

Dear Senators HEIDER, Brackett, Stennett, and  
Representatives VANDER WOUDE, Amador, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Department of Environmental Quality:

IDAPA 58.01.02 - Water Quality Standards - Proposed Rule (Docket No. 58-0102-1901);

IDAPA 58.01.03 - Individual/Subsurface Sewage Disposal Rules - Proposed Rule (Docket No.  
58-0103-1902);

IDAPA 58.01.17 - Recycled Water Rules - Proposed Rule (Docket No. 58-0117-1901).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 10/23/2019. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/20/2019.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Environment, Energy & Technology Committee

**FROM:** Deputy Division Manager - Katharine Gerrity

**DATE:** October 03, 2019

**SUBJECT:** Department of Environmental Quality

IDAPA 58.01.02 - Water Quality Standards - Proposed Rule (Docket No. 58-0102-1901)

IDAPA 58.01.03 - Individual/Subsurface Sewage Disposal Rules - Proposed Rule (Docket No. 58-0103-1902)

IDAPA 58.01.17 - Recycled Water Rules - Proposed Rule (Docket No. 58-0117-1901)

#### **1. IDAPA 58.01.02 - Water Quality Standards**

##### **Summary and Stated Reasons for the Rule**

The Department of Environmental Quality submits notice of proposed rule at IDAPA 58.01.02 - Water Quality Standards. According to the department, the purpose of the rulemaking is to revise Subsection 287.03 for consistency with recent EPA review and action regarding site-specific selenium criterion effective for Clean Water Act purposes. The department states that a rule was previously adopted in 2017 and approved by the legislature in 2018. The department notes that the EPA approved the final rule with the exception of Subsection 287.03 for North Fork Sage Creek, Pole Canyon Creek, and their tributaries. Until revisions to the subsection are approved, the department indicates that Subsection 287.05 is the effective criterion for the Clean Water Act for those bodies of water. The department states that the rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

##### **Negotiated Rulemaking / Fiscal Impact**

The department states that negotiated rulemaking was not conducted due to the simple nature of the rulemaking.

##### **Statutory Authority**

The rulemaking appears to be authorized pursuant to Sections 39-105, 39-107, and Chapter 36, Title 39, Idaho Code.

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

## **2. IDAPA 58.01.03 - Individual/Subsurface Sewage Disposal Rules**

### **Summary and Stated Reasons for the Rule**

The Department of Environmental Quality submits notice of proposed rule at IDAPA 58.01.03 - Individual/Subsurface Sewage Disposal Rules. According to the department, the rulemaking is in response to the Red Tape Reduction Act. The department seeks to combine a previous chapter (Rules Governing the Cleaning of Septic Tanks, Sections 003 and 004) with the Individual/Subsurface Sewage Disposal Rules as new Sections 050 and 051. The department has provided a Section 39-107D statement in that the rules do regulate activities not regulated by the federal government. The department states that the rules regulate the installation of cottage site sewage treatment facilities and the issuance of pollution source permits and septic tank pumping permits under Title 39. The department adds that the rules also grant to the director the authority to issue pollution source permits, charges the director to enforce all laws, rules, regulations, and standards relating to environmental protection and health, and those relating to the storage, handling, and transportation of solids, liquids, and gases which may cause or contribute to water pollution. The department states that the rule also authorizes it to review for approval the plans and specifications for all proposed waste treatment facilities prior to their construction. The department provides a historical perspective of the rule and indicates that most of the rule has remained relatively unchanged since 1985.

### **Negotiated Rulemaking / Fiscal Impact**

The department notes that negotiated rulemaking was not conducted because the rules were earlier adopted as temporary rules based on existing chapters that are republished and reauthorized.

### **Statutory Authority**

The rulemaking appears to be authorized pursuant to Chapters 1 and 36, Title 39, Idaho Code.

## **3. IDAPA 58.01.17 - Recycled Water Rules**

### **Summary and Stated Reasons for the Rule**

The Department of Environmental Quality submits notice of proposed rule at IDAPA 58.01.17 - Recycled Water Rules. According to the department, this rule was adopted as a temporary rule effective June 30, 2019. The department has provided a Section 39-107D Statement. The department notes that the purpose of the rule is to ensure that the land application of recycled water does not harm public health or the environment or violate the department's water quality standards or ground water quality rule. The department indicates that the federal government does not specifically address recycled water land application

### **Negotiated Rulemaking / Fiscal Impact**

The department indicates that negotiated rulemaking was not feasible due to the need to adopt the rules as temporary and based on the fact that the rules are being republished and reauthorized.

### **Statutory Authority**

The rulemaking appears to be authorized pursuant to Chapter 1, Title 39, Idaho Code.

cc: Department of Environmental Quality  
Paula J. Wilson

\*\*\* PLEASE NOTE \*\*\*

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

# IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

## 58.01.02 – WATER QUALITY STANDARDS

### DOCKET NO. 58-0102-1901

#### NOTICE OF RULEMAKING – PROPOSED RULEMAKING

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

**PUBLIC HEARING SCHEDULE:** Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before September 20, 2019. If no such written request is received, a public hearing pursuant to Section 67-5222(2), Idaho Code, will not be held. The public will have the opportunity to provide oral comments on the proposed rule during the meeting of the Idaho Board of Environmental Quality (Board) scheduled for November 13 and 14, 2019.

**DESCRIPTIVE SUMMARY:** The purpose of this rulemaking is to revise Subsection 287.03 for consistency with recent EPA review and action regarding site-specific selenium criterion effective for Clean Water Act purposes.

Under Docket No. 58-0102-1701, the state of Idaho promulgated new and revised selenium criteria for aquatic life. The rule was adopted by the Idaho Board of Environmental Quality in 2017, approved by the Idaho Legislature in 2018, and submitted to EPA for review on August 24, 2018. On July 9, 2019, EPA approved the final rule except for application of Subsection 287.03 to certain water bodies. Specifically, EPA disapproved the application of the site-specific criterion in Subsection 287.03 to North Fork Sage Creek, Pole Canyon Creek, and their tributaries. Until EPA approves the application of any new site-specific selenium criterion to North Fork Sage and Pole Canyon Creeks, and their tributaries, the criterion at Subsection 287.05 is the effective selenium criterion for Clean Water Act purposes in North Fork Sage Creek, Pole Canyon Creek, and their tributaries.

Docket No. 58-0102-1701 was promulgated so that the existing rule, effective for Clean Water Act purposes, would remain in the Idaho Administrative Code until EPA approved the rule revisions. Notations explaining the effectiveness of the rule sections were also included. This proposed rule deletes the text and notations that are now obsolete due to EPA's review and action of Docket No. 58-0102-1701.

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

After consideration of public comments, DEQ intends to present the final proposal to the Board in November 2019 for adoption of a pending rule. The rule is expected to be final and effective upon the conclusion of the 2020 legislative session if adopted by the Board and approved by the Legislature.

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

**NEGOTIATED RULEMAKING:** Negotiated rulemaking was not conducted. DEQ determined that negotiated rulemaking is not feasible due to the simple nature of this rulemaking. This is an administrative revision necessary for consistency with recent EPA review and action regarding site-specific selenium criterion.

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

**FISCAL IMPACT STATEMENT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on questions concerning this rulemaking, contact the undersigned.

**SUBMISSION OF WRITTEN COMMENTS:** Anyone may submit written comments by mail, fax or email at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before October 4, 2019.

Dated this 4th day of September, 2019.

Paula J. Wilson  
 Hearing Coordinator  
 Department of Environmental Quality  
 1410 N. Hilton  
 Boise, Idaho 83706-1255  
 Phone: (208) 373-0418 / Fax: (208)373-0481  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0102-1901**  
**(Only Those Sections With Amendments Are Shown.)**

**210. NUMERIC CRITERIA FOR TOXIC SUBSTANCES FOR WATERS DESIGNATED FOR AQUATIC LIFE, RECREATION, OR DOMESTIC WATER SUPPLY USE.**

**01. Criteria for Toxic Substances.** The criteria of Section 210 apply to surface waters of the state as provided in Tables 1 and 2. (3-28-18)

**a.** Table 1 contains criteria set for protection of aquatic life. Criteria for metals (arsenic through zinc) are expressed as dissolved fraction unless otherwise noted. For purposes of these criteria, dissolved fraction means that which passes through a forty-five hundredths (0.45) micron filter. (3-28-18)

Table 1. Criteria for Protection of Aquatic Life					
Compound	<sup>a</sup> CAS Number	<sup>b</sup> CMC (µg/L)		<sup>b</sup> CCC (µg/L)	
<b>Inorganic Compounds/Metals</b>					
Arsenic	7440382	340	c	150	c
Cadmium	7440439	1.3	f	0.6	f
Chromium III	16065831	570	f	74	f
Chromium VI	18540299	16	c	11	c
Copper	7440508	12.3	k	7.6	k
Lead	7439921	65	f	2.5	f
Mercury	7439976		e		e

Table 1. Criteria for Protection of Aquatic Life					
Compound	<sup>a</sup> CAS Number	<sup>b</sup> CMC (µg/L)		<sup>b</sup> CCC (µg/L)	
<p><b>Note:</b> In 2005, Idaho adopted EPA's recommended methylmercury fish tissue criterion for protection of human health (docket 58-0102-0302). The decision was made to remove the old tissue-based aquatic life criteria and rely on the fish tissue criterion to provide protection for aquatic life as well as human health. Thus, current Idaho water quality standards do not have mercury water column criteria for the protection of aquatic life. While EPA approved Idaho's adoption of the fish tissue criterion in September 2005, it had withheld judgment on Idaho's removal of aquatic life criteria. On December 12, 2008, EPA disapproved Idaho's removal of the old aquatic life criteria. The water column criteria for total recoverable mercury published in 2004 Idaho Administrative Code continue to apply and are effective for CWA purposes. For more information go to <a href="http://www.deq.idaho.gov/epa-actions-on-proposed-standards">http://www.deq.idaho.gov/epa-actions-on-proposed-standards</a>.</p>					
Nickel	7440020	470	f	52	f
<del>Selenium<sup>†</sup></del>	<del>7782492</del>	<del>20</del>	<del>d</del>	<del>5</del>	<del>d</del>
<p><del><sup>†</sup>Effective for CWA purposes. The CMC value and footnote and the CCC value are effective for CWA purposes until the date EPA issues written notification that the revisions adopted under Rule Docket No. 58-0102-1701 have been approved.</del></p>					
Selenium <sup>2</sup>	7782492	m		l	
<p><del><sup>2</sup>Not yet effective for CWA purposes. The CMC footnote m, and CCC footnote l, are not effective for CWA purposes until the date EPA issues written notification that the revisions adopted under Rule Docket No. 58-0102-1701 have been approved.</del></p>					
Silver	7440224	3.4	f		
Zinc	7440666	120	f	120	f
Inorganic Compounds/Non-Metals					
Chlorine		19	h	11	h
Cyanide	57125	22	g	5.2	g
Organic Compounds					
Acrolein	107028	$\frac{--^1}{3^2}$		$\frac{--^1}{3^2}$	
<p><sup>1</sup>Effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved.</p> <p><sup>2</sup>Not effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved.</p>					
Aldrin	39002	3			
gamma-BHC (Lindane)	58899	2		0.08	
Carbaryl	63252	$\frac{--^1}{2.1^2}$		$\frac{--^1}{2.1^2}$	

Table 1. Criteria for Protection of Aquatic Life					
Compound	<sup>a</sup> CAS Number	<sup>b</sup> CMC (µg/L)		<sup>b</sup> CCC (µg/L)	
<sup>1</sup> Effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved. <sup>2</sup> Not effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved.					
Chlordane	57749	2.4		0.0043	
4,4'-DDT	50293	1.1		0.001	
Diazinon	333415	-- <sup>1</sup> ----- 0.17 <sup>2</sup>		-- <sup>1</sup> ----- 0.17 <sup>2</sup>	
<sup>1</sup> Effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved. <sup>2</sup> Not effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved.					
Dieldrin	60571	2.5		0.0019	
alpha-Endosulfan	959988	0.22		0.056	
beta-Endosulfan	33213659	0.22		0.056	
Endrin	72208	0.18		0.0023	
Heptachlor	76448	0.52		0.0038	
Heptachlor Epoxide	1024573	0.52		0.0038	
Pentachlorophenol	87865	20	i	13	i
Polychlorinated Biphenyls PCBs	j			0.014	j
Toxaphene	8001352	0.73		0.0002	
<b>Footnotes for Table 1. Criteria for Protection of Aquatic Life</b>					
<b>a.</b> Chemical Abstracts Service (CAS) registry numbers which provide a unique identification for each chemical.					
<b>b.</b> See definitions of Acute Criteria (CMC) and Chronic Criteria (CCC), Section 010 of these rules.					
<b>c.</b> Criteria for these metals are expressed as a function of the water effect ratio, WER, as defined in Subsection 210.03.c.iii. CMC = CMC column value X WER. CCC = CCC column value X WER.					
<b>d.</b> Criterion expressed as total recoverable (unfiltered) concentrations.					
<b>e.</b> No aquatic life criterion is adopted for inorganic mercury. However, the narrative criteria for toxics in Section 200 of these rules applies. The Department believes application of the human health criterion for methylmercury will be protective of aquatic life in most situations.					
<b>f.</b> Aquatic life criteria for these metals are a function of total hardness (mg/L as calcium carbonate), the pollutant's water effect ratio (WER) as defined in Subsection 210.03.c.iii. and multiplied by an appropriate dissolved conversion factor as defined in Subsection 210.02. For comparative purposes only, the example values displayed in this table are shown as dissolved metal and correspond to a total hardness of one hundred (100) mg/L and a water effect ratio of one (1.0).					



