)L
- (4338) ~~Lawn, landscaping and groundskeeping activities.~~ Fluorescent light tube and aerosol can crushing in units designed to reduce emissions from these activities. (~~3-3-95~~)L(____)
- (4439) Flares used to indicate danger to the public. (3-3-95)L
- (450) General vehicle maintenance including vehicle exhaust from repair facilities provided these activities are not related to the source's primary business activity and do not have applicable requirements under title VI of the Clean Air Act. (~~3-3-95~~)L(____)
- (461) Comfortairconditioningoraircoolingsystems,notusedtoremoveaircontaminantsfromspecificequipment. (3-3-95)L
- (472) Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains, safety valves, and storage tanks subject to size and service limitations expressed elsewhere in this section. (3-3-95)L
- (483) Natural and forced air vents for bathroom/toilet facilities. (3-3-95)L
- (494) Office activities. (3-3-95)L
- (5045) Equipment used for quality control/assurance or inspection purposes, including Ssampling equipment connections used exclusively to withdraw materials for laboratory analyses and testing. (~~3-3-95~~)L(____)
- (5146) Fire fighting suppression systems and similar safety equipment and equipment used to train firefighters including fire drill pits. (~~3-3-95~~)L(____)
- (5247) Materials and equipment used by, and activity related to operation of infirmary; infirmary is not the source's business activity except equipment affected by the radionuclide NESHAP. (~~3-3-95~~)L(____)
- (5348) ~~Fuel and exhaust emissions from vehicles in parking lots.~~ SAAs and TAAs managed in compliance with RCRA. (~~3-3-95~~)L(____)
- (5449) Equipment for Ccarving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, shot blasting, sintering, or polishing: Ceramics, glass, leather, metals, plastics, rubber, concrete, paper stock, or wood provided that: these activities are not conducted as part of a manufacturing process. (~~3-3-95~~)L(____)
- (a) Activity is performed indoors. (3-3-95)L
- (b) Particulate emissions control is in the immediate vicinity of activity. (3-3-95)L
- (c) Exhaust from the particulate control is within the building housing the activity. (3-3-95)L
- (d) Only de minimis levels of fugitive particulate emissions enter the environment. (3-3-95)L
- (505) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment subject to other exemption limitation, e.g., internal and external combustion equipment. (3-3-95)L
- (561) Equipment used exclusively to slaughter animals, but not including other equipment at Sslaughterhouses, such as equipment except rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment. (~~3-3-95~~)L(____)

- (572) Ozonation equipment. (3-3-95)L
- (583) ~~Nonasbestos brake shoe bonding~~ Temporary construction activities at a facility provided that the installation or modification of emissions units must comply with all applicable federal, state, and local rules and regulations. (3-3-95)L(____)
- (594) Batch loading and unloading of solid phase catalysts. (3-3-95)L
- ~~(60) Demineralization and oxygen scavenging (deaeration) of water.~~ (3-3-95)L
- (6155) Pulse capacitors. (3-3-95)L
- ~~(62) Laser trimmers, using dust collection to prevent fugitive emissions.~~ (3-3-95)L
- ~~(63) Plasma etcher, using dust collection to prevent fugitive emissions and using only oxygen, nitrogen, carbon dioxide, or inert gas.~~ (3-3-95)L
- (6456) Gas cabinets using only gases that are not regulated air pollutants. (3-3-95)L
- ~~(6557) CO2 lasers, used only on metals and other materials which do not emit only de minimis levels of HAPs in the process.~~ (3-3-95)L(____)
- (6658) Structural changes not having air contaminant emissions. (3-3-95)L
- ~~(67) Confection cooking equipment.~~ (3-3-95)L
- ~~(6859) Equipment used to Mmixing, packaging, storage and handling activities of any size, limited to soaps, lubricants, vegetable oil, grease, animal fat, and non-volatile aqueous salt solutions, provided appropriate lids and covers are utilized.~~ (3-3-95)L(____)
- (690) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy, e.g., blueprint activity, photocopiers, mimeograph, telefax, photographic developing, and microfiche provided these activities are not related to the source's primary business activity. (3-3-95)L(____)
- (7061) Pharmaceutical and cosmetics packaging equipment. (3-3-95)L
- ~~(7162) Paper trimmers/binders provided these activities are not related to the source's primary business activity.~~ (3-3-95)L(____)
- ~~(7263) Sample gathering, preparation and management~~ Bench-scale laboratory equipment and laboratory equipment used exclusively for physical or chemical analysis, including associated vacuum producing devices but excluding research and development facilities. (3-3-95)L(____)
- ~~(7364) Repair and maintenance shop activities; not involving installation of an emission unit and not increasing potential emissions of a regulated air pollutant related to the source's primary business activity.~~ (3-3-95)L(____)
- ~~(7465) Handling equipment and associated activities for glass and aluminum which is destined for recycling, not there refining process itself provided these activities are not related to the source's primary business activity.~~ (3-3-95)L(____)
- (7566) Hydraulic and hydrostatic testing equipment. (3-3-95)L
- ~~(7667) Batteries and battery charging stations, except at battery manufacturing plants.~~ (3-3-95)L(____)
- (7768) Porcelain and vitreous enameling equipment. (3-3-95)L

- (~~78~~69) Solid waste containers. (3-3-95)L
- (790) Salt baths using nonvolatile salts and not used in operations which result in air emissions that do not result in emissions of any regulated air pollutants. (~~3-3-95~~)L(____)
- (~~80~~71) Shock chambers. (3-3-95)L
- (~~81~~72) Wire strippers. (3-3-95)L
- (~~82~~73) Humidity chambers. (3-3-95)L
- (~~83~~74) Solar simulators. (3-3-95)L
- (~~84~~75) Environmental chambers not using hazardous air pollutant (HAPs) gases. (3-3-95)L
- (~~85~~76) Totally enclosed conveyors not including transfer points. (~~3-3-95~~)L(____)
- (~~86~~77) Steam vents and safety relief valves. (3-3-95)L
- (~~87~~78) Air compressors, pneumatically operated equipment, systems, and hand tools. (3-3-95)L
- (~~88~~79) Steam leaks. (3-3-95)L
- (890) Boiler blow-down tank. (3-3-95)L
- (~~90~~81) Salt cake mix tanks at pulp mills. (~~3-3-95~~)L(____)
- (~~91~~82) Digester chip feeders at pulp mills. (~~3-3-95~~)L(____)
- (~~92~~83) Weak liquor and filter tanks at pulp mills. (~~3-3-95~~)L(____)
- (~~93~~84) Process water and white water storage tanks at pulp mills. (~~3-3-95~~)L(____)
- (~~94~~85) Demineralizer water tanks, demineralization, demineralizer vents, and oxygen scavenging (deaeration) of water. (~~3-3-95~~)L(____)
- (~~95~~86) Clean condensate tanks. (3-3-95)L
- (~~96~~87) Alum tanks. (3-3-95)L
- (~~97~~88) Broke beaters, repulpers, pulp and repulping tanks, stock chests and pulp handling. (3-3-95)L
- (~~98~~89) Lime and mud filtrate tanks. (3-3-95)L
- (990) Hydrogen peroxide tanks. (3-3-95)L
- (~~100~~91) Lime mud washer. (3-3-95)L
- (~~101~~92) Lime mud filter. (3-3-95)L
- (~~102~~93) Hydro and Liquor clarifiers or filters and storage tanks and associated pumping, piping, and handling. (~~3-3-95~~)L(____)
- (~~103~~94) Lime grits washers, filters, and handing. (3-3-95)L
- (~~104~~95) Lime silos and feed bins at pulp mills. (~~3-3-95~~)L(____)

- (~~105~~96) Paper forming. (3-3-95)L
- (~~106~~) Dryers including yankee, after dryer, curing systems, and cooling systems and non process related dryers. (3-3-95)L
- (~~107~~) Vacuum system exhausts. (3-3-95)L
- (~~108~~97) Starch cooking. (3-3-95)L
- (~~109~~98) Pulp S stock cleaning and pressurized pulp washing screening. (3-3-95)L()
- (~~110~~99) Paper W winders or other paper converting equipment. (3-3-95)L()
- (~~111~~) Chipping. (3-3-95)L
- (~~112~~) Debarking. (3-3-95)L
- (~~113~~00) Sludge dewatering and wet sludge handling. (3-3-95)L()
- (~~114~~01) Screw press vents. (3-3-95)L
- (~~115~~02) Pond dredging. (3-3-95)L
- (~~116~~03) Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation. (3-3-95)L
- (~~117~~04) Non-PCB oil filled circuit breakers, oil filled transformers and other equipment that is analogous to, but not considered to be, a tank. (3-3-95)L
- (~~118~~05) Lab-scale E electric or steam-heated drying ovens and autoclaves. (3-3-95)L()
- (~~119~~06) Sewer manholes, junction boxes, sumps and lift stations associated with waste water treatment systems. (3-3-95)L
- (~~120~~07) Water cooling towers processing exclusively noncontact cooling water. (3-3-95)L
- (~~121~~08) Paper coating and sizing. (3-3-95)L
- (~~122~~) Space heating, if the capacity of the heating unit is less than five hundred thousand (500,000) BTU's per hour input. (3-3-95)L
- (~~123~~09) Process waste water and ponds. (3-3-95)L
- (~~124~~10) Outdoor firearms practice ranges. (3-3-95)L
- b. Units and Insignificant activities defined as insignificant on the basis of size or production rate. (3-3-95)L()
- i. This section contains lists of units or activities that are exempt from this chapter insignificant on the basis of size or production rate. Units and activities listed in this section must be listed in the permit application. The following units and activities are determined to be insignificant based on their size or production rate: (3-3-95)L()
- (1) Operation, loading and unloading of storage tanks and storage vessels, with lids or other appropriate closure and less than two hundred sixty (260) gallon capacity thirty five cubic feet (35cft), heated only to the minimum extend to avoid solidification if necessary. (3-3-95)L

- (2) Operation, loading and unloading of storage tanks, not greater than one thousand one hundred (1,100) gallon capacity, with lids or other appropriate closure, not for use with hazardous air pollutants (HAPs), maximum (max.) vp five-hundred (550) mm Hg. (3-3-95)L
- (3) Operation, loading and unloading of VOC storage tanks ~~(including gasoline storage tanks)~~, ten thousand (10,000) gallons capacity or less, with lids or other appropriate closure, vp not greater than eighty (80) mm Hg at twenty-one (21) degrees C. Operation, loading and unloading of gasoline storage tanks, ten thousand (10,000) gallons capacity or less, with lids or other appropriate closure. ~~(3-3-95)L()~~
- (4) Operation, loading and unloading storage of butane, propane, or liquified petroleum gas (LPG), storage tanks, vessel capacity under forty thousand (40,000) gallons. (3-3-95)L
- (5) Combustion source, less than five million (5,000,000) Btu/hr, exclusively using natural gas, butane, propane, and/or LPG. (3-3-95)L
- (6) Combustion source, less than five hundred thousand (500,000) Btu/hr, using any commercial fuel containing less than four-tenths percent (.4%) by weight sulfur for coal or less than one percent (1%) by weight sulfur for other fuels. (3-3-95)L
- (7) Combustion source, of less than one million (1,000,000) Btu/hr, if using kerosene, No. 1 or No. 2 fuel oil. (3-3-95)L
- (8) Combustion source, not greater than five hundred thousand (500,000) Btu/hr, if burning waste wood, wood waste or waste paper. (3-3-95)L
- (9) Welding using not more than one (1) ton per day of welding rod. (3-3-95)L
- (10) Foundry sand molds, unheated and using binders with less than twenty-five hundredths percent (.25%) free phenol by sand weight. (3-3-95)L
- (11) "Parylene" coaters using less than five hundred (500) gallons of coating per year. (3-3-95)L
- (12) Printing and silkscreening, using less than two (2) gallon/day of any combination of the following: Inks, coatings, adhesives, fountain solutions, thinners, retarders, or nonaqueous cleaning solutions. (3-3-95)L
- (13) Water cooling towers and ponds, not using chromium-based corrosion inhibitors, not used with barometric jets or condensers, not greater than ten thousand (10,000) gpm, not in direct contact with gaseous or liquid process streams containing regulated air pollutants. (3-3-95)L
- (14) Combustion turbines, of less than five hundred (500) HP. (3-3-95)L
- (15) Batch solvent distillation, not greater than fifty-five (55) gallons batch capacity. (3-3-95)L
- (16) Municipal and industrial water chlorination facilities of not greater than twenty million (20,000,000) gallons per day capacity. The exemption does not apply to waste water treatment. (3-3-95)L
- (17) Surface coating, using less than two (2) gallons per day. (3-3-95)L
- (18) Space heaters and hot water heaters using natural gas, propane or kerosene and generating less than five million (5,000,000) Btu/hr. (3-3-95)L
- (19) Tanks, vessels, and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids excluding:
- (a) Ninety-nine percent (99%) or greater H₂SO₄ or H₃PO₄. (3-3-95)L

- (b) Seventy percent (70%) or greater HNO₃. (3-3-95)L
- (c) Thirty percent (30%) or greater HC1. (3-3-95)L
- (d) More than one (1) liquid phase where the top phase is more than one percent (1%) VOCs. (3-3-95)L
- (20) Equipment used exclusively to pump, load, unload, or store high boiling point organic material, material with initial boiling point (IBP) not less than one hundred fifty (150) degrees C or vapor pressure (vp) not more than five (5) mm Hg at twenty-one (21) degrees C with lids or other appropriate closure. (3-3-95)L
- (21) Smokehouses under twenty (20) square feet. (3-3-95)L
- (22) Milling and grinding activities, using paste-form compounds with less than one percent (1%) VOCs. (3-3-95)L
- (23) Rolling, forging, drawing, stamping, shearing, or spinning hot or cold metals. (3-3-95)L
- (24) Dip-coating operations, using materials with less than one percent (1%) VOCs. (3-3-95)L
- (25) Surface coating, aqueous solution or suspension containing less than one percent (1%) VOCs. (3-3-95)L
- (26) Cleaning and stripping activities and equipment, using solutions having less than one percent (1%) VOCs by weight. On metallic substrates, acid solutions are not considered for listing as insignificant. (3-3-95)L
- (27) Storage and handling of water based lubricants for metal working where the organic content of the lubricant is less than ten percent (10%). (3-3-95)L
- (28) Municipal and industrial waste water chlorination facilities of not greater than one million (1,000,000) gallons per day capacity. (3-3-95)L
- (29) ~~Any other activity that is requested to be listed as insignificant by the applicant and agreed to by the department~~ Domestic sewage treatment ponds with average flowrates less than four hundred (400) gpm or treating waste from less than three thousand (3,000) people from non-residential sources. (3-3-95)L()
- (30) An emission unit or activity with emissions less than or equal to ~~five ten~~ percent (510%) of the levels contained in subsection a. of the definition of significant and no more than one (1) ton per year of any HAP. (3-3-95)L()

(BREAK IN CONTINUITY OF SECTIONS)

322. STANDARD CONTENTS OF TIER I OPERATING PERMITS.

All Tier I operating permits shall contain and the Department shall have the authority to impose, implement and enforce, the following elements for all permitted operating scenarios and emissions trading scenarios. Fugitive emissions shall be included in the Tier I operating permit in the same manner as stack emissions. (5-1-94)()

01. Emission Limitations and Standards. All Tier I operating permits shall contain mission limitations and standards, including, but not limited to, those operational requirements and limitations that assure compliance with the applicable requirements identified in the application at the time the Tier I operating permit is issued, or determined by the Department to be applicable to the source. (5-1-94)()

02. Authority For and Form of Terms and Conditions. All Tier I operating permits shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to

the applicable requirement upon which the term or condition is based. (5-1-94)

03. Terms or Conditions For Applicable Requirements. All Tier I operating permits shall contain at least one (1) permit term or condition for every applicable requirement specifically identified in the application or determined by the Department to be applicable to the source. (5-1-94)()

04. Alternative Operating Scenarios. All Tier I operating permits shall contain terms and conditions to ensure compliance with all applicable requirements for each alternative operating scenario that was requested by the applicant and approved by the Department, including, but not limited to, a requirement that the owner or operator of the source, contemporaneously with making a change from one operating scenario to another, record the change in an operating scenario log located and retained at the permitted facility. (5-1-94)

05. Trading Scenarios.

a. All Tier I operating permits shall contain terms and conditions for each trading scenario that was requested by the applicant and approved by the Department including, but not limited to, terms and conditions which ensure that any emission trade is quantifiable, accountable, enforceable and based on replicable procedures. ()

b. The Tier I operating permit shall state that no permit revision shall be required under Department or EPA approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit. ()

~~c. If the applicable state implementation plan allows trading scenarios without a permit revision, the~~ Tier I operating permit shall, at a minimum, include a requirement that the owner or operator of the source, contemporaneously with making a change from one trading scenario to another, record the change in a trading scenario log located and retained at the permitted facility and provide notice to the Department in accordance with Section 383. (5-1-94)()

06. Monitoring. All Tier I operating permits shall contain the following with respect to monitoring: (5-1-94)

a. Sufficient monitoring to ensure compliance with all of the terms and conditions of the Tier I operating permit; (5-1-94)

b. ~~All emissions monitoring and analysis procedures or test methods required under the applicable requirements;~~ (5-1-94)

c. If the applicable requirement does not require specific periodic testing or monitoring, terms and conditions requiring periodic monitoring, recordkeeping, or both, that is sufficient to yield reliable data for the relevant time periods that are representative of the emissions unit's compliance with the Tier I operating permit, as reported pursuant to Section 322.08, and ensuring the use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement; and (5-1-94)

d. Requirements that the Department determines are necessary, concerning the use, maintenance and installation of monitoring equipment or methods. (5-1-94)

07. Recordkeeping. All Tier I operating permits shall incorporate by reference all applicable requirements regarding recordkeeping and require all of the following: (5-1-94)

a. Sufficient recordkeeping to assure compliance with all of the terms and conditions of the Tier I operating permit. (5-1-94)

b. Recording of monitoring information including but not limited to the following: (5-1-94)

i. The date, place (as defined in the Tier I operating permit) and time of sampling or measurements; (5-1-94)