Table 1. Criteria for Protection of Aquatic Life					
Compound	<sup>a</sup> CAS Number	<sup>b</sup> CMC (µg/L)		<sup>b</sup> CCC (µg/L)	
g. Criteria are expressed as weak acid dissociable (WAD) cyanide.					
h. Total chlorine residual concentrations.					
i. Aquatic life criteria for pentachlorophenol are expressed as a function of pH, and are calculated as follows. Values displayed above in the table correspond to a pH of seven and eight tenths (7.8). CMC = exp(1.005(pH)-4.830) CCC = exp(1.005(pH)-5.290)					
j. PCBs are a class of chemicals which include Aroclors, 1242, 1254, 1221, 1232, 1248, 1260, and 1016, CAS numbers 53469219, 11097691, 11104282, 11141165, 12672296, 11096825 and 12674112 respectively. The aquatic life criteria apply to this set of PCBs.					
k. Aquatic life criteria for copper shall be derived in accordance with Subsection 210.03.c.v. For comparative purposes only, the example values displayed in this table correspond to the Biotic Ligand Model output based on the following inputs: temperature = 14.9°C, pH = 8.16, dissolved organic carbon = 1.4 mg/L, humic acid fraction = 10%, calcium = 44.6 mg/L, magnesium = 11.0 mg/L, sodium = 11.7 mg/L, potassium = 2.12 mg/L, sulfate = 46.2 mg/L, chloride = 12.7 mg/L, alkalinity = 123 mg/L CaCO <sub>3</sub> , and sulfide = 1.00 x 10 <sup>-8</sup> mg/L.					
<b>I. Chronic</b>					<b>Short-term</b>
<b>Egg-Ovary (mg/kg dw)</b>		<b>Fish Tissue (mg/kg dw)</b>		<b>Water Column (µg/L)</b>	
Egg-Ovary	Whole-Body	Muscle	Water Lentic	Water Lotic	Water
15.1 <sup>1</sup>	8.5 <sup>2</sup>	11.3 <sup>2</sup>	1.5 (30 day average) <sup>3</sup>	3.1 (30 day average) <sup>3</sup>	Intermittent Exposure Equation <sup>3,4</sup>
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter					
1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.					
2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole body or muscle data to determine compliance with this criterion element.					
3. Water column values are based on dissolved total selenium in water and are derived from fish tissue values via bioaccumulation modeling. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, selenium concentrations in fish from the nearest downstream waters may be used to assess compliance using methods provided in <a href="#">Aquatic Life Ambient Water Quality Criterion for Selenium – Freshwater, EPA-822-R-16-006, Appendix K: Translation of a Selenium Fish Tissue Criterion Element to a Site-Specific Water Column Value (June 2016)</a> .					

Table 1. Criteria for Protection of Aquatic Life			
Compound	<sup>a</sup> CAS Number	<sup>b</sup> CMC (µg/L)	<sup>b</sup> CCC (µg/L)
<p>4. Intermittent Exposure Equation=</p> $\frac{WQC - C_{bkgnd}(1 - f_{int})}{f_{int}}$ <p>where WQC is the applicable water column element, for either lentic or lotic waters; C<sub>bkgnd</sub> is the average background selenium concentration, and f<sub>int</sub> is the fraction of any 30-day period during which elevated selenium concentrations occur, with f<sub>int</sub> assigned a value ≥ 0.033 (corresponding to one day).</p> <p><i>(Footnote l. is not effective for CWA purposes until the date EPA issues written notification that the revisions adopted under Rule Docket No. 58-0102-1701 have been approved.)</i></p>			
<p>m. There is no specific acute criterion for aquatic life; however, the aquatic life criterion is based on chronic effects of the selenium on aquatic life and is expected to adequately protect against acute effects.</p> <p><i>(Footnote m. is not effective for CWA purposes until the date EPA issues written notification that the revisions adopted under Rule Docket No. 58-0102-1701 have been approved.)</i></p>			

(3-28-18)( )

b. Table 2 contains criteria set for protection of human health. The Water & Fish criteria apply to waters designated for domestic water supply use. The Fish Only criteria apply to waters designated for primary or secondary contact recreation use. (3-28-18)

Table 2. Criteria for Protection of Human Health (based on consumption of:)						
Compound	<sup>a</sup> CAS Number	Carcinogen?	Water & Fish (µg/L)		Fish Only (µg/L)	
<b>Inorganic Compounds/Metals</b>						
Antimony	7440360		5.2	b	190	b
Arsenic	7440382	Y	10	cdj	10	cdj
<p><b>Note:</b> In 2008, Idaho adopted 10 µg/L as its CWA arsenic criterion for both exposure through fish consumption only and exposure through drinking water+fish consumption, choosing the SDWA MCL due to concerns about background levels that exceed EPA’s 304(a) criteria (docket 58-0102-0801). EPA approved this action in 2010. In June 2015, Northwest Environmental Advocates challenged EPA’s 2010 approval. Court remanded action back to EPA. On September 15, 2016, EPA disapproved Idaho’s adoption of 10 µg/L. Neither EPA nor the state of Idaho has promulgated replacement criteria. For more information, go to <a href="http://www.deq.idaho.gov/epa-actions-on-proposed-standards">http://www.deq.idaho.gov/epa-actions-on-proposed-standards</a>.</p>						
Beryllium	7440417			e		e
Cadmium	7440439			e		e
Chromium III	16065831			e		e
Chromium VI	18540299			e		e
Copper	7440508		1300	j		

Table 2. Criteria for Protection of Human Health (based on consumption of:)						
Compound	<sup>a</sup> CAS Number	Carcinogen?	Water & Fish (µg/L)		Fish Only (µg/L)	
Lead	7439921			e		e
Methylmercury	22967926				0.3mg/kg	i
Nickel	7440020		58	b	100	b
Selenium	7782492		29	b	250	b
Thallium	7440280		0.017	b	0.023	b
Zinc	7440666		870	b	1,500	b
Inorganic Compounds/Non-Metals						
Cyanide	57125		3.9	b	140	b
Asbestos	1332214		7,000,000 Fibers/L	j		
Organic Compounds						
Acenaphthene	83329		26	b	28	b
Acenaphthylene	208968			e		e
Acrolein	107028		3.2	b	120	b
Acrylonitrile	107131	Y	0.60	bf	22	bf
Aldrin	309002	Y	2.5E-06	bf	2.5E-06	bf
Anthracene	120127		110	b	120	b
alpha-BHC	319846	Y	0.0012	bf	0.0013	bf
beta-BHC	319857	Y	0.036	bf	0.045	bf
gamma-BHC (Lindane)	58899		1.4	b	1.4	b
delta-BHC	319868			e		e
Benzene	71432		3.0	bf	28	b
Benzidine	92875	Y	0.0014	bf	0.033	bf
Benzo(a)Anthracene	56553	Y	0.0042	bf	0.0042	bf
Benzo(b)Fluoranthene	205992	Y	0.0042	bf	0.0042	bf
Benzo(k)Fluoranthene	207089	Y	0.042	bf	0.042	bf
Benzo(ghi)Perylene	191242			e		e
Benzo(a)Pyrene	50328	Y	0.00042	bf	0.00042	bf
Bis(2-Chloroethoxy) Methane	111911			e		e
Bis(2-Chloroethyl) Ether	111444	Y	0.29	bf	6.8	bf

Table 2. Criteria for Protection of Human Health (based on consumption of:)

Compound	<sup>a</sup> CAS Number	Carcinogen?	Water & Fish		Fish Only	
			(µg/L)		(µg/L)	
Bis(2-Chloroisopropyl) Ether	108601		220	b	1,200	b
Bis(Chloromethyl) Ether	542881	Y	0.0015	bf	0.055	bf
Bis(2-Ethylhexyl) Phthalate	117817	Y	1.2	bf	1.2	bf
Bromoform	75252	Y	62	bf	380	bf
4-Bromophenyl Phenyl Ether	101553			e		e
Butylbenzyl Phthalate	85687		0.33	b	0.33	b
Carbon Tetrachloride	56235	Y	3.6	bf	15	bf
Chlorobenzene	108907		89	b	270	b
Chlordane	57749	Y	0.0010	bf	0.0010	bf
Chlorodibromomethane	124481	Y	7.4	bf	67	bf
Chloroethane	75003			e		e
2-Chloroethylvinyl Ether	110758			e		e
Chloroform	67663		61	b	730	b
2-Chloronaphthalene	91587		330	b	380	b
2-Chlorophenol	95578		30	b	260	b
Chlorophenoxy Herbicide (2,4-D)	94757		1,000	b	3,900	b
Chlorophenoxy Herbicide (2,4,5-TP) [Silvex]	93721		82	b	130	b
4-Chlorophenyl Phenyl Ether	7005723			e		e
Chrysene	218019	Y	0.42	bf	0.42	bf
4,4'-DDD	72548	Y	0.00042	bf	0.00042	bf
4,4'-DDE	72559	Y	5.5E-05	bf	5.5E-05	bf
4,4'-DDT	50293	Y	9.8E-05	bf	9.8E-05	bf
Di-n-Butyl Phthalate	84742		8.2	b	8.3	b
Di-n-Octyl Phthalate	117840			e		e
Dibenzo (a,h) Anthracene	53703	Y	0.00042	bf	0.00042	bf
1,2-Dichlorobenzene	95501		700	b	1,100	b
1,3-Dichlorobenzene	541731		3.5	b	4.8	b
1,4-Dichlorobenzene	106467		180	b	300	b

Table 2. Criteria for Protection of Human Health (based on consumption of:)

Compound	<sup>a</sup> CAS Number	Carcinogen?	Water & Fish (µg/L)		Fish Only (µg/L)	
3,3'-Dichlorobenzidine	91941	Y	0.29	bf	0.48	bf
Dichlorobromomethane	75274	Y	8.8	bf	86	bf
1,1-Dichloroethane	75343			e		e
1,2-Dichloroethane	107062	Y	96	bf	2,000	bf
1,1-Dichloroethylene	75354		310	b	5,200	b
2,4-Dichlorophenol	120832		9.6	b	19	b
1,2-Dichloropropane	78875	Y	8.5	bf	98	bf
1,3-Dichloropropene	542756	Y	2.5	bf	38	bf
Dieldrin	60571	Y	4.2E-06	bf	4.2E-06	bf
Diethyl Phthalate	84662		200	b	210	b
2,4-Dimethylphenol	105679		110	b	820	b
Dimethyl Phthalate	131113		600	b	600	b
Dinitrophenols	25550587		13	b	320	b
2,4-Dinitrophenol	51285		12	b	110	b
2,4-Dinitrotoluene	121142	Y	0.46	bf	5.5	bf
2,6-Dinitrotoluene	606202			e		e
1,2-Diphenylhydrazine	122667	Y	0.25	bf	0.65	bf
2, 3, 7, 8-TCDD Dioxin	1746016	Y	1.8E-08	bf	1.9E-08	bf
alpha-Endosulfan	959988		7.0	b	8.5	b
beta-Endosulfan	33213659		11	b	14	b
Endosulfan Sulfate	1031078		9.9	b	13	b
Endrin	72208		0.011	b	0.011	b
Endrin Aldehyde	7421934		0.38	b	0.40	b
Ethylbenzene	100414		32	b	41	b
Fluoranthene	206440		6.3	b	6.4	b
Fluorene	86737		21	b	22	b
Heptachlor	76448	Y	2.0E-05	bf	2.0E-05	bf
Heptachlor Epoxide	1024573	Y	0.00010	bf	0.00010	bf
Hexachlorobenzene	118741	Y	0.00026	bf	0.00026	bf
Hexachlorobutadiene	87683	Y	0.031	bf	0.031	bf
Hexachlorocyclohexane (HCH)-Technical	608731	Y	0.027	bf	0.032	bf

Table 2. Criteria for Protection of Human Health (based on consumption of:)

Compound	<sup>a</sup> CAS Number	Carcinogen?	Water & Fish		Fish Only	
			(µg/L)		(µg/L)	
Hexachloro-cyclopentadiene	77474		1.3	b	1.3	b
Hexachloroethane	67721		0.23	b	0.24	b
Ideno (1,2,3-cd) Pyrene	193395	Y	0.0042	bf	0.0042	bf
Isophorone	78591	Y	330	bf	6,000	bf
Methoxychlor	72435		0.0054	b	0.0055	b
Methyl Bromide	74839		130	b	3,700	b
Methyl Chloride	74873			e		e
3-Methyl-4-Chlorophenol	59507		350	b	750	b
2-Methyl-4,6-Dinitrophenol	534521		1.6	b	8.6	b
Methylene Chloride	75092		38	b	960	b
Naphthalene	91203			e		e
Nitrobenzene	98953		12	b	180	b
2-Nitrophenol	88755			e		e
4-Nitrophenol	100027			e		e
N-Nitrosodimethylamine	62759	Y	0.0065	bf	9.1	bf
N-Nitrosodi-n-Propylamine	621647	Y	0.046	bf	1.5	bf
N-Nitrosodiphenylamine	86306	Y	3.14	bf	18	bf
Pentachlorobenzene	608935		0.035	b	0.036	b
Pentachlorophenol	87865	Y	0.11	bf	0.12	bf
Phenanthrene	85018			e		e
Phenol	108952		3,800	b	85,000	b
Polychlorinated Biphenyls PCBs	g	Y	0.00019	bfh	0.00019	bfh
Pyrene	129000		8.1	b	8.4	b
1,2,4,5-Tetrachlorobenzene	95943		0.0093	b	0.0094	b
1,1,2,2-Tetrachloroethane	79345	Y	1.4	bf	8.6	bf
Tetrachloroethylene	127184		15	b	23	b
Toluene	108883		47	b	170	b
Toxaphene	8001352	Y	0.0023	bf	0.0023	bf
1,2-Trans-Dichloroethylene	156605		120	b	1,200	b

Table 2. Criteria for Protection of Human Health (based on consumption of:)

Compound	a CAS Number	Carcinogen?	Water & Fish (µg/L)		Fish Only (µg/L)	
1,2,4-Trichlorobenzene	120821		0.24	b	0.24	b
1,1,1-Trichloroethane	71556		11,000	b	56,000	b
1,1,2-Trichloroethane	79005	Y	4.9	bf	29	bf
Trichloroethylene	79016		2.6	b	11	b
2,4,5-Trichlorophenol	95954		140	b	190	b
2,4,6-Trichlorophenol	88062		1.5	b	2.0	b
Vinyl Chloride	75014	Y	0.21	bf	5.0	bf

**Footnotes for Table 2. Criteria for Protection of Human Health**

a. Chemical Abstracts Service (CAS) registry numbers which provide a unique identification for each chemical.

b. This criterion is based on input values to human health criteria calculation specified in [Idaho's Technical Support Document \(TSD\) for Human Health Criteria Calculations - 2015](#). Criteria for non-carcinogens are calculated using the formula:

$$AWQC = RfD * RSC * \left( \frac{BW}{DI + (FI * BAF)} \right)$$

and criteria for carcinogens are calculated using the formula:

$$AWQC = RSD * \left( \frac{BW}{DI + (FI * BAF)} \right)$$

Where:

AWQC = Ambient water quality criterion (mg/L)

BW = Human Body Weight (kg), 80 is used in these criteria

DI = Drinking Water Intake, (L/day), 2.4 is used in these criteria

FI = Fish Intake, (kg/day), 0.0665 is used in these criteria

BAF = Bioaccumulation Factor, L/kg, chemical specific value, see TSD

RfD = Reference dose (mg/kg-day), chemical specific value, see TSD

RSD =  $\frac{\text{Target Incremental Cancer Risk}}{\text{Cancer Potency Factor}}$  (mg/kg-day), chemical specific value, see TSD

RSC = Relative Source Contribution, chemical specific value, see TSD

c. Inorganic forms only.

d. Criterion expressed as total recoverable (unfiltered) concentrations.

Table 2. Criteria for Protection of Human Health (based on consumption of:)

Compound	<sup>a</sup> CAS Number	Carcinogen?	Water & Fish (µg/L)	Fish Only (µg/L)
e. No numeric human health criteria has been established for this contaminant. However, permit authorities should address this contaminant in NPDES permit actions using the narrative criteria for toxics from Section 200 of these rules.				
f. EPA guidance allows states to choose from a range of 10 <sup>-4</sup> to 10 <sup>-6</sup> for the incremental increase in cancer risk used in human health criteria calculation. Idaho has chosen to base this criterion on carcinogenicity of 10 <sup>-5</sup> risk.				
g. PCBs are a class of chemicals which include Aroclors, 1242, 1254, 1221, 1232, 1248, 1260, and 1016, CAS numbers 53469219, 11097691, 11104282, 11141165, 12672296, 11096825 and 12674112 respectively. The aquatic life criteria apply to this set of PCBs.				
h. This criterion applies to total PCBs, (e.g. the sum of all congener, isomer, or Aroclor analyses).				
i. This fish tissue residue criterion (TRC) for methylmercury is based on a human health reference dose (RfD) of 0.0001 mg/kg body weight-day; a relative source contribution (RSC) estimated to be 27% of the RfD; a human body weight (BW) of 70 kg (for adults); and a total fish consumption rate of 0.0175 kg/day for the general population, summed from trophic level (TL) breakdown of TL2 = 0.0038 kg fish/day + TL3 = 0.0080 kg fish/day + TL4 = 0.0057 kg fish/day. This is a criterion that is protective of the general population. A site-specific criterion or a criterion for a particular subpopulation may be calculated by using local or regional data, rather than the above default values, in the formula: TRC = [BW x {RfD - (RSCxRfD)}] / $\sum$ TL. In waters inhabited by species listed as threatened or endangered under the Endangered Species Act or designated as their critical habitat, the Department will apply the human health fish tissue residue criterion for methylmercury to the highest trophic level available for sampling and analysis.				
j. This criterion is based on the drinking water Maximum Containment Level (MCL).				

(3-28-18)

**02. Factors for Calculating Hardness Dependent Metals Criteria.** Hardness dependent metals criteria are calculated using values from the following table in the equations: (5-3-03)

a.  $CMC = WER \exp\{mA[\ln(\text{hardness})] + bA\}$  X Acute Conversion Factor. (5-3-03)

b.  $CCC = WER \exp\{mc[\ln(\text{hardness})] + bc\}$  X Chronic Conversion Factor.

Metal	mA	bA	mc	bc	aAcute Conversion Factor	aChronic Conversion Factor
Arsenic	b	b	b	b	1.0	1.0
Cadmium	0.8367	-3.560	0.6247	-3.344	0.944 see footnote a	0.909
Chromium (III)	0.819	3.7256	0.8190	0.6848	0.316	0.860
Chromium (VI)	b	b	b	b	0.982	0.962
Lead	1.273	-1.460	1.273	-4.705	0.791	0.791
Mercury	b	b	b	b	0.85	0.85
Nickel	0.846	2.255	0.8460	0.0584	0.998	0.997
Silver	1.72	-6.52	c	c	0.85	c



Zinc	0.8473	0.884	0.8473	0.884	0.978	0.986
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Note to table: The term “exp” represents the base e exponential function.

Footnotes to table:

**a.** Conversion factors (CF) are from “Stephan, C. E. 1995. Derivation of conversion factors for the calculation of dissolved freshwater aquatic life criteria for metals. U.S. Environmental Protection Agency, Environmental Research Laboratory – Duluth.” The conversion factors for cadmium and lead are hardness-dependent and can be calculated for any hardness (see limitations in Subsection 210.03.b.i.) using the following equations. For comparative purposes, the conversion factors for a total hardness of one hundred (100) mg/L are shown in the table. The conversion factor shall not exceed one (1).

Cadmium  
Acute:  $CF = 1.136672 - [(\ln \text{hardness})(0.041838)]$  NOTE: The cadmium acute criterion equation was derived from dissolved metals toxicity data and thus requires no conversion; this conversion factor may be used to back calculate an equivalent total recoverable concentration.

Chronic:  $CF = 1.101672 - [(\ln \text{hardness})(0.041838)]$

Lead (Acute and Chronic):  $CF = 1.46203 - [(\ln \text{hardness})(0.145712)]$

**b.** Not applicable

**c.** No chronic criteria are available for silver.

(3-28-18)

**03. Applicability.** The criteria established in Section 210 are subject to the general rules of applicability in the same way and to the same extent as are the other numeric chemical criteria when applied to the same use classifications. Mixing zones may be applied to toxic substance criteria subject to the limitations set forth in Section 060 and set out below. (3-25-16)

**a.** For all waters for which the Department has determined mixing zones to be applicable, the toxic substance criteria apply at the boundary of the mixing zone(s) and beyond. Absent an authorized mixing zone, the toxic substance criteria apply throughout the waterbody including at the end of any discharge pipe, canal or other discharge point. (3-25-16)

**b.** Low flow design conditions. Water quality-based effluent limits and mixing zones for toxic substances shall be based on the following low flows in perennial receiving streams. Numeric chemical criteria may be exceeded in perennial streams outside any applicable mixing zone only when flows are less than these values:

Aquatic Life		Human Health	
CMC (“acute” criteria)	1Q10 or 1B3	Non-carcinogens	Harmonic mean flow
CCC (“chronic” criteria)	7Q10 or 4B3	Carcinogens	Harmonic mean flow

(3-25-16)

i. Where “1Q10” is the lowest one-day flow with an average recurrence frequency of once in ten (10) years determined hydrologically; (5-3-03)

ii. Where “1B3” is biologically based and indicates an allowable exceedance of once every three (3) years. It may be determined by EPA’s computerized method (DFLOW model); (5-3-03)

iii. Where “7Q10” is the lowest average seven (7) consecutive day low flow with an average recurrence frequency of once in ten (10) years determined hydrologically; (5-3-03)

iv. Where “4B3” is biologically based and indicates an allowable exceedance for four (4) consecutive days once every three (3) years. It may be determined by EPA’s computerized method (DFLOW model); (5-3-03)

v. Where the harmonic mean flow is a long term mean flow value calculated by dividing the number of daily flows analyzed by the sum of the reciprocals of those daily flows. (5-3-03)

c. Application of aquatic life metals criteria. (3-25-16)

i. For metals other than cadmium, for purposes of calculating hardness dependent aquatic life criteria from the equations in Subsection 210.02, the minimum hardness allowed for use in those equations shall not be less than twenty-five (25) mg/l, as calcium carbonate, even if the actual ambient hardness is less than twenty-five (25) mg/l as calcium carbonate. For cadmium, the minimum hardness for use in those equations shall not be less than ten (10) mg/l, as calcium carbonate. The maximum hardness allowed for use in those equations shall not be greater than four hundred (400) mg/l, as calcium carbonate, except as specified in Subsections 210.03.c.ii. and 210.03.c.iii., even if the actual ambient hardness is greater than four hundred (400) mg/l as calcium carbonate. (3-29-10)

ii. The hardness values used for calculating aquatic life criteria for metals at design discharge conditions shall be representative of the ambient hardnesses for a receiving water that occur at the design discharge conditions given in Subsection 210.03.b. (5-3-03)

iii. Except as otherwise noted, the aquatic life criteria for metals (arsenic through zinc in Table 1 in Subsection 210.01) are expressed as dissolved metal concentrations. Unless otherwise specified by the Department, dissolved concentrations are considered to be concentrations recovered from a sample which has passed through a forty-five hundredths (0.45) micron filter. For the purposes of calculating aquatic life criteria for metals from the equations in footnotes c. and f. in Table 1 in Subsection 210.01, the water effect ratio is computed as a specific pollutant's acute or chronic toxicity values measured in water from the site covered by the standard, divided by the respective acute or chronic toxicity value in laboratory dilution water. The water-effect ratio shall be assigned a value of one (1.0), except where the Department assigns a different value that protects the designated uses of the water body from the toxic effects of the pollutant, and is derived from suitable tests on sampled water representative of conditions in the affected water body, consistent with the design discharge conditions established in Subsection 210.03.b. For purposes of calculating water effects ratios, the term acute toxicity value is the toxicity test results, such as the concentration lethal one-half (1/2) of the test organisms (i.e., LC50) after ninety-six (96) hours of exposure (e.g., fish toxicity tests) or the effect concentration to one-half of the test organisms, (i.e., EC50) after forty-eight (48) hours of exposure (e.g., daphnia toxicity tests). For purposes of calculating water effects ratios, the term chronic value is the result from appropriate hypothesis testing or regression analysis of measurements of growth, reproduction, or survival from life cycle, partial life cycle, or early life stage tests. The determination of acute and chronic values shall be according to current standard protocols (e.g., those published by the American Society for Testing and Materials (ASTM)) or other comparable methods. For calculation of criteria using site-specific values for both the hardness and the water effect ratio, the hardness used in the equations in Subsection 210.02 shall be as required in Subsection 210.03.c.ii. Water hardness shall be calculated from the measured calcium and magnesium ions present, and the ratio of calcium to magnesium shall be approximately the same in laboratory toxicity testing water as in the site water, or be similar to average ratios of laboratory waters used to derive the criteria. (3-28-18)

iv. Implementation Guidance for the Idaho Mercury Water Quality Criteria. (4-6-05)

(1) The “[Implementation Guidance for the Idaho Mercury Water Quality Criteria](#)” describes in detail suggested methods for discharge related monitoring requirements, calculation of reasonable potential to exceed (RPTE) water quality criteria in determining need for mercury effluent limits, and use of fish tissue mercury data in calculating mercury load reductions. This guidance, or its updates, will provide assistance to the Department and the public when implementing the methylmercury criterion. The “[Implementation Guidance for the Idaho Mercury Water Quality Criteria](#)” also provides basic background information on mercury in the environment, the novelty of a fish tissue criterion for water quality, the connection between human health and aquatic life protection, and the relation of environmental programs outside of Clean Water Act programs to reducing mercury contamination of the environment. The “[Implementation Guidance for the Idaho Mercury Water Quality Criteria](#)” is available at the Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706, and on the DEQ website at [www.deq.idaho.gov](http://www.deq.idaho.gov). (4-6-05)

(2) The implementation of a fish tissue criterion in NPDES permits and TMDLs requires a non-traditional approach, as the basic criterion is not a concentration in water. In applying the methylmercury fish tissue

criterion in the context of NPDES effluent limits and TMDL load reductions, the Department will assume change in fish tissue concentrations of methylmercury are proportional to change in water body loading of total mercury. Reasonable potential to exceed (RPTE) the fish tissue criterion for existing NPDES sources will be based on measured fish tissue concentrations potentially affected by the discharge exceeding a specified threshold value, based on uncertainty due to measurement variability. This threshold value is also used for TMDL decisions. Because measured fish tissue concentrations do not reflect the effect of proposed new or increased discharge of mercury, RPTE in these cases will be based upon an estimated fish tissue methylmercury concentration, using projected changes in waterbody loading of total mercury and a proportional response in fish tissue mercury. For the above purposes, mercury will be measured in the skinless filets of sport fish using techniques capable of detecting tissue concentrations down to point zero five (0.05) mg/kg. Total mercury analysis may be used, but will be assumed to be all methylmercury for purposes of implementing the criterion. (4-6-05)

- v. Copper Criteria for Aquatic Life. (3-28-18)
  - (1) Aquatic life criteria for copper shall be derived using: (3-28-18)
    - (a) Biotic Ligand Model (BLM) software that calculates criteria consistent with the “[Aquatic Life Ambient Freshwater Quality Criteria – Copper](#)”: EPA-822-R-07-001 (February 2007); or (3-28-18)
    - (b) An estimate derived from BLM outputs that is based on a scientifically sound method and protective of the designated aquatic life use. (3-28-18)
  - (2) To calculate copper criteria using the BLM, the following parameters from each site shall be used: temperature, pH, dissolved organic carbon (DOC), calcium, magnesium, sodium, potassium, sulfate, chloride, and alkalinity. The BLM inputs for humic acid (HA) as a proportion of DOC and sulfide shall be based on either measured values or the following default values: 10% HA as a proportion of DOC,  $1.00 \times 10^{-8}$  mg/L sulfide. Measured values shall supersede any estimate or default input. (3-28-18)
  - (3) BLM input measurements shall be planned to capture the most bioavailable conditions for copper. (3-28-18)
  - (4) A criterion derived under Subsection 210.03.c.v.(1)(a) shall supersede any criterion derived under Subsection 210.03.c.v.(1)(b). Acceptable BLM software includes the “[US EPA WQC Calculation](#)” for copper in BLM Version 3.1.2.37 (October 2015). (3-28-18)
  - (5) Implementation Guidance for the Idaho Copper Criteria for Aquatic Life. The “[Implementation Guidance for the Idaho Copper Criteria for Aquatic Life: Using the Biotic Ligand Model](#)” describes in detail methods for implementing the aquatic life criteria for copper using the BLM. This guidance, or its updates, will provide assistance to the Department and the public for determining minimum data requirements for BLM inputs and how to estimate criteria when data are incomplete or unavailable. The “[Implementation Guidance for the Idaho Copper Criteria for Aquatic Life: Using the Biotic Ligand Model](#)” is available at the Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706, and on the DEQ website at [www.deq.idaho.gov](http://www.deq.idaho.gov). (3-28-18)