- ii. The date(s) analyses were performed; (5-1-94)
 - iii. The company or entity that performed the analyses; (5-1-94)
 - iv. The analytical techniques or methods used; (5-1-94)
 - v. The results of such analyses; and (5-1-94)
 - vi. The operating conditions existing at the time of sampling or measurement. (5-1-94)
- c. Retention of all monitoring records and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report or application. Supporting information includes but is not limited to all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation and copies of all reports required by the Tier I operating permit. (5-1-94)
08. Reporting. All Tier I operating permits shall incorporate by reference all applicable requirements regarding reporting and require all of the following: (5-1-94)
- a. Sufficient reporting to assure compliance with all of the terms and conditions of the Tier I operating permit. (5-1-94)
 - b. Prompt reporting of deviations from permit requirements including, but not limited to, those attributable to excess emissions. If the deviation is an excess emission, the report shall be submitted in accordance with the requirements of Sections 130 through 136. For all other deviations, the report shall be submitted in accordance with Subsection 322.08.c. unless the permit specifies another time frame. The reports shall describe the probable cause of such deviations and any corrective actions or preventative measures taken. ()
 - b.c. Submittal of reports for any required monitoring at least every six (6) months. All instances of deviations from Tier I operating permit requirements must be clearly identified in such reports. All required reports must be certified in accordance with Section 123. (5-1-94)
09. Testing. All Tier I operating permits shall contain terms and conditions requiring sufficient testing to assure compliance with all of the terms and conditions of the Tier I operating permit. (5-1-94)
10. Initial Compliance Plan. All Tier I operating permits shall contain terms and conditions regarding the compliance plan submitted in the application in accordance with Subsection 314.11 including all of the following: (5-1-94)
- a. For emissions units triggering the requirement to submit a compliance schedule, terms and conditions consistent with the compliance schedule submitted by the applicant including all of the following: (5-1-94)
 - i. A schedule of remedial measures leading to compliance including a ~~variable~~ verifiable sequence of actions and specific dates for achieving the milestones and achieving compliance. (5-1-94)()
 - ii. A requirement that the permittee submit periodic progress reports to the Department no less frequently than every six (6) months or at a more frequent period if one is specified in the underlying applicable requirement or by the Department. (5-1-94)
 - iii. A requirement that any progress report shall include a statement of when the milestones and compliance were or will be achieved, an explanation of why any dates in the compliance schedule submitted by the applicant or in the terms or conditions of the Tier I operating permit were not or will not be met and a detailed description of any preventative or corrective measures undertaken by the permittee. (5-1-94)
 - iv. All terms and conditions of any applicable consent order, judicial order, judicial consent decree, administrative order, settlement agreement or judgment. (5-1-94)

v. A statement that the terms and conditions regarding the compliance schedule are supplemental to, and do not sanction noncompliance with, the underlying applicable requirement. (5-1-94)

b. For emissions units not triggering the requirement to submit a compliance schedule, terms and conditions, as applicable, requiring the permittee to continue to comply with applicable requirements, to meet the applicable requirements on a timely basis or on the schedule described in the applicable requirement, or to meet the applicable requirement by the time the Tier I operating permit is issued. (5-1-94)

11. Periodic Compliance Certifications. Each Tier I operating permit shall require submittal of compliance certifications during the term of the permit for each emissions unit to the Department and the EPA as follows: (5-1-94)

a. Compliance certifications for all emissions units shall be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the Department. (5-1-94)

b. The compliance certification for each emissions unit shall address all of the terms and conditions contained in the Tier I operating permit that are applicable to such emissions unit including emissions limitations, standards and work practices. (5-1-94)

c. The compliance certification shall be in an itemized format providing the following information: (5-1-94)

i. The identification of each term or condition of the Tier I operating permit for which compliance is being certified; (5-1-94)

ii. The compliance history of the emissions unit with the identified term or condition, including a statement of the emissions unit's current compliance status; (5-1-94)

iii. A statement of whether compliance was continuous or intermittent during the reporting period and, if it was intermittent, provide the dates of noncompliance; (5-1-94)

iv. A description of the method(s) used for determining the compliance status of the emissions unit throughout the reporting period; (5-1-94)

v. All other information necessary to determining the compliance status of the emissions unit; and (5-1-94)

vi. Such additional contents and requirements as may be specified by the Department or the EPA pursuant to 42 U.S.C. Section 7414(a)(3), 42 U.S.C. Section 7661c(b), Sections 121 or 122 of these rules. (5-1-94)

d. All original compliance certifications shall be submitted to the Department and a copy of all compliance certifications shall be submitted to the EPA; (5-1-94)

12. Periodic Compliance Plan. Each Tier I operating permit shall require submittal of compliance plans during the term of the permit for each emissions unit to the Department as follows: (5-1-94)

a. Compliance plans for all emissions units shall be submitted no less frequently than annually, or more frequently if specified by the underlying term or condition or by the Department. (5-1-94)

b. The compliance plan shall provide a compliance description as follows: (5-1-94)

i. For each term or condition with which the emissions unit is in compliance, state that the emissions unit will continue to comply with the term or condition. (5-1-94)

ii. For each term or condition that will become effective during the term of the Tier I operating permit that does not contain a more detailed schedule, state that the emissions unit will meet the term or condition on a timely basis. (5-1-94)

iii. For each term or condition that will become effective during the term of the Tier I operating permit that expressly contains a more detailed schedule, state that the emissions unit will comply with the term or condition on the schedule provided in the term or condition. (5-1-94)

iv. For each term or condition with which the emission unit is not in compliance, state that the emissions unit shall be in compliance during the entire subsequent reporting period or provide a compliance schedule that complies with Subsection 322.12.c. (5-1-94)

c. All compliance schedules shall: (5-1-94)

i. Include a schedule of remedial measures leading to compliance, including a verifiable sequence of actions and specific dates for achieving milestones and achieving compliance. (5-1-94)

ii. Include a schedule for submission to the Department of periodic progress reports no less frequently than every six (6) months or at a more frequent period if one is specified in the underlying permit term or condition or by the Department. (5-1-94)

iii. Incorporate the terms and conditions of any applicable consent order, judicial order, judicial consent decree, administrative order, settlement agreement or judgment. (5-1-94)

iv. Be supplemental to, and shall not sanction noncompliance with, the terms or conditions on which it is based. (5-1-94)

d. The Department may develop terms and conditions consistent with the compliance schedule submitted by the permittee including all of the terms and conditions specified in Subsection 322.10.a. (5-1-94)

13. Permit Conditions Regarding Acid Rain Allowances. (5-1-94)

a. A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds. (5-1-94)

b. No limit shall be placed on the number of allowances held by the source and no permit revisions shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement. (5-1-94)()

c. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement. (5-1-94)

d. Any such allowance shall be accounted for according to the procedures established in 40 CFR Part 72 and 40 CFR Part 73. (5-1-94)

14. Permit Duration. Each Tier I operating permit shall state that it is effective for a fixed term of five years; except that during the first four years after EPA approval of the Tier I operating permit program, the permit may be issued with an initial term of three (3) years to five (5) years unless the Tier I source is also a Phase II source. (5-1-94)

15. Other Specific Requirements. Any terms or conditions determined by the Department to be necessary for approval of the Tier I operating permit. (5-1-94)

16. General Requirements. Each Tier I operating permit shall contain provisions stating the following: (5-1-94)

a. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit revocation, termination, revocation and reissuance, or revision; or for denial of a permit renewal application. (5-1-94)

- b. It shall not be a defense in an enforcement action that it would have been necessary to halt or reduce any activity in order to maintain compliance with the terms and conditions of this permit. (5-1-94)
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause. (5-1-94)
- d. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. (5-1-94)
- e. This permit does not convey any property rights of any sort, or any exclusive privilege. (5-1-94)
- f. The permittee shall furnish all information requested by the Department under Section 122 and any information that the Department may request in writing to determine whether cause exists for modifying, revoking, revoking and reissuing or terminating the permit or to determine compliance with the permit or other requirements. (5-1-94)
- g. Upon request, the permittee shall furnish to the Department copies of records required to be kept by this permit. (5-1-94)
- h. The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby. (5-1-94)
- i. The permittee is prohibited from making any alteration without complying with applicable provisions of Sections 380 through 387. Sections 380 through 387 are hereby incorporated by reference into this permit (5-1-94)
- j. Unless specifically identified as a "State Only" provision, all terms and conditions in the this permit, including any terms and conditions designed to limit a source's potential to emit, are enforceable: (5-1-94)
- i. By the Department in accordance with State law; and (5-1-94)
- ii. By the United States or any other person in accordance with Federal law. (5-1-94)
- k. Provisions specifically identified as a "State Only" provision are enforceable ~~by the Department~~ only in accordance with State law. "State Only" provisions are those that are not required under the Federal Clean Air Act or under any of its applicable requirements or those provisions adopted by the State prior to federal approval. (5-1-94)()
- l. Upon presentation of credentials, the permittee shall allow the Department or an authorized representative of the Department to do the following: (5-1-94)
- i. Enter upon the permittee's premises where a Tier I source is located or emissions-related activity is conducted, or where records are kept under the conditions of this permit; (5-1-94)
- ii. Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit; (5-1-94)
- iii. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and (5-1-94)
- iv. Sample or monitor at reasonable times substances or parameters for the purpose of determining or ensuring compliance with this permit or applicable requirements. (5-1-94)
- m. Nothing in this permit shall alter or affect the following: (5-1-94)

- i. Any administrative authority or judicial remedy available to prevent or terminate emergencies or imminent and substantial dangers; (5-1-94)
- ii. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; (5-1-94)
- iii. Applicable requirements proposed or promulgated after the date of issuance; (5-1-94)
- iv. The applicable requirements of the acid rain program, consistent with 42 U.S.C. Section 7651g(a); (5-1-94)
- v. The owner or operator's duty to provide information. (5-1-94)
- n. The owner or operator of a Tier I source shall pay registration fees to the Department in accordance with Sections 525 through 538, which are hereby incorporated by reference. (5-1-94)
- o. All documents submitted to the Department shall be certified in accordance with Section 123 and comply with Section 124. (5-1-94)
- p. If a timely and complete application for a Tier I operating permit renewal is submitted, but the Department fails to issue or deny the renewal permit before the end of the term of the previous permit, then all the terms and conditions of the previous permit including any permit shield that may have been granted pursuant to Section 325 shall remain in effect until the renewal permit has been issued or denied. (5-1-94)
- q. The permittee shall promptly report deviations from permit requirements including, but not limited to, those attributable to excess emissions. If the deviation is an excess emission, the report shall be submitted in accordance with the requirements of Sections 130 through 136. For all other deviations, the report shall be submitted in accordance with Subsection 322.08.c. unless the permit specifies another time frame. The reports shall describe the probable cause of such deviations and any corrective actions or preventative measures taken. ()

(BREAK IN CONTINUITY OF SECTIONS)

325. ADDITIONAL CONTENTS OF TIER I OPERATING PERMITS - PERMIT SHIELD.

Each Tier I operating permit shall include provisions stating: (5-1-94)

01. General Permit Shield. Compliance with the terms and conditions of the Tier I operating permit, including those applicable to all alternative operating scenarios and trading scenarios, shall be deemed compliance with all of the following: (5-1-94)

a. Applicable requirements as of the date of permit issuance that are specifically identified in the Tier I operating permit and have a corresponding term or condition in the Tier I operating permit. (5-1-94)

b. Non-applicable requirements. For a requirement to be a non-applicable requirement, all of the following criteria must be met: (5-1-94)

i. The permittee must have provided the information required by Subsection 314.08.b. in the application. (5-1-94)

ii. The requirement must be specifically identified in the Tier I operating permit as a non-applicable requirement. (5-1-94)

iii. The requirement must have been determined by the Department, in writing and in acting on the permit application or revision, to not be applicable to the Tier I source. (5-1-94)

- iv. Tier I operating permit must include the Department's determination or a concise summary thereof. (5-1-94)
 - e. ~~Exemptions from an otherwise applicable requirement. For the permittee to be exempted from an otherwise applicable requirement, all of the following criteria must be met: (5-1-94)~~
 - i. ~~The permittee must have provided the information required by Subsection 314.08.a. in the application. (5-1-94)~~
 - ii. ~~The exemption from the requirement must be specifically stated in the Tier I operating permit. (5-1-94)~~
 - iii. ~~The Department must have determined, in writing and in acting on the permit application or revision, that the permittee should be exempted from the requirement. (5-1-94)~~
 - iv. ~~The Tier I operating permit must include the Department's determination or a concise summary thereof. (5-1-94)~~
02. Limitation on Permit Shield. Alterations including, but not limited to, permit deviations, permit revisions and off-permit changes, and other actions authorized by Sections 300 through 387 may eliminate, modify or suspend the permit shield. (5-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

335. GENERAL TIER I OPERATING PERMITS AND AUTHORIZATIONS TO OPERATE.

01. Issuance of General Tier I Operating Permits. The Department may, after notice and opportunity for public participation provided in accordance with Section 364, issue a general Tier I operating permit covering numerous similar sources. (5-1-94)
02. Contents of General Tier I Operating Permits. Each general Tier I operating permit: (5-1-94)
- a. Shall include all terms and conditions identified in Sections 322 and 325 ~~and may include any terms or conditions identified in Sections 326 through 332. (5-1-94)(____)~~
 - b. Shall include specific criteria by which sources may qualify for coverage under the general Tier I operating permit; and (5-1-94)
 - c. May provide for applications which deviate from the requirements of Sections 311 through 315, provided that such applications meet all other requirements of 42 U.S.C. 7661 through 7661f and include all information necessary to determine qualification for, and to ensure compliance with, the general Tier I operating permit. (5-1-94)(____)
03. Applications for Authorizations to Operate. The owner or operator of a Tier I source may apply for an authorization to operate under the terms and conditions of a general Tier I operating permit by: (5-1-94)
- a. Stating in the application submitted pursuant to Sections 311 through 315 that the owner or operator has determined that the Tier I source qualifies for coverage under a specifically identified general Tier I operating permit and that the owner or operator requests that operations of the Tier I source be authorized under a specifically identified general Tier I operating permit; or (5-1-94)
 - b. Complying with the specific application requirements, if any, provided in the general Tier I operating permit. (5-1-94)

04. Procedures for Issuing Authorizations to Operate. Without repeating the public participation procedures required under Section 364, the Department ~~may~~ shall issue an authorization to operate a Tier I source under a specifically identified general Tier I operating permit if the Department determines that the Tier I source qualifies for coverage. (5-1-94)()

05. Review of Authorizations to Operate. The issuance of an authorization to operate shall be a final agency action for purposes of administrative and judicial review of the authorization. The general Tier I operating permit shall not be subject to administrative or judicial review upon the issuance of an authorization to operate. (5-1-94)

06. Effect of Incomplete or Inaccurate Applications. Notwithstanding the shield provisions of Section 325, the owner or operator shall be subject to enforcement action for operation of the Tier I source without a Tier I operating permit if the owner or operator submitted an incomplete or inaccurate application ~~and~~ or the Tier I source is later determined not to qualify for coverage under the conditions and terms of the general Tier I operating permit. (5-1-94)()

07. Phase II Sources. General Tier I operating permits shall not be authorized for Phase II sources under the acid rain program unless otherwise provided in 40 CFR Part 72. (5-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

361. COMPLETENESS OF APPLICATIONS.

01. Criteria for Completeness. Except as otherwise provided by these rules, the application must comply with Section 314 including that the information must be in sufficient detail. (5-1-94)

02. Timelines for Determinations of Completeness. ~~Completeness of applications shall be determined as follows:-~~ (5-1-94)

a. ~~For applications received by the Department during the period beginning on May 1, 1994 and ending on the date of EPA approval of the Tier I operating permit program, the Department shall provide written notice to the applicant of whether the application is complete as follows:-~~ (5-1-94)

i. ~~If the Department has provided a specific deadline for submittal of the application in accordance with Subsection 313.01, the Department shall send written notice to the applicant within sixty (60) days of receiving the application. If the Department fails to send the written notice to the applicant within sixty (60) days of receipt, the application shall be deemed complete.-~~ (5-1-94)

ii. ~~If the Department has not provided a specific deadline for submittal of the application in accordance with Section 313, the Department shall send the notice to the applicant as promptly as practicable or within ninety (90) days after the date of EPA approval of the Tier I operating permit program, whichever is earlier.-~~ (5-1-94)

b. ~~For applications submitted to the Department after the date of EPA approval of the Tier I operating permit program, ¶The Department shall send written notice to the applicant of whether the application is complete within sixty (60) days of receiving the application. If the Department fails to send the written notice to the applicant within sixty (60) days of receipt, the application shall be deemed complete.~~ (5-1-94)()

03. Effects of Completeness Determination. (5-1-94)

a. The submittal of a complete application activates the application shield provided by Subsection 361.02.a. (5-1-94)

b. The submittal of a complete Tier I operating permit application shall not affect the permit to

construct requirements of Sections 200 through 225 or 42 U.S.C. Sections 7401 through 7515. (5-1-94)

c. The timelines for final agency action provided in Subsections 367.02 and 367.03 begin on the date of the completeness determination. (5-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

381. ALTERATIONS GENERALLY.

01. Generally. (5-1-94)

a. Alterations are changes at or involving a Tier I source occurring after the issuance of a Tier I operating permit for the Tier I source and changes in the text of a Tier I operating permit including, but not limited to, modifications, new construction, monitoring, compliance procedures, hours of production, production rates, recordkeeping and reporting requirements, trades and typographical corrections. (5-1-94)

b. Alterations may be authorized by the Department or accomplished as off-permit changes, ~~permit deviations~~ permissible variations and permit revisions. Permit revisions are made through administrative permit amendments, minor permit modifications, substantive permit modifications, or reopenings. ~~(5-1-94)~~(____)

02. ~~Permittee Alterations. Alterations by the permittee are prohibited unless the alteration is authorized as an off-permit change or as a permit deviation or unless the permittee obtains a revision of the Tier I operating permit through an administrative permit amendment, minor permit modification or substantive permit modification~~ permittee complies with applicable provisions of Sections 200 through 219 and Sections 380 through 387. ~~(5-1-94)~~(____)

03. Required Alterations. Alterations may be required by the Department if the Department revises the Tier I operating permit through an administrative permit amendment, or reopening. (5-1-94)

382. OFF-PERMIT CHANGES.

01. Generally. (5-1-94)

a. Off-permit changes are alterations that are neither addressed nor prohibited by the Tier I operating permit, meet all applicable requirements and are not related to whether the Tier I source is being operated in compliance with all applicable requirements. Off-permit changes include, but are not limited to, practices that do not have any relation to air pollution emissions and practices that result only in the emission of pollutants for which the Tier I source is not regulated. (5-1-94)

b. Alterations constituting a modification or requiring a permitting action under Sections 200 through ~~225~~19, 42 U.S.C. Sections 7651 through 7651o, 42 U.S.C. Sections 7401 through 7515, 40 CFR Part 60, 40 CFR Part 61 or 40 CFR Part 63, or otherwise regulated under 42 U.S.C. Sections 7651 through 7651o are not off-permit changes, unless the modification or permitting action only involves toxic air pollutants. ~~(5-1-94)~~(____)

c. Alterations that violate any Tier I operating permit term or condition are not off-permit changes. (5-1-94)

d. Alterations that result in an exceedance of the emissions allowable under the Tier I operating permit (whether expressed therein as a rate of emissions or in terms of total emissions) are not off-permit changes. (5-1-94)

02. Authorization. A permittee may make an off-permit change if it is an insignificant activity or if: (5-1-94)

a. The permittee provides written notification to the Department and EPA so that the notification is

- received within seven (7) days of making the off-permit change. (5-1-94)
- b. The written notification provided to the Department and EPA: (5-1-94)
 - i. States at the beginning of the notification "NOTIFICATION OF OFF-PERMIT CHANGE.". (5-1-94)
 - ii. Describes the off-permit change. (5-1-94)
 - iii. States the date on which the off-permit change will occur or has occurred. (5-1-94)
 - iv. Describes and quantifies any change in emissions resulting from the off-permit change including, but not limited to, an identification of any new air pollutants that will be emitted. (5-1-94)
 - v. Identifies any permit term or condition that is no longer applicable as a result of the change. (5-1-94)
 - vi. Identifies any applicable requirement that is applicable to the Tier I source as a result of the off-permit change. (5-1-94)
 - c. The permittee keeps a record at the facility describing all off-permit changes made at the Tier I source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and identifying the emissions resulting from those changes. All such changes must be recorded ~~within seven (7) days of making on or before the day the off-permit change is made.~~ (5-1-94)(____)
03. Permit Shield Applicability. The permit shield described in Section 325 shall not apply to any off-permit change. (5-1-94)