**d. Application of toxics criteria. (3-25-16)**

- i. Frequency and duration for aquatic life toxics criteria. CMC column criteria in Table 1 in Subsection 210.01 are concentrations not to be exceeded for a one-hour average more than once in three (3) years unless otherwise specified. CCC column criteria in Table 1 in Subsection 210.01 are concentrations not to be exceeded for a four-day average more than once in three (3) years unless otherwise specified. (3-28-18)
- ii. Frequency and duration for human health toxics criteria. Criteria in Table 2 in Subsection 210.01 are not to be exceeded based on an annual harmonic mean. (3-28-18)

**04. National Pollutant Discharge Elimination System Permitting.** For the purposes of NPDES permitting, interpretation and implementation of metals criteria listed in Subsection 210.02 should be governed by the following standards, that are hereby incorporated by reference, in addition to other scientifically defensible methods deemed appropriate by the Department; provided, however, any identified conversion factors within these documents

are not incorporated by reference. Metals criteria conversion factors are identified in Subsection 210.02 of this rule. (5-3-03)

a. "Guidance Document on Dissolved Criteria -- Expression of Aquatic Life Criteria," EPA, October 1993, <http://www.deq.idaho.gov/media/827413-epa-guidance-dissolved-criteria-1093.pdf>. (4-5-00)

b. "Guidance Document on Dynamic Modeling and Translators," EPA, August 1993, <http://www.deq.idaho.gov/media/827417-epa-guidance-dynamic-modeling-translators-0893.pdf>. (4-5-00)

c. "Guidance Document on Clean Analytical Techniques and Monitoring," EPA, October 1993, <http://www.deq.idaho.gov/media/827421-epa-guidance-analytical-techniques-1093.pdf>. (4-5-00)

d. "Interim Guidance on Determination and Use of Water-Effect Ratios for Metals," EPA, February 1994, <http://www.deq.idaho.gov/media/827409-epa-guidance-water-effect-ratios-for-metals-0294.pdf>. (4-5-00)

e. "Technical Support Document for Water Quality-Based Toxics Control." EPA, March 1991. <http://www.deq.idaho.gov/media/60177101/58-0102-1201-epa-technical-support-document-1991.pdf>. (3-25-16)

**05. Development of Toxic Substance Criteria. (4-5-00)**

a. Aquatic Life Communities Criteria. 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: (4-5-00)

i. Site-specific criteria developed pursuant to Section 275; (4-5-00)

ii. Effluent biomonitoring, toxicity testing and whole-effluent toxicity determinations; (4-5-00)

iii. The most recent recommended criteria defined in EPA's ECOTOX 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 (3-25-16)

iv. Scientific studies including, but not limited to, instream benthic assessment or rapid bioassessment. (4-5-00)

b. Human Health Criteria. (4-5-00)

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 using best available science on toxicity thresholds (i.e. reference dose or cancer slope factor), such as defined in EPA's Integrated Risk Information System (IRIS) or other peer-reviewed source acceptable to the Department. (3-25-16)

ii. When using toxicity thresholds to derive water quality criteria to protect human health, a fish consumption rate representative of the population to be protected, a mean adult body weight, an adult 90th percentile water ingestion rate, a trophic level weighted BAF or BCF, and a hazard quotient of one (1) for non-carcinogens or a cancer risk level of  $10^{-5}$  for carcinogens shall be utilized. (3-25-16)

**(BREAK IN CONTINUITY OF SECTIONS)**

**287. SITE-SPECIFIC AQUATIC LIFE CRITERIA FOR SELENIUM.**

Site-specific water column values (30-day average) are based on dissolved total selenium in water and are derived using a performance-based approach from fish tissue values via either the mechanistic modeling or empirical bioaccumulation factor (BAF) method in [Aquatic Life Ambient Water Quality Criterion for Selenium – Freshwater, EPA-822-R-16-006, Appendix K: Translation of a Selenium Fish Tissue Criterion Element to a Site-Specific Water Column Value \(June 2016\)](#). (3-28-18)

**01. Subsection of Blackfoot Subbasin.** Blackfoot River - confluence of Lanes and Diamond Creeks to Blackfoot Reservoir (unit US-10), and all tributaries thereof. Site-specific egg-ovary, whole-body, and muscle criterion elements for these water bodies are set out in the following table. The lentic and short-term exposure water column criterion elements set out in Subsection 210.01., table footnote **I**, are also applicable to the water bodies identified in this subsection.

Chronic			
Egg-Ovary (mg/kg dw)	Fish Tissue (mg/kg dw)		Water Column (µg/L)
Egg-Ovary	Whole-Body	Muscle	Water Lotic
24.5 <sup>1</sup>	12.5 <sup>2</sup>	12.8 <sup>2</sup>	11.9 <sup>3,4,5</sup>
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter			
<p>1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.</p> <p>2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body or muscle data to determine compliance with this criterion element.</p> <p>3. Water column values are derived using the empirical BAF method. For comparative purposes only, the example value displayed in this table represents the lotic water column value for Sheep Creek based on the average BAF for Cutthroat Trout among all sampling locations and years.</p> <p>4. Lotic Water Column Equation=</p> $\frac{\text{Tissue}_{\text{criterion}}}{\text{BAF}}$ <p>where Tissue criterion is the fish tissue element (whole-body), and BAF is the bioaccumulation factor derived by dividing site-specific field-collected samples of fish tissue (whole-body) by site-specific field-collected samples of water.</p> <p>5. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, surface water from the fishless waters and fish tissue from the nearest downstream waters are used for bioaccumulation modeling. Fish tissue supersedes any site-specific water column values when fish are sampled downstream of fishless waters.</p>			

(3-28-18)

**02. Subsection of Bear Lake Subbasin.** Georgetown Creek - source to mouth (unit B-22), and all tributaries thereof. Site-specific egg-ovary, whole-body, and muscle criterion elements for these water bodies are set out in the following table. The lentic and short-term water column criterion elements set out in Subsection 210.01., table footnote **I**, are also applicable to the water bodies identified in this subsection.

Chronic			
Egg-Ovary (mg/kg dw)	Fish Tissue (mg/kg dw)		Water Column (µg/L)
Egg-Ovary	Whole-Body	Muscle	Water Lotic
21.0 <sup>1</sup>	12.5 <sup>2</sup>	12.8 <sup>2</sup>	3.8 <sup>3,4,5</sup>

mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter
<p>1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.</p> <p>2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body and muscle data to determine compliance with this criterion element.</p> <p>3. Water column values are derived using the empirical BAF method. For comparative purposes only, the example displayed in this table represents the lotic water column value for Georgetown Creek, upstream of the intermittent reach, based on the average BAF for Brook Trout in all sampling locations and years.</p> <p>4. Lotic Water Column Equation=</p> $\frac{\text{Tissue}_{\text{criterion}}}{\text{BAF}}$ <p>where Tissue criterion is the fish tissue element (whole-body), and BAF is the bioaccumulation factor derived by dividing site-specific field-collected samples of fish tissue (whole-body) by site-specific field-collected samples of water.</p> <p>5. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, surface water from the fishless waters and fish tissue from the nearest downstream waters are used for bioaccumulation modeling. Fish tissue supersedes any site-specific water column values when fish are sampled downstream of fishless waters.</p>

(3-28-18)

**03. Subsection of Salt Subbasin — Sage Creek.** Sage Creek – source to mouth (unit US-9) including, Hoopes Spring channel downstream of the spring complex, South Fork Sage Creek downstream of the spring complex, Sage Creek downstream of the confluence of Hoopes Spring with Sage Creek to its confluence with Crow Creek, ~~North Fork Sage Creek and tributaries (including Pole Canyon Creek)~~ **and tributaries; excluding North Fork Sage Creek, Pole Canyon Creek, and their tributaries.** Site-specific egg-ovary and whole-body criterion elements for these water bodies are set out in the following table. The muscle, lentic water column, and short-term water column criterion elements set out in Subsection 210.01., table footnote **L**, are also applicable to the water bodies identified in this subsection.

<b>Chronic</b>		
<b>Egg-Ovary (mg/kg dw)</b>	<b>Fish Tissue (mg/kg dw)</b>	<b>Water Column (µg/L)</b>
Egg-Ovary	Whole-Body	Water Lotic
20.5 <sup>1</sup>	13.6 <sup>2</sup>	16.7 <sup>3</sup>
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter		
<p>1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.</p>		

2. Fish tissue supersedes water column element when both fish tissue (whole-body) and water concentrations are measured. Fish tissue elements are expressed as a single arithmetic average of tissue concentrations from at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body data to determine compliance with this criterion element.
3. Water column values are derived using the empirical BAF method. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, selenium concentrations in fish from the nearest downstream waters may be used to assess compliance.

~~(3-28-18)~~( )

**04. Subsection of Salt Subbasin — Crow Creek.** Crow Creek – Downstream of Sage Creek confluence to Wyoming state line (US-8). Site-specific egg-ovary and whole-body criterion elements for these water bodies are set out in the following table. The muscle, lentic water column, and short-term water column criterion elements set out in Subsection 210.01., table footnote I., are also applicable to the water bodies identified in this subsection.

<b>Chronic</b>		
<b>Egg-Ovary (mg/kg dw)</b>	<b>Fish Tissue (mg/kg dw)</b>	<b>Water Column (µg/L)</b>
Egg-Ovary	Whole-Body	Water Lotic
20.5 <sup>1</sup>	12.5 <sup>2</sup>	4.2 <sup>3</sup>
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter		
<ol style="list-style-type: none"> <li>1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.</li> <li>2. Fish tissue supersedes water column element when both fish tissue (whole-body) and water concentrations are measured. Fish tissue elements are expressed as a single arithmetic average of tissue concentrations from at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body data to determine compliance with this criterion element.</li> <li>3. Water column values are derived using the empirical BAF method. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, selenium concentrations in fish from the nearest downstream waters may be used to assess compliance.</li> </ol>		

(3-28-18)

**05. Portions of Idaho.**

(3-28-18)

- a. This site-specific criterion applies in the HUC subbasins set out in the following table.

HUC	Subbasin	HUC	Subbasin
16010102	Central Bear	17040208	Portneuf
16010201	Bear Lake	17040209	Lake Walcott
16010202	Middle Bear	17040210	Raft
16010203	Little Bear-Logan	17040211	Goose

HUC	Subbasin	HUC	Subbasin
16010204	Lower Bear-Malad	17040214	Beaver-Camas
16020309	Curlew Valley	17040215	Medicine Lodge
17010302	South Fork Coeur d Alene	17040216	Birch
17010306	Hangman	17040218	Big Lost
17010308	Little Spokane	17040220	Camas
17040104	Palisades	17040221	Little Wood
17040105	Salt	17050104	Upper Owyhee
17040201	Idaho Falls	17050105	South Fork Owyhee
17040202	Upper Henrys	17050106	East Little Owyhee
17040203	Lower Henrys	17050107	Middle Owyhee
17040204	Teton	17050108	Jordan
17040205	Willow	17060109	Rock
17040206	American Falls		
17040207	Blackfoot		

(3-28-18)

**b.** Site-specific egg-ovary, whole-body, and muscle criterion elements for the water bodies identified in Subsection 287.05.a. are set out in the following table. The water column criterion elements set out in Subsection 210.01., table footnote **I**., are also applicable to the water bodies identified in Subsection 287.05.a.

<b>Chronic</b>		
<b>Egg-Ovary (mg/kg dw)</b>	<b>Fish Tissue (mg/kg dw)</b>	
Egg-Ovary	Whole-Body	Muscle
19.0 <sup>1</sup>	9.5 <sup>2</sup>	13.1 <sup>2</sup>
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter		
<p>1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.</p> <p>2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body or muscle data to determine compliance with this criterion element.</p>		

(3-28-18)

*Section 287 is not effective for CWA purposes until the date EPA issues written notification that the revisions adopted under Rule Docket No. 58-0102-1701 have been approved.*



## **IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **58.01.03 – INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES**

**DOCKET NO. 58-0103-1902**

#### **NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. The action is authorized pursuant Chapters 1 and 36, Title 39, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

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

This rulemaking adopts and re-publishes the following existing and previously approved and codified rule chapter under IDAPA 58 rules of the Department of Environmental Quality:

#### ***IDAPA 58.01.03, Individual/Subsurface Sewage Disposal Rules***

This rulemaking also includes revisions made to IDAPA 58.01.03 in response to **Executive Order No. 2019-02, Red Tape Reduction Act**, issued by Governor Little on January 21, 2019. Upon review of its administrative rules, DEQ determined that two rule chapters could be consolidated into a single chapter. DEQ proposes to combine IDAPA 58.01.15, Rules Governing the Cleaning of Septic Tanks, with IDAPA 58.01.03, Individual/Subsurface Sewage Disposal Rules, by moving IDAPA 58.01.15, Sections 003 and 004, into IDAPA 58.01.03 as new Sections 050 and 051.