383. PERMIT DEVIATIONS PERMISSIBLE VARIATIONS.

01. Generally. (5-1-94)
- a. ~~Permit deviations~~ Permissible variations are any of the following: (5-1-94)(____)
 - i. Type I ~~permit deviations~~ permissible variations are alterations that do not contravene express Tier I operating permit terms regarding monitoring (including test methods), recordkeeping, reporting, or compliance requirements and that do not violate applicable requirements. Type I ~~permit deviations~~ permissible variations are also known as changes permissible under Section 502(b)(10) changes of the Clean Air Act. (5-1-94)(____)
 - ii. Type II ~~permit deviations~~ permissible variations are alterations involving trades of increases and decreases of emissions within the permitted facility where the state implementation plan provides for such emissions trades without requiring a permit revision. (5-1-94)(____)
 - iii. Type III ~~permit deviations~~ permissible variations are alterations made under the terms and conditions of the Tier I operating permit that authorize the trading of emissions increases and decreases within the permitted facility solely for the purpose of complying with a federally-enforceable emissions cap that is established by the Department in the Tier I operating permit independent of otherwise applicable requirements. (5-1-94)(____)
 - b. Alterations constituting a modification or requiring a permitting action under Sections 200 through 225-19, 42 U.S.C. Sections 7401 through 7515, 42 U.S.C. Sections 7651 through 7651o, 40 CFR Part 60, 40 CFR Part 61 or 40 CFR Part 63, or otherwise regulated under 42 U.S.C. Sections 7651 through 7651o are not ~~permit deviations~~ permissible variations, unless the modification or permitting action only involves toxic air pollutants. (5-1-94)(____)
 - c. Alterations that result in an exceedance of the emissions allowable under the Tier I operating permit (whether expressed there in a rate of emissions or in terms of total emissions) are not ~~permit deviations~~ permissible variations. (5-1-94)(____)

02. Authorization for Type I ~~Permit Deviations~~ Permissible Variations. A permittee may make a Type I ~~permit deviation~~ permissible variation if: (5-1-94)(____)

a. The permittee provides written notification to the Department and EPA so that the notification is received at least seven (7) days in advance of the proposed ~~permit deviations~~ permissible variations; or, in the event of an emergency, the permittee provides the notification so that it is received at least twenty-four (24) hours in advance of the proposed ~~permit deviations~~ permissible variations. (5-1-94)(____)

b. The permittee attaches the notification to the original Tier I operating permit at least two (2) days in advance of the proposed ~~permit deviation~~ permissible variation; or, in the event of an emergency, the permittee attaches the notification within two (2) days of making the permit deviation. (5-1-94)(____)

c. The written notification provided to the Department and EPA: (5-1-94)

i. States at the beginning of the notification "NOTIFICATION OF TYPE I ~~PERMIT DEVIATION~~ PERMISSIBLE VARIATION. Attach to Department copy of the Tier I operating permit." (5-1-94)(____)

ii. Describes the proposed ~~permit deviation~~ permissible variation. (5-1-94)(____)

iii. States the date on which the proposed ~~permit deviation~~ permissible variation will occur. (5-1-94)(____)

iv. Describes and quantifies any change in emissions resulting from the ~~permit deviation~~ permissible variation, including an identification of any new air pollutants that will be emitted. (5-1-94)(____)

v. Identifies any permit term or condition that is no longer applicable as a result of the change. (5-1-94)

vi. Specifically identifies and describes the emergency, if any. (5-1-94)

vii. Identifies any applicable requirement that would apply to the Tier I source as a result of the ~~permit deviation~~ permissible variation. (5-1-94)(____)

d. The Department shall attach a copy of the notification to the Department's copy of the Tier I operating permit for that facility. (____)

03. Authorization for Type II ~~Permit Deviations~~ Permissible Variations. A permittee may make a Type II ~~permit deviation~~ permissible variation if: (5-1-94)(____)

a. The permittee provides written notification to the Department and EPA so that the notification is received at least seven (7) days in advance of the proposed ~~permit deviation~~ permissible variation; or, in the event of an emergency, the permittee provides the notification so that it is received at least twenty-four (24) hours in advance of the proposed ~~permit deviation~~ permissible variation. (5-1-94)(____)

b. The permittee attaches the notification to the original Tier I operating permit at least two (2) days in advance of the proposed ~~permit deviation~~ permissible variation; or, in the event of an emergency, the permittee attaches the notification within two (2) days of making the ~~permit deviation~~ permissible variation. (5-1-94)(____)

c. The written notification provided to the Department and EPA: (5-1-94)

i. States at the beginning of the notification "NOTIFICATION OF TYPE II ~~PERMIT DEVIATION~~ PERMISSIBLE VARIATION. Attach to Department copy of the Tier I operating permit." (5-1-94)(____)

ii. Describes the proposed ~~permit deviation~~ permissible variation. (5-1-94)(____)

- iii. States the date on which the proposed ~~permit deviation~~ permissible variation will occur. (5-1-94)(____)
 - iv. Identifies the provisions in the SIP that provide for the emissions trade. (5-1-94)
 - v. Provides all of the information as may be required by the provision in the SIP authorizing the emissions trade. (5-1-94)
 - vi. Describes and quantifies any change in emissions resulting from the ~~permit deviation~~ permissible variation including, but not limited to, an identification of any new air pollutants that will be emitted and an identification of the pollutants emitted that are subject to the emissions trade. (5-1-94)(____)
 - vii. Specifically identifies the provisions with which the source will comply in the SIP while operating under the Type II ~~permit deviation~~ permissible variation. (5-1-94)(____)
 - viii. Identifies any applicable requirement that would apply to the Tier I source as a result of the ~~permit deviation~~ permissible variation. (5-1-94)(____)
 - ix. Specifically identifies all of the Tier I operating permit terms and conditions with which the permittee will comply while operating under the Type II ~~permit deviation~~ permissible variation. (5-1-94)(____)
 - x. Identifies any permit term or condition that is no longer applicable as a result of the change. (5-1-94)
 - xi. Specifically identifies and describes the emergency, if any. (5-1-94)
 - d. The Department shall attach a copy of the notification to the Department's copy of the Tier I operating permit for that facility. (____)
04. Authorization for Type III ~~Permit Deviations~~ Permissible Variations. A permittee may make a Type III ~~permit deviation~~ permissible variation if: (5-1-94)(____)
- a. The permittee provides written notification to the Department and EPA so that the notification is received at least seven (7) days in advance of the proposed ~~permit deviation~~ permissible variation; or, in the event of an emergency, the permittee provides the notification so that it is received at least twenty-four (24) hours in advance of the proposed ~~permit deviation~~ permissible variation. (5-1-94)(____)
 - b. The permittee attaches the notification to the original Tier I operating permit at least two (2) days in advance of the proposed ~~permit deviation~~ permissible variation; or, in the event of an emergency, the permittee attaches the notification within two (2) days of making the ~~permit deviation~~ permissible variation. (5-1-94)(____)
 - c. The written notification provided to the Department and EPA: (5-1-94)
 - i. States at the beginning of the notification "NOTIFICATION OF TYPE III ~~PERMIT DEVIATION~~ PERMISSIBLE VARIATION. Attach to Department copy of the Tier I operating permit." (5-1-94)(____)
 - ii. Describes the proposed ~~permit deviation~~ permissible variation. (5-1-94)(____)
 - iii. States the date on which the proposed ~~permit deviation~~ permissible variation will occur. (5-1-94)(____)
 - iv. Describes and quantifies any change in emissions resulting from the ~~permit deviation~~ permissible variation, including an identification of any new air pollutants that will be emitted. (5-1-94)(____)
 - v. Identifies any permit term or condition that is no longer applicable as a result of the change. (5-1-94)

- vi. Specifically identifies and describes the emergency, if any. (5-1-94)
- vii. Identifies any applicable requirement that would apply to the Tier I source as a result of the ~~permit deviation~~ permissible variation. (5-1-94)()
- viii. Describes how the Type III ~~permit deviation~~ permissible variation will comply with the terms and conditions of the permit. (5-1-94)()
- d. The Department shall attach a copy of the notification to the Department's copy of the Tier I operating permit for that facility. ()
- 05. Permit Shield Applicability. (5-1-94)
 - a. The permit shield described in Section 325 shall not apply to any Type I or Type II ~~permit deviation~~ permissible variation. (5-1-94)()
 - b. Compliance with the Tier I operating permit requirements that the source will meet while operating under a Type II ~~permit deviation~~ permissible variation shall be determined according to requirements of the SIP authorizing the emissions trade. (5-1-94)()
 - c. The permit shield described in Section 325 shall extend to the terms and conditions of the Tier I operating permit that allow Type III ~~permit deviations~~ permissible variations. (5-1-94)()

384. ADMINISTRATIVE PERMIT AMENDMENTS.

- 01. Generally. (5-1-94)
 - a. An administrative permit amendment is an alteration that does any of the following: (5-1-94)
 - i. Corrects typographical errors. (5-1-94)
 - ii. Identifies a change in the name, address, or phone number of any person identified in the Tier I operating permit, or provides a similar minor administrative change at the Tier I source. (5-1-94)
 - iii. Requires more frequent monitoring or reporting by the permittee. (5-1-94)
 - iv. Allows for a change in ownership or operational control of a Tier I source where the Department determines that no other change in the Tier I operating permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Department. (5-1-94)
 - v. Incorporates into the Tier I operating permit the requirements from a permit to construct that was issued by the Department in accordance with Subsection 209.05.b. (5-1-94)
 - ~~vi. Incorporates terms and conditions consistent with a compliance schedule and developed in accordance with Subsection 322.13.d. (5-1-94)~~
 - vii. Incorporates an applicable consent order, judicial consent decree, judicial order, administrative order, settlement agreement or judgment. (5-1-94)
 - b. Alterations constituting a modification, requiring a permitting action or otherwise regulated under 42 U.S.C. Sections 7651 through 7651o are not administrative permit amendments. (5-1-94)
- 02. Authorization for Administrative Permit Amendments. (5-1-94)
 - a. For administrative permit amendments initiated by the permittee, the permittee shall submit a request to the Department. The request shall: (5-1-94)

- i. State at the beginning of the request that it is a "REQUEST FOR ADMINISTRATIVE PERMIT AMENDMENT."
(5-1-94)
- ii. Describe the proposed administrative permit amendment. (5-1-94)
- iii. State the date on which the proposed administrative amendment will occur at the facility. (5-1-94)
- iv. Identify any Tier I operating permit term or condition that is no longer applicable as a result of the change.
(5-1-94)
- v. Identify any applicable requirement that would apply to the Tier I source as a result of the change.
(5-1-94)
- vi. Specifically identify the permit to construct, if any. (5-1-94)
- b. For administrative permit amendments initiated by the Department, the Department shall notify the permittee that the Department is initiating an administrative permit amendment and provide a brief summary of the proposed administrative permit amendment. (5-1-94)
03. Procedures. An administrative permit amendment may be made by the Department consistent with the following: (5-1-94)
- a. The Department shall, within sixty (60) days of receipt of a request for an administrative permit amendment or within sixty (60) days of sending notice to the permittee, take final action and may incorporate such changes without providing notice to the public or affected States provided that it designates any such administrative permit amendment as having been made pursuant to Section 384. (5-1-94)
- b. Unless the Department has already submitted a copy of the revised permit to EPA under Subsection 209.05.b.v., the Department shall submit a copy of the revised permit, or an addendum, to the EPA and send the original to the permittee. (5-1-94)()
- c. The permittee may implement the alterations addressed in the request for an administrative permit amendment under Subsections 384.01.a.i. through 384.01.a.iv. and 384.01.a.vi. immediately upon submittal of the request. If the permittee obtains a permit to construct under Subsection 209.05.b., then so long as the permit to construct does not violate any terms or conditions of the existing Tier I operating permit, the permittee may operate the source described in the permit to construct immediately upon submittal of the request. (5-1-94)()
- d. The permittee shall implement the alterations addressed in the administrative permit amendment immediately upon receiving the original revised Tier I operating permit, or an addendum, unless the Department establishes a different date in the administrative permit amendment. (5-1-94)
04. Permit Shield Applicability. (5-1-94)
- a. Upon final action by the Department, the permit shield described in Section 325 shall extend to administrative permit amendments identified in Subsection 384.01.a.v. (5-1-94)
- b. The permit shield described in Section 325 shall not apply to any administrative permit amendment not identified in Subsection 384.01.a.v. (5-1-94)
- 385. MINOR PERMIT MODIFICATIONS.**
01. Generally. A minor permit modification is an alteration that either: (5-1-94)()
- a. Does not do any of the following: (5-1-94)
- i. Violate any applicable requirement. (5-1-94)

ii. ~~Involvement significant substantive alterations to existing monitoring (including testing), reporting, or recordkeeping requirements in the Tier I operating permit as defined under Subsection 386.01.~~ (5-1-94)(____)

iii. Require or change: a case-by-case determination of an emission limitation or other standard; a source-specific determination of ambient impacts; or a visibility or increment analysis. (5-1-94)

iv. Seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include, but are not limited to, an enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Clean Air Act or an alternative emissions limit for an early reduction of hazardous air pollutants that was approved pursuant to regulations promulgated under 42 U.S.C. Section 7412(i)(5). (5-1-94)(____)

v. ~~Constitute a modification or require a permitting action under Sections 200 through 225, 42 U.S.C. Sections 7401 through 7515, 42 U.S.C. Sections 7651 through 7651o, 40 CFR Part 60, 40 CFR Part 61 or 40 CFR Part 63, and is not otherwise regulated under 42 U.S.C. Sections 7651 through 7651o, unless the modification or permitting action only involves toxic air pollutants under any provisions of Title I of the Clean Air Act.~~ (5-1-94)(____)

vi. ~~Result in an exceedance of the emissions allowable under the Tier I operating permit (whether expressed therein as a rate of emissions or in terms of total emissions).~~ (5-1-94)

b. ~~Alterations involving~~ Does involve the use of economic incentives, marketable permits, emissions trading, and other similar approaches; provided that the SIP or an applicable requirement explicitly provides that such alterations may be made as minor permit modifications. (5-1-94)(____)

~~02. Significant Alterations. Alterations affecting how the Department determines whether the permittee is in compliance with emission limitations and other Tier I operating permit terms and conditions are significant alterations to existing monitoring (including testing), reporting, or recordkeeping requirements. Such alterations include, but are not limited to, changes that would relax reporting or recordkeeping requirements and changes that switch from direct measurement of emissions to fuel sampling and analysis such as switching from emissions monitoring of SO₂ to sampling and analyzing coal sulfur content.~~ (5-1-94)

~~032. Authorization for Minor Permit Modifications. A permittee may initiate a minor permit modification by submitting a complete application to the Department. The application shall:~~ (5-1-94)

a. Request the use of minor permit modification procedures and state at the beginning of the request that it is a "REQUEST FOR MINOR PERMIT MODIFICATION - INDIVIDUAL PROCESSING." (5-1-94)

b. Meet the requirements of Sections 311 through 315. (5-1-94)

c. Provide a summary sheet: (5-1-94)

i. Describing the proposed minor permit modification. (5-1-94)

ii. Stating the date on which the proposed minor permit modification will occur at the facility. (5-1-94)

iii. Describing and quantifying any change in emissions resulting from the minor permit modification including, but not limited to, an identification of any new air pollutants that will be emitted. (5-1-94)

iv. Identifying any Tier I operating permit term or condition that will no longer be applicable as a result of the minor permit modification. (5-1-94)

v. Identifying any applicable requirement that is applicable to the Tier I source as a result of the minor

permit modification. (5-1-94)

d. Present suggested revisions to the text of the Tier I operating permit in legislative format. (5-1-94)

e. Include a certification consistent with Section 123, that the proposed minor permit modification meets the criteria for use of minor permit modification procedures and that the suggested revisions fully and accurately implement and demonstrate compliance with all applicable requirements governing the proposed minor permit modification. (5-1-94)

f. Include completed forms for the Department to use to notify the EPA and affected States as required under Sections 364 and 366. (5-1-94)

043. Procedures. A minor permit modification may be made by the Department consistent with the following: (5-1-94)

a. Within five (5) working days of receipt of a complete minor permit modification application, the Department shall forward the forms completed by the applicant and other required information, if any, to the EPA and affected States. Affected States and EPA review shall occur simultaneously. (5-1-94)

b. The Department shall promptly notify EPA and any affected States in writing if the Department refuses to accept all the timely recommendations submitted by affected States. (5-1-94)

c. Within ninety (90) days of the Department's receipt of a complete minor permit modification application or within fifteen (15) days after the end of EPA's forty-five (45) day review period, whichever is ~~earlier~~ later, the Department shall take one of the following actions: (5-1-94)()

i. Issue the minor permit modification as proposed and submit a copy of the revised Tier I operating permit, or an addendum, to the EPA and the original to the permittee; provided that, the Department may not issue the minor permit modification until after EPA has notified the Department that EPA will not object or until at least sixty (60) days have elapsed since the Department received the complete application. (5-1-94)

ii. Deny the minor permit modification application. (5-1-94)

iii. Determine that the requested minor permit modification does not meet the minor permit modification criteria and should be reviewed under the substantive modification procedures. (5-1-94)

iv. Revise the proposed minor permit modification, transmit the revised proposal to the EPA and affected States in accordance with Sections 364 and 366, notify the permittee and re-initiate the ninety (90) day timeline identified in Subsection 385.043.c. (5-1-94)()

d. The permittee may make the alteration proposed in its minor permit modification application at any time after it files such application with the Department and before final action by the Department. (5-1-94)

e. The permittee shall implement the alterations addressed in the minor permit modification immediately upon receiving the original revised Tier I operating permit, or an addendum, unless the Department establishes a different date in the minor permit modification. (5-1-94)

054. Transitional Compliance. ~~If~~ The permittee may makes the proposed alteration at any time before ~~final action by the Department~~ the revised Tier I operating permit is issued, and compliance shall be determined as follows until the Department takes any of the actions specified in Subsections 385.043.c.i. through 385.043.c.iii.: (5-1-94)()

a. The permittee must comply with both the applicable requirements governing the alteration and the suggested revisions to the text of the Tier I operating permit. (5-1-94)

b. The permittee need not comply with the existing permit terms and conditions it seeks to modify; provided that, if the source fails to comply with the applicable requirements governing the alteration and the

suggested revisions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it. (5-1-94)

065. Permit Shield Applicability. The permit shield described in Section 325 shall not apply to any minor permit modification. (5-1-94)