IDAPA 58.01.03 and IDAPA 58.01.15 were adopted by the Idaho Board of Environmental Quality in May 2019, effective June 30, 2019, and published in the Idaho Administrative Bulletin, July 3, 2019, **Vol. 19-7**. After consideration of public comments on this proposed rule, DEQ intends to present the final proposal to the Idaho Board of Environmental Quality (Board) in November 2019 for adoption of a pending rule. The rule is expected to be final and effective upon adjournment of the 2020 legislative session if adopted by the Board and approved by the Legislature. Temporary rule IDAPA 58.01.15 will expire at that time.

More information regarding this rule docket is available at [www.deq.idaho.gov/58-0103-1902](http://www.deq.idaho.gov/58-0103-1902).

**FEE SUMMARY:** This rulemaking does not impose a fee or charge.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the Legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

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

**IDAHO CODE SECTION 39-107D STATEMENT:** IDAPA 58.01.03, Individual/Subsurface Sewage Disposal Rules, regulate activities not regulated by the federal government. The following is a summary of additional

information required by Sections 39-107D(2) through (4), Idaho Code, supporting the adoption of these rules. These rules regulate the installation of cottage site sewage treatment facilities and the issuance of pollution source permits and septic tank pumping permits under Title 39, Chapters 1 and 36, Idaho Code. Title 39, Chapter 1, Idaho Code, also grants to the Director the authority to issue pollution source permits; charges the Director to enforce all laws, rules, regulations, and standards relating to environmental protection and health, and those relating to the storage, handling and transportation of solids, liquids and gases which may cause or contribute to water pollution; and authorizes the Department of Environmental Quality to review for approval the plans and specifications for all proposed waste treatment facilities prior to their construction.

IDAPA 58.01.15, Rules Governing the Cleaning of Septic Tanks, adopted in 1960, are added to the Individual/Subsurface Sewage Disposal Rules as new Sections 050 and 051. The Rules Governing the Cleaning of Septic Tanks are not based on a specific science or standard; rather, they are in place to ensure disposal of excrement from the cleaning of septic tanks is discharged to a public sewer; discharged to a sewage treatment plant; or buried under earth, or dried in, a location and by a method approved by the Department.

The Individual/Subsurface Sewage Disposal Rules were originally approved in 1985 following standard practices in place at the time. In 1989 the Idaho Legislature rejected the 1985 rules and instructed the Board of Health & Welfare to promulgate the rules that were in effect prior to 1985. The legislative intent accompanying House Concurrent Resolution 53 stated that the Idaho Legislature did not object to the adoption of the 1985 rules provided that the rules allow the use of seepage pits on a case-by-case basis within the boundaries of the district seven health department. The Department of Health and Welfare proceeded with an emergency rule in 1989-90 that re-instated the 1985 rules regarding subsurface sewage disposal with the addition of Subsection 008.11, Seepage Pit.

With the exception of the specific sections called out in the table below, the majority of the Individual/Subsurface Sewage Disposal Rules have been in place and relatively unchanged since 1985. With the creation of the Department of Environmental Quality, some sections of the rules were updated to reflect that change. There were no substantive changes to the standards or criteria reflected in those changes. Rules updated in 2017 provided a Section 107D statement during the negotiated rulemaking and are therefore not discussed in this statement. Rules updated in 2002 were specific to the administrative provisions regarding appeals of the agency decision and confidentiality of records. These updates are not based on scientific data, nor do they relate to the protection of human health or the environment, and therefore are not subject to the Section 107D requirements.

<b>Rule Section</b>	<b>Date Updated</b>
58.01.03.003.30	July 1, 2017
58.01.03.006.01 – 06	July 1, 2017
58.01.03.006.09 – 10	July 1, 2017
58.01.03.009.03 – 04	July 1, 2017
58.01.03.996 – 997	March 15, 2002

The following summary of Sections 107D(2) and (3) will focus on the decisions made in 1985 to promulgate changes to the Individual/Subsurface Sewage Disposal Rules with regard to best available science and information and decisions made to protect human health and the environment. DEQ believes this is the only approach to fulfilling this requirement at this time, as current science and data would likely lead to changes to the rule that should be addressed appropriately through negotiated rulemaking specific to the topic and not the general re-authorization of the rules that this proposed rule is addressing.

***Section 107D(2)(a), Idaho Code. To the degree that a department action is based on science, in proposing any rule or portions of any rule subject to this section, the department shall utilize the best available peer reviewed science and supporting studies conducted in accordance with sound and objective scientific practices.***

Standards and performance criteria for construction, installation, and operation of individual sewage disposal

systems were proposed as modifications to the 1979 rules by members of interested parties and the Division of Environmental Quality, a division within the Department of Health and Welfare. These standards and criteria were derivations of industry accepted practices and standards in use at the time of promulgation. As such, these standards and criteria were reviewed and accepted by Idaho's regulated community and the Board of Health and Welfare.

The US EPA published in 1980 a Design Manual: Onsite Wastewater Treatment and Disposal Systems (USEPA 1980). These standards were considered and used along with other available studies including Manual of Septic – Tank Practices (US Department of Health, Education, and Welfare 1969).

***Section 107D(2)(b), Idaho Code. To the degree that a department action is based on science, in proposing any rule or portions of any rule subject to this section, the department shall utilize data collected by accepted methods or best available methods if the reliability of the method and the nature of the decision justifies use of the data.***

Data was not collected or analyzed as part of the rulemaking process.

***Section 107D(3)(a), Idaho Code. Identification of each population or receptor addressed by an estimate of public health effects or environmental effects.***

Onsite septic systems treat domestic sewage through use of subsurface infiltration and have the potential to adversely impact beneficial uses in both surface and ground waters. These systems are recognized as potentially viable, low-cost, long-term approaches to wastewater treatment if they are planned, designed, installed, operated, and maintained properly.

***Section 107D(3)(b) through (e), Idaho Code. Identification of the expected risk or central estimate of risk for the specific population or receptor and identification of each appropriate upper bound or lower bound estimate of risk, of each significant uncertainty identified in the process of the assessment of public health effects or environmental effects and any studies that would assist in resolving the uncertainty, and studies known to the department that support, are directly relevant to, or fail to support any estimate of public health effect or environmental effects and the methodology used to reconcile inconsistencies in the data.***

The proposed rules include standards intended to protect human health and the environment. The standards, however, are for the design, construction, and installation of individual subsurface sewage disposal systems, for example, requirements for wastewater flow into a system and appropriate sizing of the system. The rules are not based on any express estimate or analysis of risk to public health or the environment. Instead, the standards are based on guidelines set forth in documents readily available at the time of initial promulgation including Design Manual: Onsite Wastewater Treatment and Disposal Systems (USEPA 1980) and Manual of Septic – Tank Practices (US Department of Health, Education, and Welfare 1969). These standards are generally accepted and used by engineers and state regulators.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact the undersigned. Anyone may submit written comments regarding the proposed rulemaking by mail, fax, or email. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 4th day of September, 2019.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
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THE FOLLOWING IS THE PROPOSED RULE TEXT OF DOCKET NO. 58-0103-1902

Pursuant to Section 67-5221(1), Idaho Code, this docket is being published as a proposed rule.

This docket has been previously published as two separate temporary rules.

The original text of the temporary rules was published in the Idaho Administrative Bulletin, Volume 19-7, July 3, 2019, pages 482 through 506 and Vol. 19-7, pages 543–546.

(No substantive changes have been made to the reauthorized/temporary rules and they are being combined and published as a single proposed rule in its entirety)

58.01.03 – INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES  
AND RULES FOR CLEANING OF SEPTIC TANKS

000. (RESERVED)

001. LEGAL AUTHORITY.

Title 39, Chapter 1 and Title 39, Chapter 36, Idaho Code, grants authority to the Board of Environmental Quality to adopt rules and standards to protect the environment and the health of the State, for the installation of cottage site sewage treatment facilities and for the issuance of pollution source permits. Title 39, Chapter 1, Idaho Code, grants to the Director the authority to issue pollution source permits; charges the Director to enforce all laws, rules, regulations, and standards relating to environmental protection and health, and those relating to the storage, handling and transportation of solids, liquids and gases which may cause or contribute to water pollution, and authorizes the Department of Environmental Quality to review for approval the plans and specifications for all proposed waste treatment facilities prior to their construction. (5-7-93)

002. TITLE, SCOPE, CONFLICT AND RESPONSIBILITIES.

01. **Title.** These rules are titled IDAPA 58.01.03, “Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks.” (5-7-93)( )

02. **Scope.** The provisions of these rules establish limitations on the construction and use of individual and subsurface sewage disposal systems and establish the requirements for obtaining an installation permit and an installer’s registration permit. These rules apply to every individual and every subsurface blackwaste and wastewater treatment system in Idaho. These rules also establish general requirements for the handling, transportation and disposal of septic tank wastes and for obtaining a septic tank pumping permit. (5-7-93)( )

03. **Conflict of Rules, Standards, and Ordinances.** In any case where a provision of these rules is found to be in conflict with a provision of any state or local zoning, building, fire, safety, or health regulation, standard or ordinance, the provision that, in the judgment of the Director, establishes the higher standard for the promotion and protection of the health and safety of the people, shall prevail. (5-7-93)

04. **Responsibilities.** (7-1-93)

a. Every owner of real property is jointly and individually responsible for: (10-1-90)

i. Storing, treating, and disposing of blackwaste and wastewater generated on that property. (10-1-90)

ii. Connecting all plumbing fixtures on that property that discharge wastewaters to an approved

wastewater system or facility. (10-1-90)

iii. Obtaining necessary permits and approvals for installation of individual or subsurface blackwaste and wastewater disposal systems. (10-1-90)

iv. Abandonment of an individual or subsurface sewage disposal system. (10-1-90)

b. Each engineer, building contractor, individual or subsurface system installer, excavator, plumber, supplier, and every other person, who for compensation shall design, construct, abandon, or provide any system or part thereof, is jointly and individually responsible for compliance with each of these rules that are relevant to that service or product. (5-7-93)

**003. DEFINITIONS.**

For the purposes of these rules, the following definitions apply. (5-7-93)

**01. Abandoned System.** A system which has ceased to receive blackwaste or wastewater due to diversion of those wastes to another treatment system or due to termination of waste flow. (10-1-90)

**02. Alternative System.** Any system for which the Department has issued design guidelines or which the Director judges to be a simple modification of a standard system. (10-1-90)

**03. Authorized or Approved.** The state of being sanctioned or acceptable to the Director as stated in a written document. (10-1-90)

**04. Blackwaste.** Human body waste, specifically excreta or urine. This includes toilet paper and other products used in the practice of personal hygiene. (10-1-90)

**05. Blackwater.** A wastewater whose principal pollutant is blackwaste; a combination of blackwaste and water. (10-1-90)

**06. Board.** Idaho State Board Of Environmental Quality. (10-1-90)

**07. Building Sewer.** The extension of the building drain beginning five (5) feet outside the inner face of the building wall. (10-1-90)

**08. Central System.** Any system which receives blackwaste or wastewater in volumes exceeding twenty-five hundred (2,500) gallons per day; any system which receives blackwaste or wastewater from more than two (2) dwelling units or more than two (2) buildings under separate ownership. (10-1-90)

**09. Construct.** To make, form, excavate, alter, expand, repair, or install a system, and, their derivations. (5-7-93)

**10. Director.** The Director of the Idaho Department of Environmental Quality or the Director's designee or authorized agent. (10-1-90)

**11. Existing System.** Any system which was installed prior to the effective date of these rules. (5-7-93)

**12. Expand.** To enlarge any nonfailing system. (10-1-90)

**13. Failing System.** Any system which exhibits one (1) or more of the following characteristics: (10-1-90)

a. The system does not meet the intent of these rules as stated in Subsection 004.01. (5-7-93)

b. The system fails to accept blackwaste and wastewater. (10-1-90)

- c. The system discharges blackwaste or wastewater into the waters of the State or onto the ground surface. (10-1-90)
- 14. Ground Water.** Any water of the state which occurs beneath the surface of the earth in a saturated geological formation of rock or soil. (5-7-93)
- 15. High Groundwater Level -- Normal, Seasonal.** High ground water level may be established by the presence of low chroma mottles, actual ground water monitoring or historic records. (5-7-93)
- a. The normal high groundwater level is the highest elevation of ground water that is maintained or exceeded for a continuous period of six (6) weeks a year. (5-7-93)
- b. The seasonal high groundwater level is the highest elevation of ground water that is maintained or exceeded for a continuous period of one (1) week a year. (5-7-93)
- 16. High Water Mark.** The line which the water impresses on the soil by covering it for sufficient periods of time to prevent the growth of terrestrial vegetation. (10-1-90)
- 17. Individual System.** Any standard, alternative or subsurface system which is not a central system. (10-1-90)
- 18. Install.** To excavate or to put in place a system or a component of a system. (10-1-90)
- 19. Installer.** Any person, corporation, or firm engaged in the business of excavation for, or the construction of individual or subsurface sewage disposal systems in the State. (10-1-90)
- 20. Large Soil Absorption System.** A large soil absorption system is a subsurface sewage disposal system designed to receive two thousand five hundred (2,500) gallons of wastewater or more per day, including where the total wastewater flow from the entire proposed project exceeds two thousand five hundred (2,500) gallons per day but the flow is separated into absorption modules which receive less than two thousand five hundred (2,500) gallons per day. (5-7-93)
- 21. Limiting Layer.** A characteristic subsurface layer or material which will severely limit the capability of the soil to treat or absorb wastewater including, but not limited to, water tables, fractured bedrock, fissured bedrock, excessively permeable material and relatively impermeable material. (10-1-90)
- 22. Mottling.** Irregular areas of different color in the soil that vary in contrast, density, number and size. Mottling generally indicates poor aeration and impeded drainage. (5-7-93)
- 23. New System.** A system which is or might be authorized or approved on or after the effective date of these rules. (5-7-93)
- 24. Nondischarging System.** Any system which is designed and constructed to prevent the discharge of blackwaste or wastewater. (10-1-90)
- 25. Permit.** An individual or subsurface system installation permit or installer's registration permit. (10-1-90)
- 26. Pollutants.** Any chemical, biological, or physical substance whether it be solid, liquid, gas, or a quality thereof, which if released into the environment can, by itself or in combination with other substances, create a public nuisance or render that environment harmful, detrimental, or injurious to public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, aesthetic, or other beneficial uses. (10-1-90)
- 27. Public System.** Any system owned by a county, city, special service district, or other governmental entity or Indian tribe having the authority to dispose of blackwaste or wastewater; a municipal wastewater treatment facility. (10-1-90)