076. Group Processing Procedures. The permittee may initiate group processing of its minor permit modification applications and the Department may process minor permit modification applications in groups as follows: (5-1-94)

a. The group may only consist of minor permit modification applications submitted by a single permittee for a single Tier I operating permit. (5-1-94)

b. The increased emissions requested in the minor permit modification applications in the group must not exceed the lesser of the following: (5-1-94)

i. Ten percent (10%) of the emissions allowed by the existing Tier I operating permit for the emissions unit for which the alteration is requested. (5-1-94)

ii. Twenty percent (20%) of the criteria in Subsection 008.14. (5-1-94)

iii. Five (5) tons per year. (5-1-94)

iv. ~~Any threshold developed by the Department on a case-by-case basis.~~ (5-1-94)

c. A permittee may initiate the group processing of minor permit modifications by submitting an application to the Department. The application shall: (5-1-94)

i. Request the use of group processing procedures and state at the beginning of the request that it is a "REQUEST FOR MINOR PERMIT MODIFICATION - GROUP PROCESSING." (5-1-94)

ii. Comply with all of the requirements of Subsections 385.032.b. through 385.032.f. (5-1-94)()

iii. List the permittee's other pending minor permit modification applications that are awaiting group processing. (5-1-94)

iv. State whether the minor permit modification, when aggregated with other pending minor permit modification applications awaiting group processing, is less than, equal to, or greater than the threshold provided in Subsection 385.076.b. and provide calculations supporting the statement. (5-1-94)()

v. List the permittee's other minor permit modifications that have been approved within the preceding twelve (12) months or that are awaiting individual processing. (5-1-94)

vi. Certify, consistent with Section 123, that the permittee has provided a brief written notification describing the requested minor permit modification to the EPA. (5-1-94)

d. The Department may process minor permit modifications in groups in accordance with Subsection 385.043 except as modified by the following: (5-1-94)()

i. Every three (3) months or within five (5) working days of receiving a minor permit modification application in which the permittee states that emissions increases proposed in the minor permit modification applications awaiting group processing are equal to or greater than the threshold provided in Subsection 385.076.b., whichever is the earlier, the Department shall identify the minor permit modification applications that will be processed as a group. (5-1-94)()

ii. Promptly after identifying the group of minor permit modification applications that will be

processed as a group, the Department shall notify EPA and affected States as provided in Subsection 385.043.a. (5-1-94)()

iii. The Department shall take one of the actions provided in Subsections 385.043.c.i. through 385.043.iv. for each of the proposed minor permit modifications in the group within one hundred eighty (180) days of the Department's receipt of the first complete minor permit modification application processed in the group. (5-1-94)()

iv. If the Department takes the action provided in Subsection 385.043.c.i., the Department may not issue the minor permit modification until after EPA has notified the Department that EPA will not object or until at least sixty (60) days have elapsed since the Department identified the group of minor permit modification applications that will be processed as a group. (5-1-94)()

v. If the Department takes the action provided in Subsection 385.043.c.iv., the Department shall initiate a new timeline requiring a further action within ninety (90) days. (5-1-94)()

386. SUBSTANTIVE PERMIT MODIFICATIONS.

01. Generally. A substantive permit modification ~~is any alteration. Alterations that do not meet the criteria for~~ involves a significant alteration in existing monitoring permit terms or conditions and every relaxation of reporting or record-keeping permit terms or conditions unless the alteration is accomplished as an off-permit changes, permit deviations, administrative permit amendments or minor permit modifications ~~must be processed under Section 386. Nothing in Section 386~~ this section shall be construed to preclude the permittee from making alterations consistent with Sections 382 through 385. (5-1-94)()

02. Authorization. A permittee may initiate a substantive permit modification by submitting a complete substantive permit modification application to the Department. The application shall: (5-1-94)

a. Request the use of substantive permit modification procedures and state at the beginning of the request that it is a "REQUEST FOR SUBSTANTIVE PERMIT MODIFICATION." (5-1-94)

b. Meet the requirements of Sections 311 through 315. (5-1-94)

c. Provide a summary sheet: (5-1-94)

i. Describing the proposed substantive permit modification. (5-1-94)

ii. Describing and quantifying any change in emissions resulting from the substantive permit modification including, but not limited to, an identification of any new air pollutants that will be emitted. (5-1-94)

iii. Identifying any Tier I operating permit term or condition that will no longer be applicable as a result of the substantive permit modification. (5-1-94)

iv. Identifying any applicable requirement that is applicable to the Tier I source as a result of the substantive permit modification. (5-1-94)

d. Present suggested revisions to the text of the Tier I operating permit in legislative format. (5-1-94)

03. Procedures. (5-1-94)

a. Substantive permit modifications shall be issued in accordance with all requirements of Sections 300 through 387 as they apply to Tier I operating permit issuance and Tier I operating permit renewal, including those for applications, public participation, review by affected States, and review by EPA. (5-1-94)

b. The Department will process the majority of significant permit modifications within nine (9) months of receiving a complete substantive permit modification application. The Department shall determine which substantive permit modification applications will be processed within nine (9) months. (5-1-94)

c. The permittee may not make the alteration proposed in its substantive permit modification application at any time before final action by the Department, ~~unless the alteration is also authorized as an off-permit change, permit deviation, administrative permit amendment or minor permit modification and the permittee complies with all corresponding conditions and requirements.~~ Final action in this instance may include issuance of a permit to construct or receipt of a pre-permit construction approval letter in accordance with Subsection 213.02.c. So long as the permit to construct does not violate any terms or conditions of the existing Tier I operating permit, the permittee may operate the source described in the permit to construct upon its issuance. (5-1-94)(____)

d. The permittee shall implement the alterations addressed in the substantive permit modification immediately upon receiving the original revised Tier I operating permit, or an addendum, unless the Department establishes a different date in the substantive permit modification. (5-1-94)

04. Permit Shield Applicability. Upon final action by the Department, the permit shield described in Section 325 shall extend to substantive permit modifications. (5-1-94)

387. REOPENINGS.

01. Generally. (5-1-94)

a. Reopenings are alterations resulting in the termination, revocation, revision or revocation and reissuance of a Tier I operating permit for cause. (5-1-94)

b. Cause for reopening exists under any of the following circumstances: (5-1-94)

i. Type 1: Additional applicable requirements become applicable to a major Tier I source with a remaining permit term of three (3) or more years; provided that no such reopening is required if the original effective date of the applicable requirement is later than the date on which the Tier I operating permit is due to expire and the original Tier I operating permit or any of its terms and conditions has not been extended pursuant to Section 368; provided further that the permittee must comply with the additional applicable requirement no later than the effective date. (5-1-94)

ii. Type 2: Whenever additional applicable requirements become applicable to an affected source, as defined for the purposes of the acid rain program. (5-1-94)

iii. Type 3: The Tier I operating permit contains a material mistake or inaccurate statements were used or considered in establishing the emissions standards or other terms or conditions of the Tier I operating permit. (5-1-94)

iv. Type 4: The Tier I operating permit does not ensure compliance with the applicable requirements. (5-1-94)

v. Type 5: The Department determines that emissions from the Tier I source are alone or in combination with other contaminants, injuring or unreasonably affecting human or animal life or vegetation. (5-1-94)

vi. Type 6: The Department determines that emissions from the source are a danger to human health or the environment. (5-1-94)

vii. Type 7: The Department determines that emission rate reductions are necessary to attain or maintain any ambient air quality standard or applicable PSD increment. (5-1-94)

viii. Type 8: The Department determines that specific emission standards, or requirements on operation or maintenance are necessary to ensure compliance with any applicable emission standard or rule. (5-1-94)

02. Authorization for Reopenings. (5-1-94)

a. The Department may initiate reopenings for Type 1 through Type 8 causes by notifying the

permittee in writing that the Department is initiating a reopening and providing a brief summary of the proposed alterations. (5-1-94)

i. For Types 1 through 4, 7 and 8 causes, the notice shall be sent at least thirty (30) days prior to the reopening. (5-1-94)

ii. For Types 5 and 6, the notice shall be sent at least three (3) days prior to the reopening. (5-1-94)

iii. For any Type when the Department declares an emergency, the notice shall be sent at least one (1) day prior to the reopening. (5-1-94)()

b. The EPA may initiate reopenings for Type 1 through Type 4 causes by providing written notification to the Department and the permittee. ~~The notification shall:~~ (5-1-94)()

i. ~~State at the beginning of the notice that it is a "NOTIFICATION OF REOPENING INITIATED BY EPA."~~ (5-1-94)

ii. ~~State the findings of the EPA that support a determination that cause exists for a reopening.~~ (5-1-94)

iii. ~~Provide a brief summary of all the alterations recommended by EPA.~~ (5-1-94)

03. Procedures for Reopenings by the Department or EPA. The Department shall process reopenings in accordance with Sections 360 through 379 except as otherwise provided by Subsections 387.04 and 387.05 and the following: (5-1-94)

a. Proceedings for reopenings shall affect only those parts of the Tier I operating permit for which cause to reopen exists. (5-1-94)

b. Reopenings for Type 1 causes shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. (5-1-94)

c. Reopenings for Type 2 causes that are excess emissions offset plans shall be deemed incorporated into the Tier I operating permit without additional procedures upon approval of the plan by EPA. (5-1-94)

d. As soon as practicable, the Department shall determine whether the Department has sufficient information to process the reopening. If additional information is needed, the Department may: (5-1-94)

i. Require the permittee to submit a new or revised Tier I operating permit application within forty-five (45) days. (5-1-94)

ii. Require the permittee to submit additional information as specified by the Department. (5-1-94)

04. Additional Procedures for Reopenings Initiated by the Department. Reopenings shall be made as expeditiously as practicable, unless a different timeline is provided in Subsection 387.03.b. (5-1-94)

05. Additional Procedures for Reopenings Initiated by EPA. (5-1-94)

a. If the Department determined that it had sufficient information to process the reopening, the Department shall within ninety (90) days after receipt of notification from EPA forward to EPA a proposed determination of termination, revocation, revision, or revocation and reissuance, as appropriate. (5-1-94)

b. If the Department determined that it did not have sufficient information to process the reopening, the Department may request an extension from EPA and within one hundred and eighty (180) days after receipt of notification from EPA forward to EPA a determination of termination, revocation, revision, or revocation and reissuance, as appropriate. (5-1-94)

c. If EPA submits objections to the Department within ninety (90) days from receipt of the proposed determination, the Department shall review the objections and terminate, revoke, revise, revoke and reissue, or reconfirm the Tier I operating permit within ninety (90) days of receipt of the objection. (5-1-94)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS

DOCKET NO. 16-0102-9701

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The temporary rule and amendment to the temporary rule are effective June 20, 1997.

AUTHORITY: In compliance with Idaho Code Sections 67-5226(1) and 67-5221(1), notice is hereby given that this agency has adopted a temporary rule and is commencing proposed rulemaking to promulgate a final rule. The action is authorized by Idaho Code Sections 39-105, 39-107, and 39-3601 *et seq.*, Idaho Code. In addition, promulgation of this rule circumvents federal promulgation of state water quality standards pursuant to 33 U.S.C. Section 1313(c) (Section 303(c) of the Clean Water Act).

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this proposed rulemaking will be held as follows:

Thursday, September 16, 1997, 7:00 p.m.
Division of Environmental Quality Conference Center
1410 N. Hilton, Boise, Idaho

The hearing site will be accessible to the physically disabled. Interpreters for persons with hearing impairments and brailled or taped information for persons with visual impairments can be provided upon five days' notice. For arrangements, contact the undersigned at (208) 373-0418.

DESCRIPTIVE SUMMARY: The following is the required finding and a concise statement of the supporting reasons for temporary adoption of the rule and a nontechnical explanation of the substance and purpose for proposing the rule for final adoption.

In June, 1994 the state adopted revisions to its water quality standards. These revisions were sent to the U.S. Environmental Protection Agency (EPA) for its review and approval the following month. The EPA did not act on this submission within the time frame specified within the Clean Water Act (CWA) and was sued by several environmental groups as a consequence. The EPA sent the state an approval/disapproval letter in June, 1996 which disapproved portions of the state's water quality standards that had been in effect for many years and had been previously approved by the EPA. Later, the EPA attempted to argue before the judge that they did not mean to disapprove these sections of Idaho's standards because only their Administrator has the authority to disapprove previously approved items. The judge ordered the EPA to follow through with their disapproval and to promulgate standards for Idaho within a certain specified time frame. The EPA published a proposed rule to promulgate standards for Idaho on April 28, 1997. The EPA has been ordered to complete the rulemaking by July 27, 1997 if Idaho does not resolve the issues prior to that time. This temporary rule is to avoid, in part, the necessity for federal promulgation on several of the issues involved.

The EPA disapproved one clause within the state's mixing zone policy because it exempted certain narrative criteria. To resolve the issue of subsection 060.01.g. of the mixing zone policy, the Idaho Department of Health and Welfare (Department) is proposing to replace this clause with the more appropriate mechanism by which water quality criteria are applied to a mixing zone. The proposal addresses a zone of initial dilution in which acute criteria may be exceeded and the mixing zone itself where chronic criteria may be exceeded.

The EPA disapproved the state's unclassified waters provisions and a number of specifically classified waters as not being protective of the Clean Water Act "fishable/swimmable" goals. To resolve the issue, the Department is proposing revisions to the unclassified waters and aquatic life beneficial uses for 30 water bodies that previously lacked an aquatic life beneficial use designation. In order for a water body to meet the "fishable" goal of the CWA, it should be designated for an aquatic life use, if attainable. The Department has determined the attainable aquatic life uses for the 30 waters through the Beneficial Use Reconnaissance Process.

The EPA disapproved the state's temperature criteria as they were not adequate to protect bull trout and Kootenai River white sturgeon. The Department is proposing temperature standards for these two species.

The text of the rule is based on a consensus recommendation resulting from the negotiated rulemaking process. The negotiation was open to the public. Actual participants in the negotiation included industry and citizen groups. The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, Volume 97-3, March 5, 1997,

page 4.

TEMPORARY RULE JUSTIFICATION: Pursuant to Idaho Code §§ 67-5226(1)(b), the Governor has found that temporary adoption of the rule is appropriate in that the rule complies with deadlines in federal programs.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the proposed rulemaking, contact Mark Shumar at (208)373-0502.

Anyone may submit written comments regarding this proposed rule. All written comments must be received by the undersigned on or before September 22, 1997.

Dated this 6th day of August, 1997.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255
Fax No. (208)373-0481

TEXT OF DOCKET NO. 16-0102-9701

060. MIXING ZONE POLICY.

01. Mixing Zones for Point Source Wastewater Discharges. After a biological, chemical, and physical appraisal of the receiving water and the proposed discharge and after consultation with the person(s) responsible for the wastewater discharge, the Department will determine the applicability of a mixing zone and, if applicable, its size, configuration, and location. In defining a mixing zone, the Department will consider the following principles: (7-1-93)

- a. The mixing zone may receive wastewater through a submerged pipe, conduit or diffuser. (7-1-93)
- b. The mixing zone is to be located so it does not cause unreasonable interference with or danger to existing beneficial uses. (7-1-93)
- c. When two (2) or more individual mixing zones are needed for a single activity, the sum of the areas and volumes of the several mixing zones is not to exceed the area and volume which would be allowed for a single zone; (7-1-93)
- d. Multiple mixing zones can be established for a single discharge, each being specific for one (1) or more pollutants contained within the discharged wastewater; (7-1-93)
- e. Mixing zones in flowing receiving waters are to be limited to the following: (7-1-93)
 - i. The cumulative width of adjacent mixing zones when measured across the receiving water is not to exceed fifty percent (50%) of the total width of the receiving water at that point; (7-1-93)
 - ii. The width of a mixing zone is not to exceed twenty-five percent (25%) of the stream width or three hundred (300) meters plus the horizontal length of the diffuser as measured perpendicularly to the stream flow,

whichever is less; (7-1-93)

iii. The mixing zone is to be no closer to the ten (10) year, seven (7) day low-flow shoreline than fifteen percent (15%) of the stream width; (7-1-93)

iv. The mixing zone is not to include more than twenty-five percent (25%) of the volume of the stream flow; (7-1-93)

f. Mixing zones in reservoirs and lakes are to be limited to the following: (7-1-93)

i. The total horizontal area allocated to mixing zones is not to exceed ten percent (10%) of the surface area of the lake; (7-1-93)

ii. Adjacent mixing zones are to be no closer than the greatest horizontal dimension of any of the individual zones; (7-1-93)

g. ~~The water quality within a mixing zone is subject to surface water quality standards contained in Subsections 200.04, 200.05, and 200.06 and can be exempt from the standards contained in Subsections 200.01, 200.02, and 200.03 as well as from other criteria in Section 250 as determined appropriate, provided that the receiving water's existing quality is not in violation of that standard or provision; may exceed chronic water quality criteria so long as chronic water quality criteria are met at the boundary of any approved mixing zone. Acute water quality criteria may be exceeded within a zone of initial dilution inside the mixing zone if approved by the Department.~~ (8-24-94)(6-20-97)T

h. Concentrations of hazardous materials within the mixing zone must not exceed the ninety-six (96) hour LC50 for biota significant to the receiving water's aquatic community. (7-1-93)

02. Mixing Zones for Outstanding Resource Waters. An ORW mixing zone will be downstream from the discharge of a tributary or 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 these rules. (8-24-94)

(BREAK IN CONTINUITY OF SECTIONS)

101. USE DESIGNATIONS FOR SURFACE WATERS.

01. ~~Unclassified Undesignated~~ Surface Waters. Surface waters not ~~classified designated~~ in Sections 110 through 160 shall be classified designated according to Section 39-3604, Idaho Code, taking into consideration the use of the surface water and such physical, geological, chemical, and biological measures as may affect the surface water. Prior to ~~classification designation~~, unclassified undesignated waters shall be ~~designated and~~ protected for beneficial uses, which includes all recreational use in and on the water and the protection and propagation of fish, shellfish, and wildlife, wherever attainable. (8-24-94)(6-20-97)T

a. Because the Department presumes most waters in the state will support cold water biota and primary or secondary contact recreation beneficial uses, the Department will apply cold water biota and primary or secondary contact recreation criteria to undesignated waters unless Subsections 101.01.b. and 101.01.c. are followed. (6-20-97)T

b. During the review of any new or existing activity on an undesignated water, the Department may examine all relevant data or may require the gathering of relevant data on beneficial uses; pending determination in Section 101.01.c. existing activities will be allowed to continue. (6-20-97)T

c. If, after review and public notice of relevant data, it is determined that beneficial uses in addition to or other than cold water biota and primary or secondary contact recreation are appropriate, then the Department will: (6-20-97)T

i. Complete the review and compliance determination of the activity in context with the new information on beneficial uses, and (6-20-97)T

ii. Initiate rulemaking necessary to designate the undesignated water, including providing all necessary data and information to support the proposed designation. (6-20-97)T

02. Man-Made Waterways. Unless designated in Sections 110 through 160, man-made waterways are to be protected for the use for which they were developed. (7-1-93)

03. Private Waters. Unless designated in Sections 110 through 160, lakes, ponds, pools, streams and springs outside public lands but located wholly and entirely upon a person's land are not protected specifically or generally for any beneficial use. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

110. PANHANDLE BASIN.

The waters found within the Panhandle hydrologic basin are designated for use as follows: (7-1-93)

01. Designated Uses Within Panhandle Basin - Table A. (~~7-1-93~~)(6-20-97)T

Legend # Protected for General Use
 *Protected for Future Use
 x Use Protected Above Mining Impact Area

DESIGNATED USES - TABLE A

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
a. PB-10K	KOOTENAI RIVER - Ida-Montana border to Moyie River	#	#	#		#	#	#	#
b. PB-110K	MOYIE RIVER - U.S.-Canada border to mouth	#	#	#		#	#	#	#
c. PB-20K	KOOTENAI RIVER - Moyie River to Deep Creek	#	#	#		*	#	#	#
d. PB-30K	KOOTENAI RIVER - Deep Creek to U.S.-Canada border	#	#	#		*	#	#	#
e. PB-310K	DEEP CREEK - McArthur to mouth	#	#	#		#	#	#	#