- 28. Repair.** To remake, reform, replace, or enlarge a failing system or any component thereof as is necessary to restore proper operation. (10-1-90)
- 29. Scarp.** The side of a hill, canyon, ditch, river bank, roadcut or other geological feature characterized by a slope of forty-five (45) degrees or more from the horizontal. (10-1-90)
- 30. Service Provider.** Any person, corporation, or firm engaged in the business of providing operation, maintenance, and monitoring of complex alternative systems in the state of Idaho. (7-1-17)
- 31. Sewage.** Sewage has the same meaning as wastewater. (10-1-90)
- 32. Soil Texture.** The relative proportion of sand, silt, and clay particles in a mass of soil. (10-1-90)
- 33. Standard System.** Any system recognized by the Board through the adoption of design and construction regulations. (10-1-90)
- 34. Subsurface System.** Any system with a point of discharge beneath the earth's surface. (10-1-90)
- 35. Surface Water - Intermittent, Permanent, Temporary.** (7-1-93)
- a.** Any waters of the State which flow or are contained in natural or man-made depressions in the earth's surface. This includes, but is not limited to, lakes, streams, canals, and ditches. (10-1-90)
- b.** An intermittent surface water exists continuously for a period of more than two (2) months but not more than six (6) months a year. (10-1-90)
- c.** A permanent surface water exists continuously for a period of more than six (6) months a year. (10-1-90)
- d.** A temporary surface water exists continuously for a period of less than two (2) months a year. (10-1-90)
- 36. System.** Beginning at the point of entry physically connected piping, treatment devices, receptacles, structures, or areas of land designed, used or dedicated to convey, store, stabilize, neutralize, treat, or dispose of blackwaste or wastewater. (10-1-90)
- 37. Wastewater.** Any combination of liquid or water and pollutants from activities and processes occurring in dwellings, commercial buildings, industrial plants, institutions and other establishments, together with any groundwater, surface water, and storm water that may be present; liquid or water that is chemically, biologically, physically or rationally identifiable as containing blackwater, grey water or commercial or industrial pollutants; and sewage. (10-1-90)
- 38. Waters of the State.** All the accumulations of water, surface and underground, natural and artificial, public and private or parts thereof which are wholly or partially within, which flow through or border upon the state of Idaho. (10-1-90)
- 39. Water Table.** The surface of an aquifer. (10-1-90)

**004. GENERAL REQUIREMENTS.**

- 01. Intent of Rules.** The Board, in order to protect the health, safety, and environment of the people of the state of Idaho establishes these rules governing the design, construction, siting and abandonment of individual and subsurface sewage disposal systems. These rules are intended to insure that blackwastes and wastewater generated in the state of Idaho are safely contained and treated and that blackwaste and wastewater contained in or discharged from each system: (5-7-93)
- a.** Are not accessible to insects, rodents, or other wild or domestic animals; (10-1-90)

- b. Are not accessible to individuals; (10-1-90)
- c. Do not give rise to a public nuisance due to odor or unsightly appearance; (10-1-90)
- d. Do not injure or interfere with existing or potential beneficial uses of the waters of the State. (10-1-90)

**02. Compliance with Intent Required.** The Director shall not authorize or approve any system if, in the opinion of the Director, the system will not be (is not) in compliance with the intent of these rules. (5-7-93)

**03. System Limitations.** Cooling water, backwash or backflush water, hot tub or spa water, air conditioning water, water softener brine, groundwater, oil, or roof drainage cannot be discharged into any system unless that discharge is approved by the Director. (10-1-90)

**04. Increased Flows.** Unless authorized by the Director, no person shall provide for or connect additional blackwaste or wastewater sources to any system if the resulting flow or volume would exceed the design flow of the system. (10-1-90)

**05. Failing System.** The owner of any failing system shall obtain a permit and cause the failing system's repair: (10-1-90)

- a. As soon as practical after the owner becomes aware of its failure; or (10-1-90)
- b. As directed in proper notice from the Director. (10-1-90)

**06. Subsurface System Replacement Area.** An area of land which is suitable in all respects for the complete replacement of a new subsurface system disposal field shall be reserved as a replacement area. This area will be kept vacant, free of vehicular traffic and free of any soil modification which would negatively affect its use as a replacement disposal field construction site. (10-1-90)

**07. Technical Guidance Committee.** The Director shall appoint a Technical Guidance Committee composed of three (3) representatives from the seven (7) Health Districts, one (1) representative from the Department of Environmental Quality, one (1) professional engineer licensed in the state of Idaho and one (1) licensed installer. Initially two (2) committee members shall be appointed to each of one (1), two (2) and three (3) year terms. Appointments to vacancies thereafter shall be to three (3) year terms. (12-31-91)

**08. Duties of the Technical Guidance Committee.** The Committee shall maintain a technical guidance manual which shall be used in the design, construction, alteration, operation, and maintenance of conventional systems, their components and alternatives. The Committee shall review variances at the request of the Director and provide recommendations on such variances. (10-1-90)

**09. Technical Guidance Manual for Individual and Subsurface Alternative Sewage Disposal.** The manual maintained by the Technical Guidance Committee shall provide state-of-the-art technical guidance on alternative sewage disposal components and systems, soil type determination methodology and other information pertinent to the best management practices of individual and subsurface sewage disposal. (10-1-90)

**10. Alternative System.** If a standard system as described in these rules cannot be installed on a parcel of land, an alternative system may be permitted if that system is in accordance with the recommendations of the Technical Guidance Committee and is approved by the Director. (5-7-93)

**005. PERMIT AND PERMIT APPLICATION.**

**01. Permit Required.** Except as specified in Subsection 005.02 it shall be unlawful for any person to cause or to perform the modification, repair or construction of any individual or subsurface sewage disposal system within the state of Idaho unless there is a valid installation permit authorizing that activity. (12-31-91)



**02. Exceptions to Permit Requirement.** The activities listed in this subsection may be lawfully performed in the absence of a valid installation permit. They are, however, subject to all other relevant rules and regulations. (10-1-90)

**a.** Portable nondischarging systems may be installed where needed as temporary blackwaste or wastewater systems if they are properly maintained and if they are of a design which has been approved by the Director. (10-1-90)

**b.** Individual and subsurface systems may be repaired when needed as a result of clogged or broken solid piping or of malfunctions in an electrical or mechanical system. Such repair may not expand the system unless authorized by the Director. (10-1-90)

**03. Permit Application.** The owner of the system or the owner's authorized representative shall make application to the Director in writing and in a manner or form prescribed by the Director. (10-1-90)

**04. Contents of Application.** A permit application will be used to help determine if the proposed construction will be in conformance with applicable rules and regulations. Information required in the application may include, but is not limited to: (10-1-90)

- a.** The name and address of the owner of the system and of the applicant, if different; (10-1-90)
- b.** The legal description of the parcel of land; (10-1-90)
- c.** The type of establishment served; (10-1-90)
- d.** The maximum number of persons served, number of bedrooms, or other appropriate measure of wastewater flow; (10-1-90)
- e.** The type of system; (10-1-90)
- f.** The construction activity (new construction, enlargement, repair); (10-1-90)
- g.** A scaled or dimensioned plot plan including, if needed, adjacent properties illustrating: (10-1-90)
- i.** The location and size of all existing and proposed wastewater systems including disposal field replacement areas; (10-1-90)
- ii.** The location of all existing water supply system features; (10-1-90)
- iii.** The location of all surface waters; (10-1-90)
- iv.** The location of scarps, cuts, and rock outcrops; (10-1-90)
- v.** Land elevations, surface contours, and ground slopes between features of interest; (10-1-90)
- vi.** Property lines, easements, and rights-of-way; and (10-1-90)
- vii.** Location and size of buildings and structures. (7-1-93)
- h.** The plans and specifications of the proposed system which include: (10-1-90)
  - i.** Diagrams of all system facilities which are to be made or fabricated at the site; (10-1-90)
  - ii.** The manufacturer's name and identification of any component approved pursuant to Sections 007 and 009; and (12-31-91)
  - iii.** List of materials. (10-1-90)

- i.** Soil description and profile, groundwater data, percolation or permeability test results and/or a site evaluation report; (10-1-90)
- j.** The nature and quantity of blackwaste and wastewater which the system is to receive including the basis for that estimate; (10-1-90)
- k.** Proposed operation, maintenance, and monitoring procedures to insure the system's performance and failure detection; (10-1-90)
- l.** Copies of legal documents relating to access and to responsibilities for operation, maintenance, and monitoring; (10-1-90)
- m.** A statement from the local zoning or building authority indicating that the proposed system would not be contrary to local ordinances; (10-1-90)
- n.** The signature of the owner of the proposed system and, if different, of the applicant; and (10-1-90)
- o.** Any other information, document, or condition that may be required by the Director to substantiate that the proposed system will comply with applicable rules and regulations. (10-1-90)
- 05. Basis for Permit Application Denial.** The Director may deny a permit application if in the Director's judgment: (10-1-90)

  - a.** The application is incomplete, inaccurate, or misleading; (10-1-90)
  - b.** The system as proposed is not in compliance with applicable rules and regulations; (10-1-90)
  - c.** The system as proposed would, when put into use, be considered a failing system; (10-1-90)
  - d.** The design and description of a public system was not made by a professional engineer; (10-1-90)
  - e.** Public or central wastewater treatment facilities are reasonably accessible. (10-1-90)
- 06. Notice of Denial.** Upon denial of an application the Director shall notify the applicant of the reason for denial. (10-1-90)
- 07. Issuance of Permit.** When, in the opinion of the Director the system as proposed will be in conformance with applicable rules and regulations, the Director shall issue an "Individual and Subsurface System Installation Permit". (10-1-90)
- 08. Application and Permit Valid for One Year.** Unless otherwise stated on the application or permit, it shall become invalid if the authorized construction or activity is not completed and approved within one (1) year of the date of issuance. (10-1-90)
- 09. Permit Renewal.** At the discretion of the Director, a permit may be renewed one (1) or more times upon request by the applicant or owner provided that the request is received by the Director prior to the permit's date of expiration. (10-1-90)
- 10. Immediate Effect of the Permit.** A valid permit authorizes the construction of an individual or subsurface system and requires that the construction be conducted in compliance with plans, specifications, and conditions contained in the approved permit application. Any deviation from the plans, specifications, and conditions is prohibited unless it is approved in advance by the Director. (10-1-90)
- 11. Cottage Site Facility Certification.** A valid permit shall constitute certification and approval for the purposes of Section 39-3637, Idaho Code. (10-1-90)

**12. Existing Installation Permits.** Individual and subsurface sewage disposal installation permits or other lot-specific approvals for systems issued prior to February 7, 1978, pursuant to Idaho Code Title 39, Chapter 1 and Title 39, Chapter 36, will become invalid one (1) year after written notice is given by the Director notifying the owner or holder of such a permit or approval that the permit or approval will no longer be valid unless construction or installation of the system provided for in the permit or approval is commenced within one (1) year after giving of the notice. This provision does not apply to certificates filed to satisfy a sanitary restriction pursuant to Section 50-1326, Idaho Code. (10-1-90)

**13. Abandonment May Be Required.** The Director may require as a condition for issuing a permit that the system be abandoned by a specified date or under specific predetermined circumstances. The date or circumstances will be established before the issuance of the permit and be contained in the permit application. These conditions may relate to a specific date, dwelling density, completion of a municipal system or other circumstances relative to the availability of central sewerage system services. (10-1-90)

**14. Operation, Maintenance and Monitoring.** The Director may require as a condition of issuing a permit, that specific operation, maintenance, and monitoring procedures be observed. Those procedures will be contained in the permit application. (10-1-90)

**15. As-Built Plans and Specifications.** The Director may require as a condition of issuing a permit, that complete and accurate record drawings and specifications depicting the actual construction be submitted to the Director within thirty (30) days after the completion of the construction. Alternately, if the construction proceeded in compliance with the approved plans and specifications, a statement to that effect may be submitted. (10-1-90)

**16. Permit Fee.** All applications shall be accompanied by payment of the fee specified in IDAPA 58.01.14, Section 110, "Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services". (5-7-93)

**006. INSTALLER'S REGISTRATION PERMIT AND SERVICE PROVIDER CERTIFICATION.**

**01. Permit and Certification Required.** Every installer and service provider shall secure from the Director an installer's registration permit. Service providers must also obtain a service provider's certification. Two (2) types of installer permits and one (1) type of service provider certification are available. (7-1-17)

**a.** A standard and basic alternative system installer's registration permit is required to install all individual systems not listed under Subsection 006.01.b. (5-7-93)

**b.** A complex alternative system installer's registration permit is required to install evapotranspiration systems, extended treatment package systems, lagoon systems, large soil absorption systems, pressure distribution systems, intermittent sand filters, sand mounds or other systems as may be specified by the Director. (7-1-17)

**c.** A service provider certification is required to perform operation, maintenance, or monitoring of complex alternative systems. (7-1-17)

**02. Examination.** The initial issuance of the installer's permit and service provider certification shall be based on the completion of an examination, with a passing score of seventy percent (70%) or more, of the applicant's knowledge of the principles set forth in these rules and the applicable sections of the Technical Guidance Manual. The examinations will be prepared, administered and graded by the Director. The installer examination and service provider examination shall be separate exams. (7-1-17)

**03. Permits and Certifications Required Annually.** Registration permits and service provider certifications expire annually on the first (1st) day of January, and all permits and certifications issued thereafter will be issued for the balance of the calendar year. Additionally, installers and service providers shall attend at least one (1) refresher course approved by the state of Idaho, Department of Environmental Quality, every three (3) years. Individuals holding both a complex installer registration permit and service provider certification shall attend one refresher course for the complex installer registration permit and another course for the service provider certification. Installer and service provider refresher courses are not interchangeable. (7-1-17)