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
f. PB-10P	CLARK FORK RIVER - Ida-Montana border to Pend Oreille Lake	#	#	#		#	#	#	#
g. PB-11OP	LIGHTNING CREEK - source to mouth	#	#	#		#	#	#	#
h. PB-20P	PEND OREILLE LAKE	#	#	#		#	#	#	#
i. PB-210P	PACK RIVER - source to mouth	#	#	#		#	#	#	
j. PB-220P	TRESTLE CREEK - source to mouth			#		#		#	#
k. PB-30P	PEND ORIELLE RIVER - Pend Orielle Lake to Ida- Wash border	#	#	#			#	#	
l. PB-310P	COCOLALLA LAKE AND OUTLET to Pend Orielle River	#	#	#			#	#	#
m. BP-320P	KELSO LAKE AND OUTLET	#	#	#		#	#	#	
n. BP-330P	PRIEST RIVER U.S. - CANADA border to Priest Lake	#	#	#		#	#	#	#
o. PB-340P	PRIEST LAKE	#	#	#		#	#	#	#
p. PB-350P	PRIEST RIVER - Priest lake to mouth	#	#	#		*	#	#	#
q. PB-10S	COEUR D'ALENE RIVER - source to S.F. Coeur d'Alene	#	#	#		#	#	#	#
r. PB-11S	GRANITE CREEK - source to mouth			#		#		#	#
s. PB-110S	PRICHARD CREEK - source to mouth	X	#	#		#	#	#	
t. PB-120S	N.F. COEUR D'ALENE - source to mouth	#	#	#		#	#	#	#
u. PB-130S	S.F. COEUR D'ALENE - Headwaters to Daisy Gulch	#	#	#		#	#	#	
v. PB-140S	S.F. COEUR D'ALENE - Daisy Gulch to mouth of S.F. of Coeur d'Alene River		#	*			*	#	

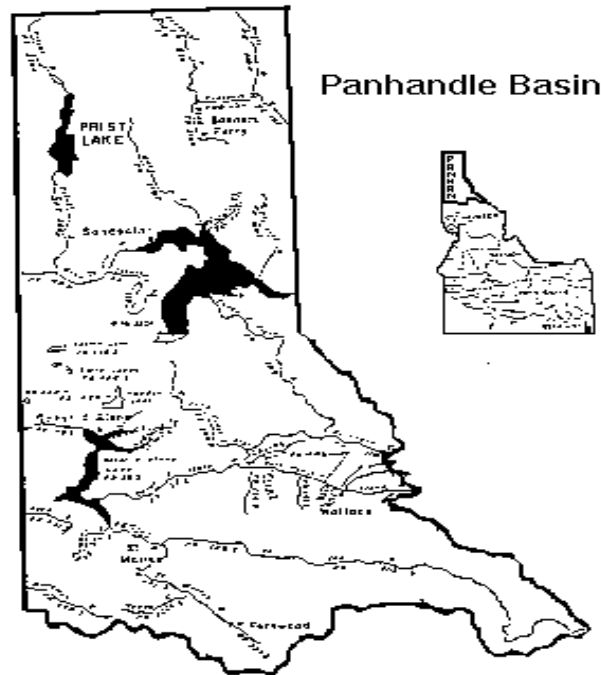
Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
w. PB-121S	CANYON CREEK - source to mouth	X	#	*X		X	X	#	
x. PB-142S	NINE MILE CREEK - source to mouth	X	#	X #		X #	X	#	
y. PB-143S	BIG CREEK - source to mouth	X	#	X #		X #	X	#	
z. PB-145S	GOVERNMENT GULCH - source to mouth		#	#		#		#	
aa. PB-146S	PINE CREEK - source to mouth	X	#	#		#	X	#	
bb. PB-147S	LAKE CREEK - source to mouth	X	#	X #		X #	X	#	
cc. PB-148S	SHIELDS GULCH - source to mouth	X	#	*X		X	X	#	
dd. PB-149S	BEAR CREEK - source to mouth	#	#	#		#	#	#	
ee. PB-20S	COEUR D'ALENE RIVER - S.F. Confluence to mouth (Lake)		#	#		*	#	#	
ff. PB-30S	COEUR D'ALENE LAKE	#	#	#		#	#	#	#
gg. PB-310S	ST. JOE RIVER - source to Calder	#	#	#		#	#	#	#
hh. PB-360S	WOLF LODGE CREEK - source to mouth	#	#	#		#	#		#
ii. PB-320S	ST. JOE RIVER - Calder to St. Maries River	#	#	#		#	#	#	#
jj. PB-321S	ST. MARIES RIVER - source to Fernwood	#	#	#		*	#	#	#
kk. PB-322S	ST. MARIES RIVER - Fernwood to mouth		#	X #			#	#	
ll. PB-3221S	SANTA CREEK - source to mouth		#	X #		X #	#	#	
mm. PB-330S	ST. JOE RIVER - St. Maries to mouth		#	#			#	#	
nn. PB-340S	PLUMMER CREEK		#	#		#		#	
oo. PB-350S	FERNAN LAKE AND OUTLET to Coeur d'Alene Lake	#	#	#		#	#	#	

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
pp. PB-40S	SPOKANE RIVER - Coeur d'Alene Lake outlet to Ida-Wash border	#	#	#		#	#	#	
qq. PB-410S	SPIRIT LAKE	#	#	#		#	#	#	#
rr. PB-420S	TWIN LAKES	#	#	#		*	#	#	
ss. PB-430S	HAYDEN LAKE	#	#	#		#	#	#	#
tt. PB-440S	HAUSER LAKE	#	#	#		*	#	#	
uu. PB-450S	HANGMAN CREEK - source to Ida-Wash border		#	* #				#	
vv. PB-451S	ROCK CREEK - Source to Ida-Wash border		#					#	
ww.	SPOKANE VALLEY - RATHDRUM PRAIRIE AQUIFER	#	#						#

02. Panhandle Hydrologic Basin - Map A.

(7-1-93)

APPENDIX A
Panhandle Hydrologic Basin - Map



(BREAK IN CONTINUITY OF SECTIONS)

120. CLEARWATER BASIN.

The waters found within the Clearwater hydrologic basin are designated for use as follows:

(7-1-93)

01. Designated Uses Within Clearwater Basin - Table B.

~~(3-1-97)~~(3-20-97)T

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
a. CB-10	SNAKE RIVER - Salmon River to slackwater	#	#	#			#	#	#
b. CB-120	SELWAY RIVER - source to Lochsa River	#	#	#		#	#	#	#
c. CB-121	LOCHSA RIVER - source to Selway River	#	#	#		#	#	#	#
d. CB-130	MIDDLE FORK OF CLEARWATER RIVER - Lochsa Selway Confluence to S.F. Confluence	#	#	#		#	#	#	#
e. CB-131	AMERICAN RIVER - source to Red River	#	#	#		#	#	#	#
f. CB-1311	BIG ELK CREEK - source to mouth	#	#	#		#	#	#	
g. CB-1312	RED RIVER - source to American River	#	#	#		#	#	#	#
h. CB-132	S.F. CLEARWATER RIVER - confluence American-Red Rivers to mouth		#	#		#	#	#	#
i. CB-1321	THREE MILE CREEK - source to mouth		#	#		#		#	
j. CB-1322	COTTONWOOD CREEK - source to mouth (Idaho Co.)		#	#		#		#	
k. CB-140	CLEARWATER RIVER - S.F. and M.F. Confluence to N.F. Confluence	#	#	#		#	#	#	#
l. CB-141	LAWYERS CREEK - source to mouth		#	#		#	#	#	
m. CB-142	JIM FORD CREEK - source to mouth		#	#		*	#	#	
n. CB-1421	GRASSHOPPER CREEK - source to mouth	#	#	<u>≠</u> #		*	#	#	
o. CB-143	OROFINO CREEK - source to mouth		#	#		#	#	#	
p. CB-144	N.F. CLEARWATER RIVER - source to backwater of Dworshak	#	#	#		#	#	#	#

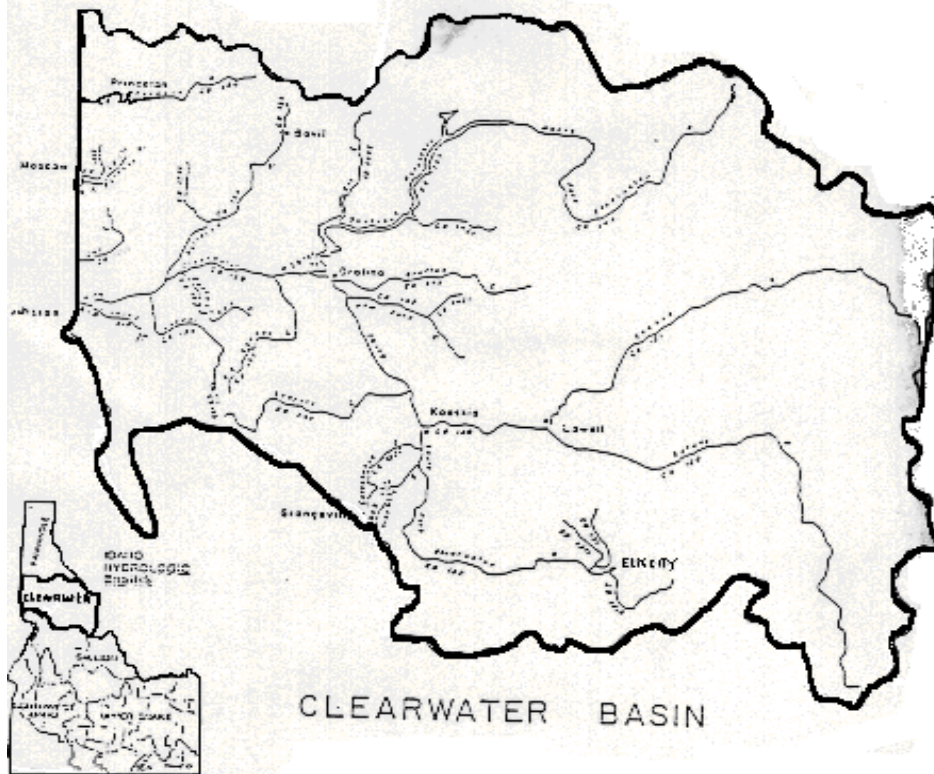
Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
q. CB-145	DWORSHAK RESERVOIR	#	#	#		#	#	#	#
r. CB-1451	REEDS CREEK - source to mouth	#	#	#		#	#	#	
s. CB-1452	ELK CREEK - source to Dworshak Reservoir	#	#	#		#	#	#	
t. CB-146	N.F. CLEARWATER RIVER - Dworshak Dam to mouth	#	#	#		#	#	#	#
u. CB-150	CLEARWATER RIVER - North Fork to slackwater	#	#	#		#	#	#	#
v. CB-151	BIG CANYON CREEK - source to mouth		#	#		#	#	#	
w. CB-152	COTTONWOOD CREEK - source to mouth (Nez Perce Co.)		#	≠ #		≠ #	#	#	
x. CB-153	POTLATCH RIVER - source to Bovill	#	#	#		#	#	#	#
y. CB-154	POTLATCH RIVER - Bovill to mouth	#	#	#		#	#	#	
z. CB-1541	LITTLE BEAR CREEK - source to mouth		#	≠ #		≠ #		#	
aa. CB-155	LAPWAI CREEK - source to Winchester Lake	#	#	#		#	#	#	
bb. CB-1551	WINCHESTER LAKE	#	#	#		*	#	#	#
cc. CB-156	LAPWAI CREEK - Winchester Lake to mouth		#	#		*	#	#	
dd. CB-160	PALOUSE RIVER - source to Princeton	#	#	#		#	#	#	
ee. CB-170	PALOUSE RIVER - Princeton to Ida-Wash border		#	#	#		*	#	
ff. CB-171	S.F. PALOUSE RIVER - source to Ida-Wash border		#	#		#		#	
gg. CB-1711	COW CREEK - source to Ida-Wash border		#	#				#	
hh. CB-1712	PARADISE CREEK - source to Ida-Wash border		#	#				#	
ii. CB-210	LINDSAY CREEK - source to mouth		#	#				#	#

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
jj. CB-20	LOWER GRANITE DAM POOL - both Clearwater and Snake Arms	#	#	#			#	#	

02. Clearwater Hydrologic Basin - Map B.

(7-1-93)

APPENDIX B
Clearwater Hydrologic Basin - Map



(BREAK IN CONTINUITY OF SECTIONS)

130. SALMON BASIN.

The waters found within the Salmon hydrologic basin are designated for use as follows:

(7-1-93)

01. Designated Uses Within Salmon Basin - Table C.

~~(3-1-97)F(3-20-97)T~~

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
a. SB-10	SALMON RIVER - source to East Fork Salmon	#	#	#		#	#	#	#
b. SB-20	SALMON RIVER - E.F. Confluence to Pahsimeroi River	#	#	#		#	#	#	#
c. SB-110	YANKEE FORK - source to mouth	#	#	#		#	#	#	#
d. SB-120	EAST FORK OF SALMON - source to mouth	#	#	#		#	#	#	#
e. SB-130	THOMPSON CREEK - source to mouth		#	#		#		#	
f. SB-140	SQUAW CREEK - source to mouth		#	#		#		#	
g. SB-210	PAHSIMEROI RIVER - source to mouth	#	#	#		#	#	#	#
h. SB-30	SALMON RIVER - Pahsimeroi to Lemhi River	#	#	#		#	#	#	#
i. SB-310	LEMHI RIVER - source to mouth	#	#	#		#	#	#	#
j. SB-40	SALMON RIVER - Lemhi River to Middle Fork Salmon	#	#	#		#	#	#	#
k. SB-410	NORTH FORK SALMON RIVER - source to mouth	#	#	#		#	#	#	#
l. SB-420	PANTHER CREEK - source to Blackbird Creek	#	#	#		#	#	#	#
m. SB-421	BLACKBIRD CREEK - source to mouth			<u>#</u>		<u>#</u>		#	
n. SB-4211	WEST FORK OF BLACKBIRD CREEK - source to mouth			#		#		#	
o. SB-430	PANTHER CREEK - Blackbird Creek to mouth		#	#		<u>#</u>		#	
p. SB-440	MIDDLE FORK SALMON RIVER - source to mouth	#	#	#		#	#	#	#
q. SB-441	BIG CREEK - source to mouth	#	#	#		#	#	#	#

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
r. SB-4411	MONUMENTAL CREEK - source to mouth	#	#	#		#	#	#	#
s. SB-50	SALMON RIVER - Middle Fork to South Fork	#	#	#		#	#	#	#
t. SB-510	SOUTH FORK OF SALMON RIVER - source to mouth	#	#	#		#	#	#	#
u. SB-511	EAST FORK OF SOUTH FORK SALMON RIVER - source to mouth	#	#	#		#	#	#	#
v. SB-5111	JOHNSON CREEK - source to mouth	#	#	#		#	#	#	#
w. SB-512	SECESH RIVER - source to mouth	#	#	#		#	#	#	#
x. SB-60	SALMON RIVER - South Fork to Little Salmon River	#	#	#			#	#	#
y. SB-610	LITTLE SALMON RIVER - source to mouth	#	#	#		#	#	#	#
z. SB-611	RAPID RIVER - source to mouth	#	#	#		#	#	#	#
aa. SB-70	SALMON RIVER - Little Salmon River to Whitebird Creek	#	#	#			#	#	#
bb. SB-710	WHITEBIRD CREEK - source to mouth	#	#	#		#	#	#	
cc. SB-80	SALMON RIVER - Whitebird Creek to mouth	#	#	#			#	#	#
dd. SB-810	ROCK CREEK - source to mouth (Johns Creek)		#	#		#	#	#	

02. Salmon Hydrologic Basin - Map C.

(7-1-93)

APPENDIX C - Salmon Hydrologic Basin - Map



(BREAK IN CONTINUITY OF SECTIONS)

140. SOUTHWEST IDAHO BASIN.

The waters found within the Southwest hydrologic basin are designated for use as follows:

(7-1-93)

01. Designated Uses Within Southwest Idaho Basin - Table D.

(7-1-93)(6-20-97)T

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
a. SWB-10	SNAKE RIVER-King Hill to Marsing	#	#	* #		*	#	#	#

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
b. SWB-110	BRUNEAU RIVER - source to Hot Springs	#	#	#		#	#	#	#
c. SWB-111	JARBIDGE RIVER - Nevada border to mouth	#	#	#		#	#	#	#
d. SWB-112	EAST FORK OF BRUNEAU RIVER - source to mouth	#	#	#		#	#	#	#
e. SWB-120	BRUNEAU RIVER - Hot Springs to C.J. Strike Reservoir		#	#		#	#	#	
f. SWB-20	SNAKE RIVER - Marsing to Boise River	#	#	* #		*	*		
g. SWB-210	REYNOLDS CREEK - source to mouth		#	#		#	#	#	
h. SWB-220	SUCKER CREEK - source to mouth		#	#		#	#	#	
i. SWB-230	OWYHEE RIVER - Nevada border to Oregon border	#	#	#		#	#	#	#
j. SWB-231	SOUTH FORK OWYHEE RIVER - Nevada border to mouth	#	#	#		#	#	#	#
k. SWB-2311	LITTLE FORK OF SOUTH FORK OF OWYHEE RIVER - Nevada border to mouth	#	#	#		#	#	#	#
l. SWB-232	NORTH FORK OWYHEE RIVER - source to Oregon border	#	#	#		#	#	#	#
m. SWB-2321	MIDDLE FORK OWYHEE RIVER - source to Oregon border	#	#	#		#	#	#	#
n. SWB-233	JORDAN CREEK - source to Oregon border		#	#		#	#	#	#
o. SWB-240	MIDDLE FORK BOISE RIVER - source to mouth	#	#	#		#	#	#	#
p. SWB-241	NORTH FORK OF BOISE RIVER - source to mouth	#	#	#		#	#	#	#
q. SWB-250	BOISE RIVER - North Fork to Lucky Peak Dam	#	#	#		#	#	#	#

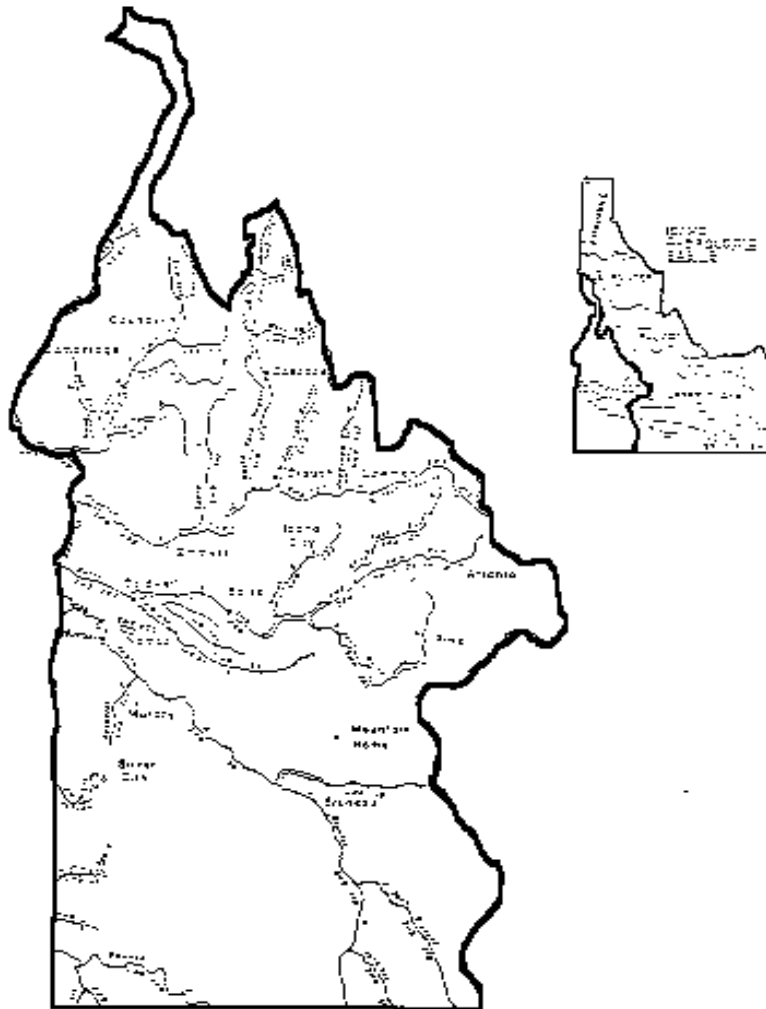
Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
r. SWB-251	SOUTH FORK OF BOISE RIVER - source to mouth	#	#	#		#	#	#	#
s. SWB-252	MORES CREEK - source to mouth	#	#	#		#	#	#	
t. SWB-260	BOISE RIVER - Lucky Peak to River Mile 50 (through Veterans State Park)	#	#	#		#	#	#	#
u. SWB-270	BOISE RIVER - River Mile 50 (Veterans State Park) to Caldwell		#	#	*	#	#		
v. SWB-271	TEN MILE CREEK		#	#		*		#	
w. SWB-271	FIVE MILE CREEK		#	#		*		#	
x. SWB-280	BOISE RIVER - Caldwell to mouth		#	#		*	#	#	
y. SWB-281	INDIAN CREEK - above Sugar Ave., Nampa		#	#		#	#	#	
z. SWB-282	INDIAN CREEK - below Sugar Ave., Nampa		#	* #			*	#	
aa. SWB-30	SNAKE RIVER - Payette River to Boise River	#	#	* #		*	#	#	
bb. SWB-310	SOUTH FORK PAYETTE RIVER - source to Lowman	#	#	#		#	#	#	#
cc. SWB-320	SOUTH FORK PAYETTE - Lowman to mouth	#	#	#		#	#	#	#
dd. SWB-321	DEADWOOD RIVER - source to mouth	#	#	#		#	#	#	#
ee. SWB-322	MIDDLE FORK PAYETTE RIVER - source to mouth	#	#	#		#	#	#	#
ff. SWB-323	NORTH FORK PAYETTE RIVER - source to McCall	#	#	#		#	#	#	#
gg. SWB-324	NORTH FORK PAYETTE RIVER - McCall to Cascade Dam	#	#	#		#	#	#	
hh. SWB-3241	LAKE FORK OF N.F. PAYETTE - source to mouth	#	#	#		#	#	#	#