- 04. Contents of Application.** (7-1-17)
- a.** Applications for installer permits and service provider certifications shall: (7-1-17)
    - i.** Be in writing: (7-1-17)
    - ii.** Be signed by the applicant or by an officer or authorized agent of a corporation: (7-1-17)
    - iii.** Contain the name and address of the applicant: (7-1-17)
    - iv.** Indicate whether the permit is to be for: (7-1-17)
      - (1)** Installation of standard and basic alternative systems: (7-1-17)
      - (2)** Installation of standard, basic and complex alternative systems; or (7-1-17)
      - (3)** Installation of standard, basic and complex alternative systems and certification as a service provider; and (7-1-17)
    - v.** Contain the expiration date of the bond required by Subsection 006.05. (7-1-17)
  - b.** Additionally, for applicants seeking certification as a service provider, the application shall also contain annual documentation of manufacturer specific training, as required by Subsection 006.06.a. (7-1-17)

**05. Bond Required.** At the time of application, all applicants, including those seeking a service provider certification, shall deliver to the Director a bond in a form approved by the Director in the sum of five thousand dollars (\$5,000) for a standard and basic alternative system installer's registration permit, or in the sum of fifteen thousand dollars (\$15,000) for standard, basic and complex alternative system installer's registration permit. The bond will be executed by a surety company duly authorized to do business in the state of Idaho and must run concurrent with the installer's registration permit. The bond shall be approved by the Director and must guarantee the installer or service provider's faithful performance of all work undertaken under the provisions of the installer's registration permit or service provider certification, or both. Any person who suffers damage as the result of negligent or wrongful acts of the installer or service provider or by the installer or service provider's failure to competently perform any of the work agreed to be done under the terms of the registration permit or certification shall, in addition to other legal remedies, have a right of action on the bond for all damages not exceeding five thousand dollars (\$5,000) for standard and basic alternative systems or fifteen thousand dollars (\$15,000) for complex alternative systems or required operation, maintenance, or monitoring by certified service providers. The maximum liability of the surety and/or sureties on the bond, regardless of the number of claims filed against the bond, shall not exceed the sum of five thousand dollars (\$5,000) for standard and basic alternative systems or fifteen thousand dollars (\$15,000) for complex alternative systems or required operation, maintenance, or monitoring by certified service providers. (7-1-17)

**06. Service Provider Responsibilities.** All certified service providers who provide operation, maintenance, or monitoring for any complex alternative system are responsible for compliance with each of these rules that are relevant to those services. Additionally, each certified service provider shall: (7-1-17)

- a.** Obtain documentation of the completed manufacturer-specific training of each manufactured and packaged treatment system for which the service provider intends to provide operation, maintenance, or monitoring. Proper documentation includes a certificate or letter of training completion provided by the manufacturer. If a system manufacturer is no longer in business, that manufacturer-specific training is not required. (7-1-17)
- b.** Maintain a comprehensive list of real property owners who contracted with the certified service provider. The list shall include the current real property owner name, service property address, real property owner contact address, and subsurface sewage disposal permit number. This list shall be provided to the Director as part of the annual operation, maintenance, and monitoring reports for individual real property owners; and (7-1-17)
- c.** Submit all operation, maintenance, and monitoring records in the form of an annual report for each

individual real property owner with whom the service provider contracts to fulfill the real property owner's operation, maintenance, or monitoring responsibilities required through the real property owner's subsurface sewage disposal installation permit as allowed in Subsection 005.14. The annual reports shall be provided to the Director by the timeframe specified in the Technical Guidance Manual for the specific complex alternative system for which operation, maintenance, or monitoring is required. (7-1-17)

**07. Exemption.** An installer's permit shall not be required for: (10-1-90)

**a.** Any person, corporation, or firm constructing a central or municipal subsurface sewage disposal system if that person, corporation, or firm is a licensed public works contractor as provided in Title 54, Chapter 19, Idaho Code, is experienced in the type of system to be installed and is under the direction of a professional engineer licensed in the state of Idaho; or (5-7-93)

**b.** Owners installing their own standard or basic alternative systems. (7-1-17)

**08. Application Fee.** All applications shall be accompanied by payment of the fee specified in IDAPA 58.01.14, Section 120, "Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services". (5-7-93)

**09. Grounds for Revocation.** Failure to comply with these rules shall be grounds for revocation of the permit or the certification, or both. (7-1-17)

**10. Transfer from Non-Profit Operation and Maintenance Entity to Certified Service Provider.** (7-1-17)

**a.** Real property owners who want to install extended treatment package systems must retain a permitted installer and certified service provider. An easement granting general access to a non-profit operation and maintenance entity is no longer required for extended treatment package system installation permits. (7-1-17)

**b.** Beginning July 1, 2017, real property owners who had extended treatment package systems installed are not required to be members of non-profit operation and maintenance entities. To meet the operation, maintenance, and monitoring requirements of their extended treatment package systems, real property owners shall retain a certified service provider for their existing extended treatment package systems. (7-1-17)

**007. SEPTIC TANKS DESIGN AND CONSTRUCTION STANDARDS.**

**01. Materials.** New septic tanks will be constructed of concrete, or other materials approved by the Director. Steel tanks are unacceptable. (10-1-90)

**02. Construction Requirements.** All septic tanks will be water tight, constructed of sound, durable materials and not subject to excessive corrosion, decay, frost damage or cracking. (10-1-90)

**03. Concrete Septic Tanks.** New concrete septic tanks will at a minimum meet the following requirements: (10-1-90)

**a.** The walls and floor must be at least two and one-half (2 1/2) inches thick if adequately reinforced and at least six (6) inches thick if not reinforced. (10-1-90)

**b.** Concrete lids or covers must be at least three (3) inches thick and adequately reinforced. (10-1-90)

**c.** The floor and at least a six (6) inch vertical portion of the walls of a poured tank must be poured at the same time (monolithic pour). (10-1-90)

**d.** Wall sections poured separately must have interlocking joints on joining edge. (10-1-90)

**e.** All concrete outlet baffles must be finished with an asphalt or other protective coating. (10-1-90)

**04. Horizontal Dimension Limit.** No interior horizontal dimension of a septic tank or compartment may be less than two (2) feet. (10-1-90)

**05. Liquid Depth.** The liquid depth shall be at least two and one-half (2 1/2) feet but not greater than five (5) feet. (10-1-90)

**06. Manufactured Tank Markings.** Septic tanks manufactured in accordance with a specified design approved by the Director, will be legibly and indelibly marked with the manufacturer's name or trademark, total liquid capacity and shall indicate the tank's inlet and outlet. (10-1-90)

**07. Minimum Tank Capacities.** (7-1-93)

**a.** Tanks serving one (1) or two (2) single dwelling units:

MINIMUM CAPACITY PER DWELLING UNIT	
Number of Bedrooms	Minimum Liquid Capacity (Gallons)
1 or 2	900
3 or 4	1,000

For each bedroom over four (4) add two hundred fifty (250) gallons. (10-1-90)

**b.** Tanks serving all other flows. Septic tank capacity shall be equal to two (2) times the average daily flow as determined from Subsection 007.08. The minimum tank capacity shall be seven hundred and fifty (750) gallons. (12-31-91)

**08. Wastewater Flows from Various Establishments in Gallons per Day.**

ESTABLISHMENTS	
Single Family Dwelling and Mobile Homes, 3 bedroom. Add/subtract 50 gallons/bedroom	250/Unit
MULTIPLE RESIDENTIAL	
Hotel: With Private Baths Without Private Baths	60/Bedspace 40/Bedspace
Motel: With Kitchenette	40/Bedspace 60/Bedspace
Boarding House: Add for each nonresident	150/Bedspace 25
Rooming House/Bunk House Staff Resident Nonresident	40/Resident 40/Staff 15/Staff
Apartments	250/Unit
INSTITUTIONAL	
Assembly Hall/Meeting House	2/Seat
Church: With Kitchen	3/Seat 7/Seat

<b>ESTABLISHMENTS</b>	
Hospital: Kitchen only Laundry only	250/Bedspace 25/Bedspace 40/Bedspace
Nursing Home/Rest Home	125/Bedspace
Day School: Without Showers With Showers With Cafeteria, add Staff-Resident Nonresident	20/Student 25/Student 3/Student 40/Staff 20/Staff
<b>FOOD SERVICE</b>	
Conventional Service: Toilet & Kitchen Wastes Kitchen Wastes	13/Meal 3.3/Meal
Take Out or Single Service	2/Meal
Dining Hall: Toilet & Kitchen Wastes Kitchen Wastes	8/Meal 3.3/Meal
Drinking Establishment	2/Person
Food Service Employee	15/Employee
<b>COMMERCIAL AND INDUSTRIAL</b>	
Bowling Alley	125/Lane
Laundry - Self Service	50/Wash
Public Transportation Terminal	5/Fare
Service Station	10/Vehicle
Car Wash: 1st Bay Additional Bays	50/Vehicle 1000 500 each
Shopping Center (No food/laundry)	1/Pkg.Sp.
Theaters (including Concession Stand): Auditorium Drive-in	5/Seat 10/Space
Offices	20/Employee
Factories: No Showers With Showers Add for Cafeteria	25/Employee 35/Employee 5/Employee
Stores	2/Employee
<b>SEASONAL AND RECREATIONAL</b>	
Fairground (Peak Daily Attend)	1/Person

<b>ESTABLISHMENTS</b>	
Stadium	2/Seat
Swimming Pool: Toilet & Shower Wastes	10/Person
Parks & Camps (Day Use): Toilet & Shower Wastes	15/Person
Roadside Rest Area: Toilet & Shower Wastes Toilet Waste	10/Person 5/Person
Overnight Accommodation: Central Toilet Central Toilet & Shower	25/Person 35/Person
Designated Camp Area: Toilet & Shower Wastes Toilet Wastes	90/Space 65/Space
Seasonal Camp	50/Space
Luxury Cabin	75/Person
Travel Trailer Park with Sewer & Water Hook-up	125/Space
Construction Camp	50/Person
Resort Camps	50/Person
Luxury Camps	100/Person
Country Clubs Resident Member Add for Nonresident Member	100/Member 25/Person
Public Restrooms: Toilet Wastes Toilet & Shower Wastes	5/Person 15/Person

(10-1-90)

**09. Total Volume.** The total volume of a septic tank will at a minimum be one hundred fifteen percent (115%) of its liquid capacity. (10-1-90)

**10. Inlets.** (7-1-93)

**a.** The inlet into the tank will be at least four (4) inches in diameter and enter the tank three (3) inches above the liquid level. (10-1-90)

**b.** The inlet of the septic tank and each compartment will be submerged by means of a vented tee or baffle. (10-1-90)

**c.** Vented tees or baffles will extend above the liquid level seven (7) inches or more but not closer than one (1) inch to the top of the tank. (10-1-90)

**d.** Tees should not extend horizontally into the tank beyond two (2) times the diameter of the inlet. (10-1-90)

**11. Outlets.** (7-1-93)



- a. The outlet of the tank will be at least four (4) inches in diameter. (10-1-90)
- b. The outlet of the septic tank and each compartment will be submerged by means of a vented tee or baffle. (10-1-90)
- c. Vented tees and baffles will extend above the liquid level seven (7) inches or more above the liquid level but no closer than one (1) inch to the inside top of the tank. (10-1-90)
- d. Tees and baffles will extend below the liquid level to a depth where forty percent (40%) of the tank's liquid volume is above the bottom of the tee or baffle. For vertical walled rectangular tanks, this point is at forty percent (40%) of the liquid depth. In horizontal cylindrical tanks this point is about thirty-five percent (35%) of the liquid depth. (10-1-90)
- e. Tees and baffles should not extend horizontally into the tank beyond two (2) times the diameter of the outlet. (10-1-90)

**12. Scum Storage.** A septic tank will provide an air space above the liquid level which will be equal to or greater than fifteen percent (15%) of the tank's liquid capacity. For horizontal cylindrical tanks, this condition is met when the bottom of the outlet port is located at nineteen percent (19%) of the tank's diameter when measured from the inside top of the tank. (10-1-90)

**13. Manholes.** Access to each septic tank or compartment shall be provided by a manhole twenty (20) inches in minimum dimension or a removable cover of equivalent size. Each manhole cover will be provided with a corrosion resistant strap or handle to facilitate removal. (10-1-90)

**14. Inspection Ports.** An inspection port measuring at least eight (8) inches in its minimum dimension will be placed above each inlet and outlet. Manholes may be substituted for inspection ports. (10-1-90)

**15. Split Flows.** The wastewater from a single building sewer or sewer line may not be divided and discharged into more than one (1) septic tank or compartment. (10-1-90)

**16. Multiple Tank or Compartment Capacity.** Multiple septic tanks or compartmented septic tanks connected in series may be used so long as the sum of their liquid capacities is at least equal to the minimum tank capacity computed in Subsection 007.07 and the initial tank or compartment has a liquid capacity of more than one-half (1/2) but no more than two-thirds (2/3) of the total liquid capacity of the septic tank facility. (12-31-91)

**17. Minimum Separation Distances Between Septic Tanks and Features of Concern.**

Features of Concern	Minimum Distance to Septic Tank in Feet	
Well or Spring or Suction Line	Public Water	100
	Other	50
Water Distribution Line	Public Water	25
	Other	10
Permanent or Intermittent Surface Water		50
Temporary Surface Water		25
Downslope Cut or Scarp		25
Dwelling Foundation or Building		5
Property Line		5
Seasonal High Water Level (Vertically from Top of Tank)		2

(10-1-90)

**18. Installation of Manufactured Tanks.** If written installation instructions are provided by the manufacturer of a septic tank, those instructions relative to the stability and integrity of the tank are to be followed unless otherwise specified in the installation permit of these rules. (5-7-93)