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
ii. SWB-3242	GOLD FORK OF N.F. PAYETTE - source to mouth	#	#	#		#	#	#	#
jj. SWB-325	N.F. PAYETTE RIVER - Cascade Dam to mouth (Banks)	#	#	#		#	#	#	#
kk. SWB-330	PAYETTE RIVER - Banks to Black Canyon Dam	#	#	#		#	#	#	#
ll. SWB-331	SQUAW CREEK - source to mouth		#	#		#	#	#	
mm. SWB-340	PAYETTE RIVER - Black Canyon Dam to mouth	#	#	#		#	#	#	
nn. SWB-40	SNAKE RIVER - Payette River to Brownlee Reservoir	#	#	#		*	#	#	
oo. SWB-410	WEISER RIVER - source to Midvale	#	#	≠ #		*	#	#	#
pp. SWB-411	WEST FORK WEISER RIVER - source to mouth	#	#	#		#	#	#	#
qq. SWB-412	MIDDLE FORK WEISER RIVER - source to mouth	#	#	#		#	#	#	#
rr. SWB-413	LITTLE WEISER RIVER - source to mouth	#	#	#		#	#	#	
ss. SWB-420	WEISER RIVER - Midvale to mouth	#	#	#		*	#	#	
tt. SWB-421	CRANE CREEK - source to mouth		#	≠ #		*	#	#	
uu. SWB-422	MANN CREEK - source to mouth		#	#		#	#	#	
vv. SWB-50	SNAKE RIVER - Brownlee, Oxbow, and Hells Canyon Reservoir	#	#	#		#	#	#	#
ww. SWB-510	INDIAN CREEK - (Adams Co.) source to mouth	#	#	#		#	#	#	#
xx. SWB-60	SNAKE RIVER - Hells Canyon Dam to Salmon River Confluence	#	#	#		#	#	#	#
yy. SWB-900	LAKE LOWELL RESERVOIR		#		#		#	#	#

02. Southwest Idaho Hydrologic Basin - Map D.

(7-1-93)

APPENDIX D
Southwest Idaho Hydrologic Basin - Map
SOUTHWEST IDAHO BASIN



03. Boise River - SWB-260. That portion of the Boise River between Lucky Peak Dam and Diversion Dam is not protected for the use of salmonid spawning. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

150. UPPER SNAKE BASIN.

The waters found within the Upper Snake hydrologic basin are designated for use as follows: (7-1-93)

01. Designated Uses Within Upper Snake Hydrologic Basin - Table E. (~~7-1-93~~)(6-20-97)T

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
a. USB-10	SNAKE RIVER - Ida-Wyoming border to Heise	#	#	#		#	#	#	#
b. USB-20	SNAKE RIVER - Heise to Roberts	#	#	#		#	#	#	#
c. USB-210	HENRY'S FORK SNAKE RIVER - source to Island Park	#	#	#		#	#	#	#
d. USB-220	HENRY'S FORK - Island Park Reservoir	#	#	#		#	#	#	#
e. USB-230	HENRY' FORK SNAKE RIVER - Island Park Dam to mouth	#	#	#		#	#	#	#
f. USB-231	BUFFALO RIVER - source to mouth	#	#	#		#	#	#	#
g. USB-232	WARM RIVER - source to mouth	#	#	#		#	#	#	#
h. USB-233	FALLS RIVER - source to mouth	#	#	#		#	#	#	#
i. USB-234	TETON RIVER - source to split of North and South Forks	#	#	#		#	#	#	#
j. USB-235	NORTH FORK TETON - Fork to mouth		#	#		#	*	#	
k. USB-236	SOUTH FORK TETON - Fork to mouth		#	#		#	*	#	
l. USB-30	SNAKE RIVER - Roberts to American Falls Reservoir	#	#	#		#	#	#	
m. USB-310	WILLOW CREEK - source to Ririe Dam	#	#	#		#	#	#	#
n. USB-320	WILLOW CREEK - Ririe Dam to mouth		#	#		#	*	#	
o. USB-330	BLACKFOOT RIVER - source to Blackfoot Reservoir	#	#	#		#	#	#	#

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
p. USB-340	BLACKFOOT RESERVOIR		#	#		*	#	#	
q. USB-350	BLACKFOOT RIVER - Blackfoot Reservoir Dam to Equalizing Dam		#	#		#	#	#	
r. USB-360	BLACKFOOT RIVER - Equalizing Dam to mouth		#	*		*	*	#	
s. USB-40	SNAKE RIVER - American Falls Reservoir	#	#	#			#	#	
t. USB-410	PORTNEUF RIVER - source to Marsh Creek	#	#	#		#	#	#	#
u. USB-411	MARSH CREEK - source to mouth		#	*#		*	*	#	
v. USB-420	PORTNEUF RIVER - Marsh Creek to mouth		#	#		#	*	#	
w. USB-430	BANNOCK CREEK - source to mouth		#	*#		*		#	
x. USB-50	SNAKE RIVER - American Falls Dam to Minidoka Dam	#	#	#			#	#	
y. USB-510	ROCK CREEK (Power Co.) - source to mouth		#	#		#	#	#	
z. USB-520	RAFT RIVER - source to Malta		#	#		#	#	#	
aa. USB-60A	SNAKE RIVER - Minidoka Dam to Heyburn Bridge		#	#		#	#	#	
bb. USB-60B	SNAKE RIVER - Heyburn/Burley Bridge to Milner Dam		#		#		#	#	
cc. USB-610	GOOSE CREEK - source to Goose Creek Reservoir		#	#		#	#	#	
dd. USB-70	SNAKE RIVER - Milner Dam to Buhl		#	#		#	#	#	
ee. USB-710	DRY CREEK - source to mouth		#	#		#		#	
ff. USB-720	ROCK CREEK - source to Rock Creek (City) (Twin Falls County)	#	#	#		#	#	#	#

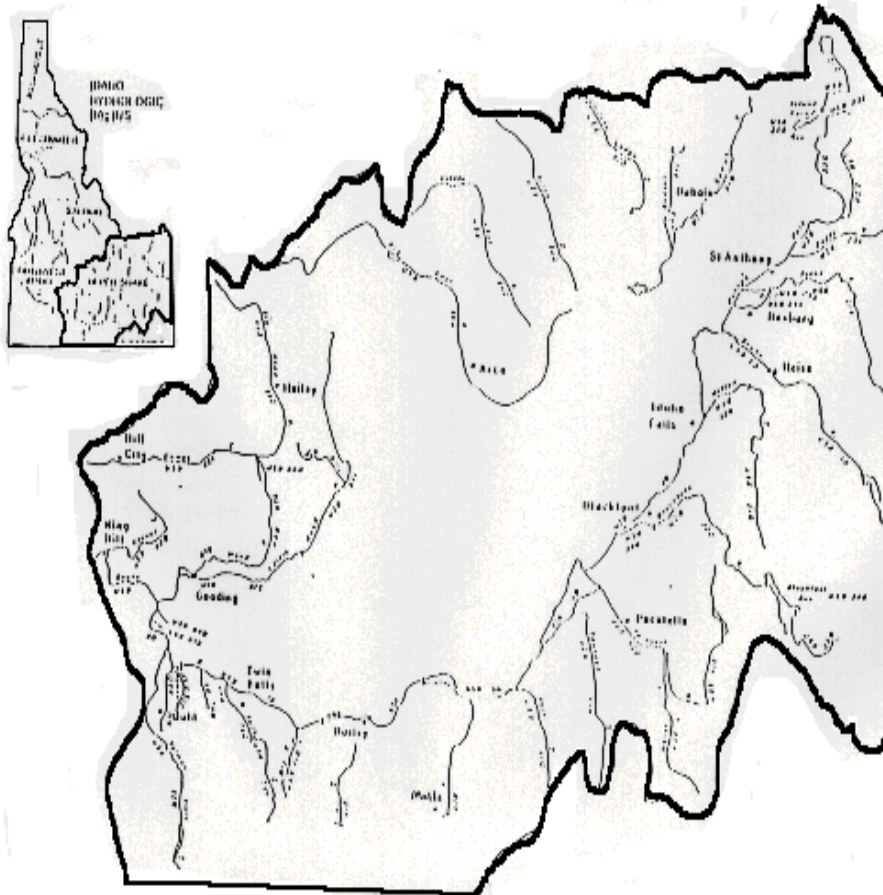
Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
gg. USB-730	ROCK CREEK - Rock Creek (City) to mouth		#	#		#	*	#	
hh. USB-740	CEDAR DRAW - source to mouth		#	#		#		#	
ii. USB-80	SNAKE RIVER - Buhl to King Hill		#	#		#	#	#	
jj. USB-800	MUD CREEK - Deep Creek Road to mouth		#	#		#		#	
kk. USB-810	DEEP CREEK - source to mouth (Twin Falls County)		#	#		#		#	
ll. USB-820	SALMON FALLS CREEK - Ida-Nevada border to mouth		#	#		#	#	#	
mm. USB-830	RILEY CREEK - source to mouth	#	#	#		#	#	#	#
nn. USB-840	BILLINGSLEY CREEK - source to mouth	#	#	#		#	#	#	#
oo. USB-850	BIG WOOD RIVER - source to Magic Reservoir	#	#	#		#	#	#	#
pp. USB-860	BIG WOOD RIVER - Magic Reservoir		#	#			#	#	
qq. USB-861	CAMAS CREEK - source to mouth (Camas Co.)		#	#		#	#	#	
rr. USB-870	BIG WOOD RIVER - Magic Dam to mouth (Malad River - source to mouth)		#	#		#	#	#	
ss. USB-871	LITTLE WOOD RIVER - source to Richfield		#	#		#	#	#	
tt. USB-8711	SILVER CREEK - source to mouth	#	#	#		#	#	#	#
uu. USB-872	LITTLE WOOD RIVER - Richfield to mouth		#	#		*	#	#	
vv. USB-880	CLOVER CREEK - source to mouth		#	#		#	#	#	
ww. USB-910	CAMAS CREEK (Clark County) - source to Mud Lake		#	#		#	#	#	

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
xx. USB-911	BEAVER CREEK - source to mouth	#	#	#		#	#	#	
yy. USB-920	MEDICINE LODGE CREEK - source to playas	#	#	#		#	#	#	#
zz. USB-930	BIRCH CREEK - source to playas	#	#	#		#	#	#	#
ab. USB-940	LITTLE LOST RIVER - source to playas		#	#		#	#	#	
ac. ISB-950	BIG LOST RIVER - source to playas	#	#	#		#	#	#	#

02. Upper Snake Hydrologic Basin - Map E

(7-1-93)

APPENDIX E - Upper Snake Hydrologic Basin - Map



(BREAK IN CONTINUITY OF SECTIONS)

160. BEAR RIVER BASIN.

The waters found within the Bear River hydrologic basin are designated for use as follows:

(7-1-93)

01. Designated Uses Within Bear River Hydrologic Basin - Table F.

~~(7-1-93)~~(6-20-97)T

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
a. BB-10	BEAR RIVER - Idaho-Wyoming border to Bear Lake Confluence		#	#		#	#	#	
b. BB-110	THOMAS FORK - Idaho-Wyoming border to mouth		#	#		#	#	#	
c. BB-120	BEAR LAKE and Outlets to Bear River	#	#	#		#	#	#	#
d. BB-121	BLOOMINGTON LAKE AND CREEK - source to Dingle Swamp	#	#	#		#	#	#	#
e. BB-20	BEAR RIVER - Bear Lake Confluence to Soda Springs		#	#		#	#	#	
f. BB-210	GEORGETOWN CREEK	#	#	#		#	#	#	#
g. BB-30	BEAR RIVER - Soda Springs to U.P.& L. Tailrace, Oneida		#	#		#	#	#	
h. BB-310	SODA CREEK - source to mouth		#					#	
i. BB-40	BEAR RIVER - U. P. & L. Tailrace, Oneida to Ida-Utah boarder		#	#		#	#	#	
j. BB-410	MINK CREEK - source to mouth		#	#		#	#	#	
k. BB-420	BATTLE CREEK - source to mouth		#	*#		*	*	#	
l. BB-430	WORM CREEK - source to Ida-Utah border		#	*#		*	*	#	
m. BB-440	CUB RIVER - source to Mapleton	#	#	#		#	#	#	#
n. BB-450A	CUB RIVER - Mapleton to Franklin (US Hwy 91 Bridge)		#	#		*	#	#	
o. BB-450B	CUB RIVER - Franklin (US Hwy 91 Bridge) to Ida-Utah border		#	#				#	
p. BB-460	MALAD RIVER - source to Little Malad River	#	#	#		*	#	#	

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
q. BB-461	LITTLE MALAD RIVER - source to mouth		#	#			#	#	
r. BB-462	WRIGHT CREEK - source to Daniels Reservoir		#	#		#	#	#	
s. BB-470	MALAD RIVER - Little Malad River to Ida-Utah border		#	* #		*	*	#	
t. BB-480	DEEP CREEK - source to Ida-Utah border	#	#	* #		*	#	#	

02. Bear River Hydrologic Basin - Map F

(7-1-93)

APPENDIX F - Bear River Hydrologic Basin - Map



(BREAK IN CONTINUITY OF SECTIONS)

250. SURFACE WATER QUALITY CRITERIA FOR USE CLASSIFICATIONS.

The following water quality criteria apply to surface waters of the state according to the designated beneficial uses on a water body. (8-24-94)

01. Recreation. (7-1-93)
 - a. Primary contact recreation: between May 1 and September 30 of each calendar year, waters designated for primary contact recreation are not to contain fecal coliform bacteria significant to the public health in concentrations exceeding: (7-1-93)
 - i. 500/100 ml. at any time; and (7-1-93)
 - ii. 200/100 ml. in more than ten percent (10%) of the total samples taken over a thirty (30) day period; and (7-1-93)
 - iii. A geometric mean of 50/100 ml. based on a minimum of five (5) samples taken over a thirty (30) day period. (7-1-93)
 - b. Secondary contact recreation: waters designated for secondary contact recreation are not to contain fecal coliform bacteria significant to the public health in concentrations exceeding: (7-1-93)
 - i. 800/100 ml. at any time; and (7-1-93)
 - ii. 400/100 ml. in more than ten percent (10%) of the total samples taken over a thirty (30) day period; and (7-1-93)
 - iii. A geometric mean of 200/100 ml. based on a minimum of five (5) samples taken over a thirty (30) day period. (7-1-93)
 - c. Primary and Secondary Contact Recreation: All toxic substance criteria set forth in 40 CFR 131.36(b)(1), Column D2, revised as of December 22, 1992, effective February 5, 1993 (57 FR 60848, December 22, 1992). 40 CFR 131.36(b)(1) is hereby incorporated by reference in the manner provided in subsection 250.07; provided, however the standard for arsenic shall be six and two-tenths (6.2) ug/L for Column D2 (which constitutes a recalculation to reflect an appropriate bioconcentration factor for fresh water). (3-8-95)
02. Aquatic Life. (7-1-93)
 - a. General Criteria. The following criteria apply to all aquatic life use classifications: (8-24-94)
 - i. Hydrogen Ion Concentration (pH) values within the range of six and one-half (6.5) to nine and one-half (9.5); (7-1-93)
 - ii. The total concentration of dissolved gas not exceeding one hundred ten percent (110%) of saturation at atmospheric pressure at the point of sample collection; (7-1-93)
 - iii. Total chlorine residual. (8-24-94)
 - (1) One (1) hour average concentration not to exceed nineteen (19) ug/l (8-24-94)
 - (2) Four (4) day average concentration not to exceed eleven (11) ug/l. (8-24-94)
 - iv. All toxic substance criteria set forth in 40 CFR 131.36(b)(1), Columns B1, B2 and D2, revised as of December 22, 1992, effective February 5, 1993 (57 FR 60848, December 22, 1992) provided, however, the standard for arsenic shall be six point two (6.2) ug/L for Column D2 (which constitutes a recalculation to reflect an appropriate

bioconcentration factor for fresh water). 40 CFR 131.36(b)(1) is hereby incorporated by reference in the manner provided in subsection 250.07. (3-8-95)

b. Warm water biota: waters designated for warm water biota are to exhibit the following characteristics: (7-1-93)

i. Dissolved oxygen concentrations exceeding five (5) mg/l at all times. In lakes and reservoirs this standard does not apply to: (7-1-93)

(1) The bottom twenty percent (20%) of the water depth in natural lakes and reservoirs where depths are thirty-five (35) meters or less. (7-1-93)

(2) The bottom seven (7) meters of water depth in natural lakes and reservoirs where depths are greater than thirty-five (35) meters. (7-1-93)

(3) Those waters of the hypolimnion in stratified lakes and reservoirs. (7-1-93)

ii. Water temperatures of thirty-three (33) degrees C or less with a maximum daily average not greater than twenty-nine (29) degrees C. (8-24-94)

iii. Ammonia. (8-24-94)

(1) One (1) hour average concentration of un-ionized ammonia (as N) is not to exceed (0.43/A/B/2) mg/l, where:

A = 0.7 if the water temperature (T) is greater than or equal to 25 degrees C (if T > 30 degrees C site-specific criteria should be defined), or

A = 10^{power(0.03(20-T))} if T is less than 25 degrees C, and

B = 1 if the pH is greater than or equal to 8 (if pH > 9.0 site-specific criteria should be defined), or

B = (1 + 10^{power(7.4-pH))}/1.25 if pH is less than 8 (if pH < 6.5 site-specific criteria should be defined). (8-24-94)

(i) The following Table gives one-hour average criteria for un-ionized ammonia (mg/l as N) at various water temperatures and pH values. The corresponding total ammonia concentration (mg/l as N) is given below each un-ionized ammonia criterion. (8-24-94)

TABLE I--WARM WATER BIOTA: ONE-HOUR AVERAGE CRITERIA FOR UN-IONIZED (TOP) AND TOTAL (BOTTOM) AMMONIA (mg/l as N) AT SELECTED WATER TEMPERATURES AND PH VALUES.

WATER TEMP. (DEGREES C)	pH						
	6.50	6.60	6.80	7.00	7.20	7.40	7.60
0.00	0.01	0.01	0.01	0.02	0.03	0.03	0.04
	28.92	28.07	26.01	23.27	19.94	16.31	12.62
2.00	0.01	0.01	0.02	0.02	0.03	0.04	0.05
	28.05	27.26	25.26	22.59	19.35	15.82	12.25
4.00	0.01	0.01	0.02	0.03	0.03	0.04	0.05

WATER TEMP.	pH						
(DEGREES C)	6.50	6.60	6.80	7.00	7.20	7.40	7.60
	27.34	26.52	24.57	22.03	18.92	15.40	11.94
6.00	0.0	0.01	0.02	0.03	0.04	0.05	0.06
	26.63	25.93	23.99	21.55	18.47	15.07	11.67
8.00	0.01	0.02	0.02	0.03	0.05	0.06	0.07
	26.08	25.35	23.55	21.01	18.01	14.74	11.44
10.00	0.02	0.02	0.03	0.04	0.05	0.07	0.08
	25.57	24.87	23.11	20.62	17.72	14.45	11.22
12.00	0.02	0.02	0.03	0.04	0.06	0.08	0.09
	25.13	24.43	22.66	20.29	17.39	14.21	11.04
14.00	0.02	0.02	0.04	0.05	0.07	0.09	0.11
	24.76	24.05	22.28	19.98	17.13	14.03	10.89
16.00	0.02	0.03	0.04	0.06	0.08	0.10	0.12
	24.43	23.84	22.00	19.75	16.92	13.85	10.78
18.00	0.03	0.03	0.05	0.07	0.09	0.12	0.14
	24.23	23.55	21.76	19.49	16.77	13.70	10.63
20.00	0.03	0.04	0.05	0.08	0.10	0.13	0.16
	24.04	23.27	21.58	19.32	16.61	13.60	10.56
22.00	0.03	0.04	0.06	0.09	0.12	0.15	0.19
	23.79	23.07	21.44	19.23	16.51	13.53	0.51
24.00	0.04	0.05	0.07	0.10	0.14	0.18	0.22
	23.72	22.97	21.36	19.14	16.45	3.52	0.49
26.00	0.04	0.05	0.08	0.11	0.15	0.19	0.24
	22.24	21.70	20.07	18.01	15.50	2.71	9.93
28.00	0.04	0.05	0.08	0.11	0.15	0.19	0.24
	19.43	18.83	17.48	15.68	13.50	1.10	8.65
30.00	0.04	0.05	0.08	0.11	0.15	0.19	0.24
	16.90	16.41	15.23	13.68	11.79	9.70	7.57

WATER TEMP.	pH						
DEGREES C	7.80	8.00	8.20	8.40	8.60	8.80	9.00
0.00	0.05	0.05	0.05	0.05	0.05	0.05	0.05

WATER TEMP. DEGREES C	pH						
	7.80	8.00	8.20	8.40	8.60	8.80	9.00
	9.30	6.59	4.19	2.66	1.69	1.09	0.71
2.00	0.06	0.06	0.06	0.06	0.061	0.06	0.06
	9.04	6.41	4.05	2.58	1.65	1.07	0.70
4.00	0.06	0.07	0.07	0.07	0.07	0.07	0.07
	8.82	6.25	3.98	2.53	1.62	1.05	0.69
6.00	0.07	0.08	0.08	0.08	0.08	0.08	0.08
	8.82	6.10	3.89	2.48	1.60	1.04	0.69
8.00	0.08	0.09	0.09	0.09	0.09	0.09	0.09
	8.44	5.98	3.82	2.44	1.57	1.03	0.69
10.00	0.10	0.11	0.11	0.11	0.11	0.11	0.11
	8.31	5.89	3.75	2.41	1.56	1.03	0.69
12.00	0.11	0.12	0.12	0.12	0.12	0.12	0.12
	8.13	5.81	3.70	2.38	1.55	1.02	0.69
14.00	0.13	0.14	0.14	0.14	0.14	0.14	0.14
	8.04	5.73	3.67	2.37	1.55	1.03	0.70
16.00	0.15	0.16	0.16	0.16	0.16	0.16	0.16
	7.97	5.68	3.65	2.36	1.55	1.04	0.72
18.00	0.17	0.19	0.19	0.19	0.19	0.19	0.19
	7.90	5.66	3.64	2.36	1.56	1.05	0.73
20.00	0.19	0.22	0.22	0.22	0.22	0.22	0.22
	7.88	5.63	3.63	2.37	1.57	1.08	0.76
22.00	0.22	0.25	0.25	0.25	0.25	0.25	0.25
	7.83	5.62	3.64	2.40	1.59	1.10	0.78
24.00	0.25	0.28	0.28	0.28	0.28	0.28	0.28
	7.82	5.63	3.66	2.42	1.63	1.13	0.82
26.00	0.27	0.31	0.31	0.31	0.31	0.31	0.31
	7.40	5.34	3.48	2.31	1.57	1.10	0.81
28.00	0.27	0.31	0.31	0.31	0.31	0.31	0.31
	6.48	4.68	3.07	2.05	1.41	1.00	0.75
30.00	0.27	0.31	0.31	0.31	0.31	0.31	0.31
	5.67	4.12	2.72	1.83	1.26	0.91	0.69

(2) Four-day average concentration of un-ionized ammonia (as N) is not to exceed $(0.66/A/B/C)$ mg/l, where:

A = 1.0 if the water temperature (T) is greater than or equal to 20 degrees C (if T > 30 degrees C site-specific criteria should be defined), or

A = $10^{\text{power}(0.03(20-T))}$ if T is less than 20 degrees C, and)

B = 1 if the pH is greater than or equal to 8 (if pH > 9.0 site-specific criteria should be defined), or

B = $(1 + 10^{\text{power}(7.4-\text{pH})})/1.25$ if pH is less than 8 (if pH < 6.5 site-specific criteria should be defined), and

C = 13.5 if pH is greater than or equal to 7.7, or

C = $20(10^{\text{power}(7.7-\text{pH})}/(1 + 10^{\text{power}(7.4-\text{pH})}))$ if the pH is less than 7.7. (4-13-95)

(a) The following Table gives four-day average criteria for un-ionized ammonia (mg/l as N) at various water temperatures and pH values. The corresponding total ammonia concentration (mg/l as N) is given below each un-ionized ammonia criterion. (8-24-94)

TABLE II--WARM WATER BIOTA: FOUR-DAY AVERAGE CRITERIA FOR UN-IONIZED (TOP) AND TOTAL (BOTTOM) AMMONIA (mg/l as N) AT SELECTED WATER TEMPERATURES AND PH VALUES.

WATER TEMP. DEGREES C	pH			
	6.5	6.6	6.8	7.0
0	0.0007	0.0008	0.0013	0.0021
	2.5	2.5	2.5	2.5
2	0.0008	0.0009	0.0015	0.0024
	2.5	2.5	2.5	2.5
4	0.0009	0.0011	0.0017	0.0027
	2.4	2.4	2.4	2.4
6	0.0010	0.0012	0.0020	0.0031
	2.3	2.3	2.3	2.3
8	0.0011	0.0014	0.0023	0.0036
	2.3	2.3	2.3	2.3
10	0.0013	0.0016	0.0026	0.0041
	2.3	2.3	2.3	2.3
12	0.0015	0.0019	0.0030	0.0047
	2.2	2.2	2.2	2.2
14	0.0017	0.0022	0.0034	0.0054
	2.2	2.2	2.2	2.2
16	0.0020	0.0025	0.0039	0.0062
	2.1	2.1	2.2	2.2
18	0.0023	0.0029	0.0045	0.0072

WATER TEMP.	pH			
DEGREES C	6.5	6.6	6.8	7.0
	2.1	2.1	2.1	2.1
20	0.0026	0.0033	0.0052	0.0082
	2.1	2.1	2.1	2.1
22	0.0026	0.0033	0.0052	0.0082
	1.8	1.8	1.8	1.8
24	0.0026	0.0033	0.0052	0.0082
	1.6	1.6	1.6	1.6
26	0.0026	0.0033	0.0052	0.0082
	1.37	1.37	1.37	1.38
28	0.0026	0.0033	0.0052	0.0082
	1.19	1.19	1.19	1.20
30	0.0026	0.0033	0.0052	0.0082
	1.04	1.04	1.04	1.04

WATER TEMP.	pH				
DEGREES C	7.2	7.4	7.6	7.8	8.0
0	0.0033	0.0052	0.0082	0.0110	0.0123
	2.5	2.5	2.6	2.2	1.52
2	0.0038	0.0060	0.0094	0.0126	0.0141
	2.5	2.5	2.5	2.1	1.48
4	0.0043	0.0068	0.0108	0.0145	0.0162
	2.4	2.4	2.4	2.0	1.44
6	0.0050	0.0079	0.0125	0.0166	0.0186
	2.4	2.4	2.4	2.0	1.41
8	0.0057	0.0090	0.0143	0.0191	0.0213
	2.3	2.3	2.3	2.0	1.38
10	0.0065	0.0104	0.0164	0.0219	0.0245
	2.3	2.3	2.3	1.9	1.36

WATER TEMP.	pH				
DEGREES C	7.2	7.4	7.6	7.8	8.0
12	0.0075	0.0119	0.0189	0.0252	0.0281
	2.2	2.2	2.2	1.9	1.34
14	0.0086	0.0137	0.0216	0.0289	0.0323
	2.2	2.2	2.2	1.9	1.32
16	0.0099	0.0157	0.0249	0.0332	0.0371
	2.2	2.2	2.2	1.8	1.31
18	0.0114	0.0180	0.0285	0.0381	0.0426
	2.1	2.1	2.2	1.8	1.30
20	0.0130	0.0207	0.0328	0.0437	0.0489
	2.1	2.1	2.1	1.8	1.30
22	0.0130	0.0207	0.0328	0.0437	0.0489
	1.8	1.8	1.9	1.6	1.13
24	0.0130	0.0207	0.0328	0.0437	0.0489
	1.6	1.6	1.6	1.4	0.98
26	0.0130	0.0207	0.0328	0.0437	0.0489
	1.38	1.39	1.40	1.19	0.86
28	0.0130	0.0207	0.0328	0.0437	0.0489
	1.20	1.21	1.22	1.04	0.76
30	0.0130	0.0207	0.0328	0.0437	0.0489
	1.05	1.06	1.07	0.92	0.66

WATER TEMP.	pH				
DEGREES C	8.2	8.4	8.6	8.8	9.0
0	0.0123	0.0123	0.0123	0.0123	0.0123
	0.97	0.61	0.39	0.25	0.163
2	0.0141	0.0141	0.0141	0.0141	0.0141

WATER TEMP. DEGREES C	pH				
	8.2	8.4	8.6	8.8	9.0
	0.94	0.60	0.38	0.25	0.161
4	0.0162	0.0162	0.0162	0.0162	0.0162
	0.92	0.58	0.37	0.24	0.159
6	0.0186	0.0186	0.0186	0.0186	0.0186
	0.90	0.57	0.37	0.24	0.158
8	0.0213	0.0213	0.0213	0.0213	0.0213
	0.88	0.56	0.36	0.24	0.158
10	0.0245	0.0245	0.0245	0.0245	0.0245
	0.87	0.56	0.36	0.24	0.158
12	0.0281	0.0281	0.0281	0.0281	0.0281
	0.86	0.55	0.36	0.24	0.159
14	0.0323	0.0323	0.0323	0.0323	0.0323
	0.85	0.55	0.36	0.24	0.162
16	0.0371	0.0371	0.0371	0.0371	0.0371
	0.84	0.54	0.36	0.24	0.165
18	0.0426	0.0426	0.0426	0.0426	0.0426
	0.84	0.54	0.36	0.24	0.169
20	0.0489	0.0489	0.0489	0.0489	0.0489
	0.84	0.55	0.36	0.25	0.174
22	0.0489	0.0489	0.0489	0.0489	0.0489
	0.73	0.48	0.32	0.22	0.157
24	0.0489	0.0489	0.0489	0.0489	0.0489
	0.64	0.42	0.28	0.20	0.142
26	0.0489	0.0489	0.0489	0.0489	0.0489
	0.56	0.37	0.25	0.18	0.130
28	0.0489	0.0489	0.0489	0.0489	0.0489
	0.49	0.33	0.23	0.16	0.120
30	0.0489	0.0489	0.0489	0.0489	0.0489
	0.44	0.29	0.20	0.146	0.110

c. Cold water biota: waters designated for cold water biota are to exhibit the following characteristics:
 (7-1-93)

i. Dissolved Oxygen Concentrations exceeding six (6) mg/l at all times. In lakes and reservoirs this standard does not apply to:
 (7-1-93)

(1) The bottom twenty percent (20%) of water depth in natural lakes and reservoirs where depths are thirty-five (35) meters or less. (7-1-93)

(2) The bottom seven (7) meters of water depth in natural lakes and reservoirs where depths are greater than thirty-five (35) meters. (7-1-93)

(3) Those waters of the hypolimnion in stratified lakes and reservoirs. (7-1-93)

ii. Water temperatures of twenty-two (22) degrees C or less with a maximum daily average of no greater than nineteen (19) degrees C. (8-24-94)

iii. Ammonia. (8-24-94)

(1) One (1) hour average concentration of un-ionized ammonia (as N) is not to exceed (0.43/A/B/2) mg/l, where:

A = 1 if the water temperature (T) is greater than or equal to 20 degrees C (if T > 30 degrees C site-specific criteria should be defined), or

A = $10^{\text{power}(0.03(20-T))}$ if T is less than twenty (20) degrees C, and

B = 1 if the pH is greater than or equal to 8 (if pH > 9.0 site-specific criteria should be defined); or

B = $(1 + 10^{\text{power}(7.4-pH)})/1.25$ if pH is less than 8 (if pH < 6.5 site-specific criteria should be defined). (8-24-94)

(i) The following Table gives one-hour average criteria for un-ionized ammonia (mg/l as N) at various water temperatures and pH values. The corresponding total ammonia concentration (mg/l as N) is given below each un-ionized ammonia criterion. (8-24-94)

TABLE III--COLD WATER BIOTA: ONE-HOUR AVERAGE CRITERIA FOR UN-IONIZED (TOP) AND TOTAL (BOTTOM) AMMONIA (mg/l as N) AT SELECTED WATER TEMPERATURES AND PH VALUES.

WATER TEMP. DEGREES C	pH						
	6.50	6.60	6.80	7.00	7.20	7.40	7.60
0.00	0.01	0.01	0.01	0.02	0.03	0.03	0.04
	28.92	28.07	26.01	23.27	19.94	16.31	12.62
2.00	0.01	0.01	0.02	0.02	0.03	0.04	0.05
	28.05	27.26	25.26	22.59	19.35	15.82	12.25
4.00	0.01	0.01	0.02	0.03	0.03	0.04	0.05
	27.34	26.52	24.57	22.03	18.92	15.40	11.94
6.00	0.01	0.01	0.02	0.03	0.04	0.05	0.06
	26.63	25.93	23.99	21.55	18.47	15.07	11.67
8.00	0.01	0.02	0.02	0.03	0.05	0.06	0.07
	26.08	25.35	23.55	21.01	18.01	14.74	11.44
10.00	0.02	0.02	0.03	0.04	0.05	0.07	0.08

WATER TEMP.	pH						
DEGREES C	6.50	6.60	6.80	7.00	7.20	7.40	7.60
	25.57	24.87	23.11	20.62	17.72	14.45	11.22
12.00	0.02	0.02	0.03	0.04	0.06	0.08	0.09
	25.13	24.43	22.66	20.29	17.39	14.21	11.04
14.00	0.02	0.02	0.04	0.05	0.07	0.09	0.11
	24.76	24.05	22.28	19.98	17.13	14.03	10.89
16.00	0.02	0.03	0.04	0.06	0.08	0.10	0.12
	24.43	23.84	22.00	19.75	16.92	13.85	10.78
18.00	0.03	0.03	0.05	0.07	0.09	0.12	0.14
	24.23	23.55	21.76	19.49	16.77	13.70	10.63
20.00	0.03	0.04	0.05	0.08	0.10	0.13	0.16
	24.04	23.27	21.58	19.32	16.61	13.60	10.56
22.00	0.03	0.04	0.05	0.08	0.10	0.13	0.16
	20.72	20.09	18.67	16.75	14.38	11.79	9.15
24.00	0.03	0.04	0.05	0.08	0.10	0.13	0.16
	17.99	17.43	16.20	14.52	12.48	10.26	7.96
26.00	0.03	0.04	0.05	0.08	0.10	0.13	0.16
	15.57	15.19	14.05	12.61	10.85	8.90	6.95
28.00	0.03	0.04	0.05	0.08	0.10	0.13	0.16
	13.60	13.18	12.23	10.98	9.45	7.77	6.06
30.00	0.03	0.04	0.05	0.08	0.10	0.13	0.16
	11.83	11.49	10.66	9.58	8.25	6.79	5.30

WATER TEMP.	pH						
DEGREES C	7.80	8.00	8.20	8.40	8.60	8.80	9.00
0.00	0.05	0.05	0.05	0.05	0.05	0.05	0.05
	9.30	6.59	4.19	2.66	1.69	1.09	0.71
2.00	0.06	0.06	0.06	0.06	0.06	0.06	0.06
	9.04	6.41	4.05	2.58	1.65	1.07	0.70
4.00	0.06	0.07	0.07	0.07	0.07	0.07	0.07
	8.82	6.25	3.98	2.53	1.62	1.05	0.69
6.00	0.07	0.08	0.08	0.08	0.08	0.08	0.08

WATER TEMP. DEGREES C	pH						
	7.80	8.00	8.20	8.40	8.60	8.80	9.00
	8.82	6.10	3.89	2.48	1.60	1.04	0.69
8.00	0.08	0.09	0.09	0.09	0.09	0.09	0.09
	8.44	5.98	3.82	2.44	1.57	1.03	0.69
10.00	0.10	0.11	0.11	0.11	0.11	0.11	0.11
	8.31	5.89	3.75	2.41	1.56	1.03	0.69
12.00	0.11	0.12	0.12	0.12	0.12	0.12	0.12
	8.13	5.81	3.70	2.38	1.55	1.02	0.69
14.00	0.13	0.14	0.14	0.14	0.14	0.14	0.14
	8.04	5.73	3.67	2.37	1.55	1.03	0.70
16.00	0.15	0.16	0.16	0.16	0.16	0.16	0.16
	7.97	5.68	3.65	2.36	1.55	1.04	0.72
18.00	0.17	0.19	0.19	0.19	0.19	0.19	0.19
	7.90	5.66	3.64	2.36	1.56	1.05	0.73
20.00	0.19	0.22	0.22	0.22	0.22	0.22	0.22
	7.88	5.63	3.63	2.37	1.57	1.08	0.76
22.00	0.19	0.22	0.22	0.22	0.22	0.22	0.22
	6.82	4.90	3.17	2.09	1.39	0.96	0.68
24.00	0.19	0.22	0.22	0.22	0.22	0.22	0.22
	5.93	4.27	2.77	1.84	1.24	0.86	0.62
26.00	0.19	0.22	0.22	0.22	0.22	0.22	0.22
	5.18	3.74	2.44	1.62	1.10	0.77	0.57
28.00	0.19	0.22	0.22	0.22	0.22	0.22	0.22
	4.53	3.28	2.15	1.43	0.99	0.70	0.52
30.00	0.19	0.22	0.22	0.22	0.22	0.22	0.22
	3.97	2.88	1.90	1.28	0.88	0.64	0.48

(2) Four-day average concentration of un-ionized ammonia (as N) is not to exceed $(0.66/A/B/C)$ mg/l, where:

A = 1.4 if the water temperature (T) is greater than or equal to 15 degrees C (if T > 30 degrees C site-specific criteria should be defined), or

A = $10^{\text{power}(0.03(20-T))}$ if T is less than fifteen (15) degrees C, and

B = 1 if the pH is greater than or equal to 8 (if pH > 9.0 site-specific criteria should be defined), or

B = $(1 + 10^{\text{power}(7.4-pH)})/1.25$ if pH is less than 8 (if pH < 6.5 site-specific criteria should be defined), and

C = 13.5 if pH is greater than or equal to 7.7, or

$C = 20(10^{\text{power}(7.7-\text{pH})}/(1 + 10^{\text{power}(7.4-\text{pH})}))$ if the pH is less than 7.7. (4-13-95)

(i) The following Table gives four-day average criteria for un-ionized ammonia (mg/l as N) at various water temperatures and pH values. The corresponding total ammonia concentration (mg/l as N) is given below each un-ionized ammonia criterion. (8-24-94)

TABLE IV--COLD WATER BIOTA: FOUR-DAY AVERAGE CRITERIA FOR UN-IONIZED (TOP) AND TOTAL (BOTTOM) AMMONIA (mg/l as N) AT SELECTED WATER TEMPERATURES AND PH VALUES.

WATER TEMP DEGREES C	pH				
	6.5	6.6	6.8	7.0	7.2
0	0.0007	0.0008	0.0013	0.0021	0.0033
	2.5	2.5	2.5	2.5	2.5
2	0.0008	0.0009	0.0015	0.0024	0.0038
	2.5	2.5	2.5	2.5	2.5
4	0.0009	0.0011	0.0017	0.0027	0.0043
	2.4	2.4	2.4	2.4	2.4
6	0.0010	0.0012	0.0020	0.0031	0.0050
	2.3	2.3	2.3	2.3	2.4
8	0.0011	0.0014	0.0023	0.0036	0.0057
	2.3	2.3	2.3	2.3	2.3
10	0.0013	0.0016	0.0026	0.0041	0.0065
	2.3	2.3	2.3	2.3	2.3
12	0.0015	0.0019	0.0030	0.0054	0.0075
	2.2	2.2	2.2	2.2	2.2
14	0.0017	0.0022	0.0034	0.0054	0.0086
	2.2	2.2	2.2	2.2	2.2
16	0.0019	0.0023	0.0037	0.0059	0.0093
	2.0	2.0	2.0	2.0	2.0
18	0.0019	0.0023	0.0037	0.0059	0.0093
	1.7	1.7	1.7	1.7	1.7
20	0.0019	0.0023	0.0037	0.0059	0.0093
	1.50	1.50	1.51	1.51	1.51
22	0.0019	0.0023	0.0037	0.0059	0.0093
	1.30	1.30	1.30	1.30	1.31
24	0.0019	0.0023	0.0037	0.0059	0.0093

WATER TEMP	pH				
DEGREES C	6.5	6.6	6.8	7.0	7.2
	1.13	1.13	1.13	1.13	1.13
26	0.0019	0.0023	0.0037	0.0059	0.0093
	0.98	0.98	0.98	0.98	0.99
28	0.0019	0.0023	0.0037	0.0059	0.0093
	0.85	0.85	0.85	0.86	0.86
30	0.0019	0.0023	0.0037	0.0059	0.0093
	0.74	0.74	0.74	0.75	0.75

WATER TEMP.	pH				
DEGREES C	7.4	7.6	7.8	8.0	8.2
0	0.0052	0.0082	0.0110	0.0123	0.0123
	2.5	2.6	2.2	1.52	0.97
2	0.0060	0.0094	0.0126	0.0141	0.0141
	2.5	2.5	2.1	1.48	0.94
4	0.0068	0.0108	0.0145	0.0162	0.0162
	2.4	2.4	2.0	1.44	0.92
6	0.0079	0.0125	0.0166	0.0186	0.0186
	2.4	2.4	2.0	1.41	0.90
8	0.0090	0.0143	0.0191	0.0213	0.0213
	2.3	2.3	2.0	1.38	0.88
10	0.0104	0.0164	0.0219	0.0245	0.0245
	2.3	2.3	1.9	1.36	0.87
12	0.0119	0.0189	0.0252	0.0281	0.0281
	2.2	2.2	1.9	1.34	0.86
14	0.0137	0.0216	0.0289	0.0323	0.0323
	2.2	2.2	1.9	1.32	0.85
16	0.0148	0.0234	0.0312	0.0349	0.0349
	2.0	2.0	1.7	1.24	0.79
18	0.0148	0.0234	0.0312	0.0349	0.0349
	1.8	1.8	1.5	1.07	0.69
20	0.0148	0.0234	0.0312	0.0349	0.0349

WATER TEMP.	pH				
DEGREES C	7.4	7.6	7.8	8.0	8.2
	1.52	1.53	1.30	0.93	0.60
22	0.0148	0.0234	0.0312	0.0349	0.0349
	1.31	1.32	1.12	0.81	0.52
24	0.0148	0.0234	0.0312	0.0349	0.0349
	1.14	1.15	0.98	0.70	0.46
26	0.0148	0.0234	0.0312	0.0349	0.0349
	0.99	1.00	0.85	0.61	0.40
28	0.0148	0.0234	0.0312	0.0349	0.0349
	0.86	0.87	0.75	0.54	0.35
30	0.0148	0.0234	0.0312	0.0349	0.0349
	0.75	0.76	0.65	0.47	0.31

WATER TEMP.	pH			
DEGREES C	8.4	8.6	8.8	9.0
0	0.0123	0.0123	0.0123	0.0123
	0.61	0.39	0.25	0.163
2	0.0141	0.0141	0.0141	0.0141
	0.60	0.38	0.25	0.161
4	0.0162	0.0162	0.0162	0.0162
	0.58	0.37	0.24	0.159
6	0.0186	0.0186	0.0186	0.0186
	0.57	0.37	0.24	0.158
8	0.0213	0.0213	0.0213	0.0213
	0.56	0.36	0.24	0.158
10	0.0245	0.0245	0.0245	0.0245
	0.56	0.36	0.24	0.158
12	0.0281	0.0281	0.0281	0.0281
	0.55	0.36	0.24	0.159
14	0.0323	0.0323	0.0323	0.0323
	0.55	0.36	0.24	0.162
16	0.0349	0.0349	0.0349	0.0349
	0.51	0.34	0.23	0.155
18	0.0349	0.0349	0.0349	0.0349

WATER TEMP DEGREES C	pH			
	8.4	8.6	8.8	9.0
	0.45	0.29	0.20	0.138
20	0.0349	0.0349	0.0349	0.0349
	0.39	0.26	0.18	0.124
22	0.0349	0.0349	0.0349	0.0349
	0.34	0.23	0.16	0.112
24	0.0349	0.0349	0.0349	0.0349
	0.30	0.20	0.14	0.102
26	0.0349	0.0349	0.0349	0.0349
	0.27	0.18	0.127	0.093
28	0.0349	0.0349	0.0349	0.0349
	0.24	0.16	0.115	0.085
30	0.0349	0.0349	0.0349	0.0349
	0.21	0.15	0.105	0.079

iv. Turbidity, below any applicable mixing zone set by the Department, shall not exceed background turbidity by more than fifty (50) NTU instantaneously or more than twenty-five (25) NTU for more than ten (10) consecutive days. (8-24-94)

d. Salmonid spawning: waters designated for salmonid spawning are to exhibit the following characteristics during the spawning period and incubation for the particular species inhabiting those waters: (7-1-93)

i. Dissolved Oxygen. (8-24-94)

(1) Intergravel Dissolved Oxygen. (8-24-94)

(a) One (1) day minimum of not less than five point zero (5.0) mg/l. (8-24-94)

(b) Seven (7) day average mean of not less than six point zero (6.0) mg/l. (8-24-94)

(2) Water-Column Dissolved Oxygen. (8-24-94)

(a) One (1) day minimum of not less than six point zero (6.0) mg/l or ninety percent (90%) of saturation, whichever is greater. (8-24-94)

ii. Water temperatures of thirteen (13) degrees C or less with a maximum daily average no greater than nine (9) degrees C. (8-24-94)

iii. Ammonia (8-24-94)

(1) One (1) hour average concentration of un-ionized ammonia is not to exceed the criteria defined at Idaho Department of Health and Welfare Rules Section 250.02.c.iii.(1). (8-24-94)

(2) Four (4) day average concentration of un-ionized ammonia is not to exceed the criteria defined at Idaho Department of Health and Welfare Rules Section 250.02.c.iii.(2). (8-24-94)

iv. Unless modified for site-specific conditions, the time periods for salmonid spawning and incubation in the following Table shall apply for the indicated species.

TABLE - Time Periods for Salmonid Spawning and Incubation.

Fish Species	(Annually) Time Period
Chinook salmon (spring)	Aug 1 - Apr 1
Chinook salmon (summer)	Aug 15 - June 15
Chinook Salmon (fall)	Sept 15 - Apr 15
Sockeye Salmon	Oct 1 - June 1
Steelhead trout	Feb 1 - July 15
Redband trout	Mar 1 - July 15
Cutthroat trout	Apr 1 - Aug 1
Sunapee trout	Sept 15 - June 10
Bull trout	Sept 1 - Apr 1
Golden trout	June 15 - Aug 15
Kokanee	Aug 1 - June 1
Rainbow trout	Jan 15 - July 15
Mountain whitefish	Oct 15 - Mar 15
Brown trout	Oct 1 - Apr 1
Brook trout	Oct 1 - June 1
Lake trout	Oct 1 - Apr 1
Arctic grayling	Apr 1 - July 1

(8-24-94)

e. Bull trout temperature criteria. Known bull trout spawning and juvenile rearing stream segments as identified by the Department based on best available data or as designated under Sections 110 through 160 of this rule, shall not exceed a seven (7) day moving average of twelve degrees celsius (12°C) based on daily average water temperatures, or shall not exceed a seven (7) day moving average of fifteen degrees celsius (15°C) based on daily maximum water temperatures, during July, August and September. For the purposes of measuring these criteria, the daily average shall be generated from a recording monitoring device with a minimum of six (6) evenly spaced measurements in a twenty-four (24) hour period, and the daily maximum must be determined from either a maximum-minimum thermometer or a recording monitoring device providing at least hourly recordings. (6-20-97)T

f. Kootenai River sturgeon temperature criteria. Water temperatures within the Kootenai River from Bonners Ferry to Shorty's Island, shall not exceed a seven (7) day moving average of fourteen degrees celsius (14°C) based on daily average water temperatures, during May 1 through July 1. (6-20-97)T

03. Water Supplies. (7-1-93)

a. Domestic: waters designated for domestic water supplies are to exhibit the following characteristics: (7-1-93)

i. All toxic substance criteria set forth in 40 CFR 131.36(b)(1), Column D1, revised as of December 22, 1992, effective February 5, 1993 (57 FR 60848, December 22, 1992). 40 CFR 131.36(b)(1) is hereby incorporated by reference in the manner provided in Subsection 250.07 provided, however, the standard for arsenic shall be point zero two (.02) ug/L for Column D1 (which constitutes a recalculation to reflect an appropriate bioconcentration factor for fresh water). (8-8-95)

ii. Radioactive materials or radioactivity not to exceed concentrations specified in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 01, Chapter 08, "Rules Governing Public Drinking Water Systems." (8-24-94)

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

(1) The following Table identifies waters, including their watersheds above the public water supply intake (except where noted), which are designated as small public water supplies. (8-24-94)

TABLE - DESIGNATED SMALL PUBLIC WATER SUPPLIES

County	Water Body	Supply No.*	Supply System Name
Benewah	Adams Ck	1050011	Fernwood Water Dist.
Boise	Elk Ck	4080025	Idaho City Water Dept.
Boise	McBride Ck.	4080047	Terrace Lakes Rec. Ranch
Bonner	Berry Ck	1090021	Colburn Water Assn.
Bonner	Strong Ck.	1090038	East Hope Water Dept.
Boundary	Meadow Ck.	1110001	Bee Line Water Assn.
Boundary	Curley Ck.	1110008	Curley Ck. Water Assn.
Boundary	Molar Ck. and Highland Ck.	1110017	Highland Flats Water Assn.
Boundary	Mission Ck	1110019	Mission Creek Water Assn.
Boundary	Caribou Ck.	1110020	Moravia Water Assn.
Boundary	Brown Creek and Cedar Ck.	1110023	Paradise Valley Water Assn.
Boundary	Skin Ck.	1110025	Skin Ck. Water Assn.
Boundary	Twenty Mile Ck.	1110030	Twenty Mile Ck. Water Assn.
Clearwater N.F.	Clearwater R.**	2180001	Ahsahka Water and Sewer District
Clearwater	Reeds Ck.	2180029	Potlatch Corp-Headquarters
Elmore	E.F. Montezuma Ck.	4200005	Atlanta Water Assn.
Idaho	Wall Creek	2250011	Clearwater Water Assn.
Idaho	Big Elk Ck.	2250017	Elk City Water/Sewer Assn.
Nez Perce	Big Canyon Ck.	2350023	Peck Water System
Shoshone	Sawmill Gulch and Canyon Ck.	1400016	Citizens Utility Co-Burke
Shoshone	Spring Gulch and Rosebud Gulch	1400032	Leisure Acres Trailer Court
Shoshone	Alder Ck. and East Alder Ck.	1400039	Murray Water Works

County	Water Body	Supply No.*	Supply System Name
Shoshone	E.F. Silver Ck.	1400046	Silver Creek Water Assn.
Valley	Boulder Ck.	4430059	Yellowpine Water System, Inc.

* Public water supply number assigned by IDHW/DEQ.

** Only the portion of the watershed below Dworshak Dam is included. (8-24-94)

(2) For those surface waters identified in Subsection 250.03.a.iii.(1) turbidity as measured at the public water intake shall not be: (8-24-94)

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

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

b. Agricultural: water quality criteria for agricultural water supplies will generally be satisfied by the water quality criteria set forth in Section 200. Should specificity be desirable or necessary to protect a specific use, "Water Quality Criteria 1972" (Blue Book), Section V, Agricultural Uses of Water, EPA, March, 1973 will be used for determining criteria. This document is available for review at the Idaho Department of Health and Welfare, Division of Environmental Quality, or can be obtained from EPA or the U.S. Government Printing Office. (8-24-94)

c. Industrial: water quality criteria for industrial water supplies will generally be satisfied by the general water quality criteria set forth in Section 200. Should specificity be desirable or necessary to protect a specific use, appropriate criteria will be adopted in Sections 250 or 275 through 298. (7-1-93)

04. Wildlife Habitats. Water quality criteria for wildlife habitats will generally be satisfied by the general water quality criteria set forth in Section 200. Should specificity be desirable or necessary to protect a specific use, appropriate criteria will be adopted in Sections 250 or 275 through 298. (7-1-93)

05. Aesthetics. Water quality criteria for aesthetics will generally be satisfied by the general water quality criteria set forth in Section 200. Should specificity be desirable or necessary to protect a specific use, appropriate criteria will be adopted in Sections 250 or 275 through 298. (7-1-93)

06. Development of Toxic Substance Criteria. (8-24-94)

a. Aquatic Life Criteria. (8-24-94)

i. Numeric criteria for the protection of aquatic life uses not identified in these rules for toxic substances, may be derived by the Department from the following information: (8-24-94)

(1) Site-specific criteria developed pursuant to Section 275; (8-24-94)

(2) Effluent biomonitoring, toxicity testing and whole-effluent toxicity determinations; (8-24-94)

(3) The most recent recommended criteria defined in EPA's Aquatic Toxicity Information Retrieval (ACQUIRE) database. When using EPA recommended criteria to derive water quality criteria to protect aquatic life uses, the lowest observed effect concentrations (LOECs) shall be considered; or (8-24-94)

(4) Scientific studies, including but not limited to, instream benthic assessment or rapid bioassessment. (8-24-94)

- b. Human Health Criteria. (8-24-94)
- i. When numeric criteria for the protection of human health are not identified in these rules for toxic substances, quantifiable criteria may be derived by the Department from the most recent recommended criteria defined in EPA's Integrated Risk Information System (IRIS). When using EPA recommended criteria to derive water quality criteria to protect human health a fish consumption rate of six point five (6.5) grams/day, a water ingestion rate of two (2) liters/day and a cancer risk level of ten (10) power-six (6) shall be utilized. (8-24-94)
07. Numeric Criteria for Toxic Substances. (8-24-94)
- a. 40 CFR 131.36, revised as of December 22, 1992, effective February 5, 1993 (57 FR 60848, December 22, 1992, the National Toxics Rule), and all subparts and notes are hereby incorporated by reference, except as noted in or amended by Subsections 250.07.a.i., ii., iii., iv., and v. (8-24-94)
- i. The reference to "paragraph (d) of" in 40 CFR 131.36(c)(2)(iii) shall be deleted. (8-24-94)
- ii. The second sentence of 40 CFR 131.36(b)(1), footnote C shall be deleted. (8-24-94)
- iii. 40 CFR 131.36(c)(1) shall be deleted and replaced with the following: "The criteria in paragraph (b) of this section apply to surface waters of the state as provided in Idaho IDAPA 16.01.02, "Water Quality Standards and Wastewater Treatment Requirements," Section 250. (8-24-94)
- iv. The first sentence of 40 CFR 131.36(c)(4)(iii) shall be deleted and replaced with the following: "The criteria for metals (compounds #1-9 and 11-13 in paragraph (b) of this section) are expressed as dissolved concentrations with the following conversion factors: Arsenic(III) 1.000; Cadmium 1.136672-(ln hardness x 0.041838 for CMC and 1.101672-(ln hardness x 0.041838) for CCC; Chromium(III) 0.316 for CMC and 0.860 for CCC; Chromium(VI) 0.982 for CMC and 0.962 for CCC; Copper 0.960; Lead 1.46203-(ln hardness x 0.145712); Mercury .85 for CMC only; Nickel 0.998 for CMC and 0.997 for CCC; Silver .85 for CMC only; Zinc 0.978 for CMC and 0.986 for CCC. Compound #10 (Selenium) is expressed as total recoverable concentrations. Compound #14 (Cyanide) is expressed as Weak Acid Dissociable (WAD) concentrations." (3-20-97)
- v. 40 CFR 131.36(d) shall not be incorporated by reference. (8-24-94)
- b. For the purposes of NPDES permitting, interpretation and implementation of metals criteria listed in subsection 250.07.a. should be governed by the following standards, that are hereby incorporated by reference, in addition to the provisions of 40 CFR 131.36; provided, however, any identified conversion factors within these documents are not incorporated by reference. Metals criteria conversion factors are identified in Subsection 250.07.a.iv. of this rule. (3-20-97)
- i. "Guidance Document on Dissolved Criteria--Expression of Aquatic Life Criteria," EPA, October 1993; (8-24-94)
- ii. "Guidance Document on Dynamic Modeling and Translators," EPA, August 1993; (8-24-94)
- iii. "Guidance Document on Clean Analytical Techniques and Monitoring," EPA, October 1993. (8-24-94)
- iv. "Interim Guidance on Determination and Use of Water-Effect Ratios for Metals," EPA, February 1994. (8-24-94)

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