**19. Manhole Extension.** If the top of the septic tank is to be located more than twenty-four (24) inches below the finished grade, manholes will be extended to within eighteen (18) inches of the finished grade. (10-1-90)

**20. Sectional Tanks.** Sectional tanks will be joined in a manner that will insure that the tank is watertight. (10-1-90)

**21. Inlet and Outlet Piping.** Unless otherwise specified in the installation permit, piping to and from a septic tank or dosing chamber, to points three (3) feet beyond the tank excavation shall be of a material approved by the Director. The following materials are required: (5-7-93)

**a.** ABS schedule forty (40) or material of equal or greater strength piping shall be used to span the excavations for the septic tank and dosing chamber. (5-7-93)

**b.** ASTM D-3034 plastic pipe may be used to span the septic tank and dosing chamber if the excavation is compacted with fill material. (5-7-93)

**i.** The fill material must be granular, clean and compacted to ninety percent (90%) standard proctor density. (5-7-93)

**ii.** Placement of ASTM D-3034 on undisturbed earth is suitable, but in no installation shall there be less than twelve (12) inches of cover over the pipe. (5-7-93)

**22. Effluent Pipe Separation Distances.** Effluent pipes shall not be installed closer than fifty (50) feet from a well. (5-7-93)

**23. Septic Tank Abandonment.** Responsibility of properly abandoning a septic tank shall remain with the property owner. Septic tanks shall be abandoned in accordance with the following: (5-7-93)

**a.** Disconnection of the inlet and outlet piping; (5-7-93)

**b.** Pumping of the scum and septage with approved disposal; (5-7-93)

**c.** Filling the septic tank with earthen materials; or (5-7-93)

**d.** Physically destroying the septic tank or removing the septic tank from the ground. (5-7-93)

**008. STANDARD SUBSURFACE DISPOSAL FACILITY DESIGN AND CONSTRUCTION.**

**01. Standard Drainfield.** A drainfield consisting of an effluent sewer, one (1) or more aggregate filled trenches and a gravity flow wastewater distribution system. These standards will be the basis of acceptable design and configuration. Overall dimensions of a specific facility will depend upon site characteristics and the volume of wastewater. (10-1-90)

**02. Site Suitability.** The area in which a standard drainfield is to be constructed must meet the conditions stated in this subsection: (10-1-90)

**a.** Slope. The natural slope of the site will not exceed twenty percent (20%). (10-1-90)

**b.** Soil types. Suitable soil types must be present at depths corresponding with the sidewalls of the proposed drainfield and at depths which will be between the bottom of the proposed drainfield and any limiting soil layer (effective soil depth).

Design Soil Group	Soil Textural Classification	USDA Field Test Textural Classification	
<b>Unsuitable</b>	Gravel	10 Mesh	
	Coarse Sand	10-35 Mesh	Sand
<b>A</b>	Medium Sand	35-60 Mesh	Sand
	Fine Sand	65-140 Mesh	Sand
	Loamy Sand		Sand
<b>B</b>	Very Fine Sand	140-270 Mesh	Sand
	Sandy Loam		Sandy Loam
	Very Fine Loamy Sand		Sandy Loam
<b>C</b>	Loam		
	Silt Loam		Silt Loam
	Silt		Silt Loam
	Clay Loam		Clay Loam
	Sandy Clay Loam		Clay Loam
	Silty Clay Loam		Clay Loam
	<b>Unsuitable</b>	Sandy Clay	
	Silty Clay		Clay
	Clay		Clay
	Clay soils with high shrink/swell potential		Clay
	Organic mucks		
	Claypan, Duripan,		
	Hardpan		

(10-1-90)

c. Effective Soil Depths. Effective soil depths, in feet, below the bottom of the drainfield must be equal to or greater than those values listed in the following table.

EFFECTIVE SOIL DEPTHS TABLE			
Site Conditions	Design	Soil	Group
Limiting Layer	A	B	C
Impermeable Layer	4	4	4
Fractured Bedrock, Fissured Bedrock or Extremely Permeable Material	6	4	3
Normal High Groundwater Level	6	4	3
Seasonal High Groundwater Level	1	1	1

(5-7-93)

**d.** Separation Distances. The drainfield must be located so that the separation distances given be maintained or exceeded according to the following Table:

Feature of Interest	Soil Types All	A	B	C
Public Water Supply	100			
All Other Domestic Water Supplies including Springs and Suction Lines	100			
Water Distribution Lines: Pressure Suction	25 100			
Permanent or Intermittent Surface Water other than Irrigation Canals & Ditches		300	200	100
Temporary Surface Water and Irrigation Canals and Ditches	50			
Downslope Cut or Scarp: Impermeable Layer Above Base Impermeable Layer Below Base		75 50	50 25	50 25
Building Foundations: Crawl Space or Slab Basement	10 20			
Property Line	5			

(5-7-93)

**03. Subsurface Disposal Facility Sizing.** The size of a subsurface disposal system will be determined by the following procedures: (10-1-90)

**a.** Daily flow estimates should be determined in the same manner as are flow estimates for septic tank sizing in Subsection 007.08. (5-7-93)

**b.** The total required absorption area is obtained by dividing the estimated daily flow by a value below.

Design Soil Group	A	B	C
Absorption Area - Gallons/Square Foot/Day	1.0	0.5	0.2

(10-1-90)

**c.** Required Area. The size of an acceptable site must be large enough to construct two (2) complete drainfields in which each are sized to receive one hundred percent (100%) of the design wastewater flow. (10-1-90)

**04. Standard Subsurface Disposal Facility Specifications.** The following table presents additional design specifications for new subsurface sewage disposal facilities.

SUBSURFACE DISPOSAL FACILITY TABLE	
Item	All Soil Groups
Length of Individual Distribution Laterals	100 Feet Maximum
Grade of Distribution Laterals and Trench Bottoms	Level
Width of Trenches	1 Foot Minimum 6 Feet Maximum
Depth of Trenches	2 Feet Minimum 4 Feet Maximum
Total Square Feet of Trench	1500 Sq.ft. Max.
Undisturbed Earth Between Trenches	6 Feet Minimum
Undisturbed Earth Between Septic Tank and Trenches	6 Feet Minimum
Depth of Aggregate:	
Total	12 In. Minimum
Over Distribution Laterals	2 In. Minimum
Under Distribution Laterals	6 In. Minimum
Depth of Soil Over Top of Aggregate	12 In. Minimum

(10-1-90)

**05. Wastewater Distribution.** Systems shall be installed to maintain equal or serial effluent distribution. (10-1-90)

**06. Excavation.** Trenches will not be excavated during the period of high soil moisture content when that moisture promotes smearing and compaction of the soil. (10-1-90)

**07. Soil Barrier.** The aggregate will be covered throughout with untreated building paper, a synthetic filter fabric (geotextile), a three (3) inch layer of straw or other acceptable permeable material. (10-1-90)

**08. Aggregate.** The trench aggregate shall be crushed rock, gravel, or other acceptable, durable and inert material which is, free of fines, and has an effective diameter from one-half (1/2) to two and one-half (2 1/2) inches. (10-1-90)

**09. Impermeable Surface Barrier.** No treatment area trench or replacement area shall be covered by an impermeable surface barrier, such as tar paper, asphalt or tarmac or be used for parking or driving on or in any way compacted and shall be adequately protected from such activities. (5-7-93)

**10. Standard Absorption Bed.** Absorption bed disposal facilities may be considered when a site is suitable for a standard subsurface disposal facility except that it is not large enough. (10-1-90)

**a. General Requirements.** Except as specified in this section, rules and regulations applicable to a standard subsurface disposal system are applicable to an absorption bed facility. (10-1-90)

**b. Slope Limitation.** Sites with slopes in excess of eight percent (8%) are not suitable for absorption bed facilities. (10-1-90)

**c. Vehicular Traffic.** Rubber tired vehicles must not be driven on the bottom surface of any bed excavation. (10-1-90)

**d.** Distribution Lateral Spacing. Distribution laterals within a bed must be spaced on not greater than six (6) feet centers nor may any sidewall be more than three (3) feet from a distribution lateral. (10-1-90)

**11. Seepage Pit.** Seepage pit disposal facilities may be used on a case by case basis within the boundaries of District Health Department Seven when an applicant can demonstrate to the district director's satisfaction that the soils and depth to ground water are sufficient to prevent ground water contamination. The district director shall document all such cases. (4-2-91)L

**a.** General Requirements. Except as specified in Subsection 008.11.b., rules and regulations applicable to a standard subsurface disposal system are applicable to a seepage pit. (12-31-91)

**b.** Other conditions for approval, sizing and construction will be as provided for in the seepage pit section of the Technical Guidance Manual for Individual and Subsurface Sewage Disposal, except that the site size restriction in condition two (2) of the Conditions for Approval will not apply. (10-1-90)

**12. Failing Subsurface Sewage Disposal System.** If the Director determines that the public's health is at risk from a failed septic system and that the replacement of a failing subsurface sewage disposal system cannot meet the current rules and regulations, then the replacement system must meet the intent of the rules and regulations by utilizing a standard subsurface sewage disposal design or alternative system design as specified by the Director. (5-7-93)

**009. OTHER COMPONENTS.**

**01. Design Approval Required.** Commercially manufactured blackwaste and wastewater treatment and storage components may not be used in the construction of a system unless their design is approved by the Director. (10-1-90)

**02. Plan and Specification Submittal.** Plans and specifications for all commercially manufactured individual and subsurface treatment and storage components will be submitted to the Director for approval. Plans and specifications will show or include as requested by the Director, detailed construction drawings, capacities, structural calculations, list of materials, evidence of stability and durability, manufacturers installation, operation and maintenance instructions, and other relevant information. (10-1-90)

**03. Effect of Design Approval.** The Director may condition a design approval by specifying circumstances under which the component must be installed, used, operated, maintained, or monitored. (7-1-17)

**a.** The Director shall specify the complex alternative systems that must undergo professionally managed operation, maintenance, service, or effluent testing. (7-1-17)

**b.** Manufacturers shall provide training to a reasonable number of service providers to perform required operation, maintenance, or monitoring as specified by the Director. (7-1-17)

**c.** Manufacturers may enter into agreements with certified service providers trained in their technology but shall not limit the service providers from being trained in the technology of other manufacturers. (7-1-17)

**04. Notice of Design Disapproval.** If the Director is satisfied that the component described in the submittal may not be in compliance with or may not consistently function in compliance with these rules, or that the manufacturer of the proposed system failed to comply with Subsection 009.03, the Director will disapprove the design as submitted. The manufacturer or distributor submitting the design for approval will be notified in writing of the disapproval and the reason for that action. (7-1-17)

**010. VARIANCES.**

**01. Technical Allowance.** The Director may make a minor technical allowance to the dimensional or construction requirements of these rules for a standard system if: (5-7-93)

- a. The allowance will not affect adjacent property owners or the public at large; (10-1-90)
  - b. The allowance will not violate the conditions of Subsection 004.01; and (12-31-91)
  - c. The allowance will not be in conflict with any other rule, regulation, standard, or ordinance. (10-1-90)
  - d. The allowance to a dimensional requirement is not more than ten percent (10%) of the requirements of these rules unless otherwise provided for in the Technical Guidance Manual. (5-7-93)
- 02. Petition for Variance.** If a petition of variance to these rules is desired, a request for a variance may be filed with the Director. The petition shall contain the following: (10-1-90)
- a. A concise statement of the facts upon which the variance is requested including a description of the intended use of the property, the estimates of the quantity of blackwaste or wastewater to be discharged, and a description of the existing site conditions; (10-1-90)
  - b. A concise statement of why the petitioner believes that compliance with the provision from which variance is sought would impose an arbitrary or unreasonable hardship, and of the injury that the grant of the variance would impose on the public; and (10-1-90)
  - c. A clear statement of the precise extent of the relief sought. (10-1-90)
- 03. Public Notice.** At the time of filing a petition evidence shall also be submitted that: (10-1-90)
- a. A notice has appeared in the local newspaper advising the public of the request for variance; (10-1-90)
  - b. All property owners within three hundred (300) feet of the affected site have been notified; and (10-1-90)
  - c. Such notices to the public have been made fifteen (15) days prior to the filing of the petition. (10-1-90)
- 04. Objections to Petition.** Any person may file with the Department, within twenty-one (21) days after the filing of the petition, a written objection to the grant of the variance. A copy of such objection shall be provided by the Department to the petitioner. (10-1-90)
- 05. Investigation and Decision.** After investigating the variance petition and considering the views of persons who might be adversely affected by the grant of the variance, the Director shall, within sixty (60) days after the filing of the petition, make a decision as to the disposition of the petition. The decision, a copy of which shall be served on the petitioner, shall include: (10-1-90)
- a. A description of the efforts made by the Director to investigate the facts as alleged and to ascertain the views of persons who might be affected, and a summary of the views so ascertained; (10-1-90)
  - b. A statement of the degree to which, if at all, the Director disagrees with the facts as alleged in the petition; (10-1-90)
  - c. Allegations of any other facts believed relevant to the disposition of the petition; and (10-1-90)
  - d. The Director's decision. (10-1-90)
- 06. Limitations on Decision.** No technical allowance or variance shall be granted unless: (10-1-90)
- a. Adequate proof is shown by the petitioner that compliance would impose an arbitrary or unreasonable hardship; (10-1-90)

b. The technical allowance or variance rendered is consistent with the recommendations of the Technical Guidance Committee or the Technical Guidance Manual in use at the time of the petition; and (10-1-90)

c. The Director has determined that the approval of the technical allowance or variance will not have an adverse impact on the public health or the environment. (10-1-90)

**011. INSPECTIONS.**

**01. One or More Inspections Required.** Such inspection as are necessary to determine compliance with any requirement or provision of these rules shall be required by the Director. (5-7-93)

**02. Duty to Uncover.** The permittee shall, at the request of the Director, uncover or make available for inspection any portion or component of an individual or subsurface sewage disposal system which was covered or concealed in violation of these rules. (5-7-93)

**03. Advance Notice by Permittee.** If an inspection requires some type of preparation, such as test hole excavation or partial construction of the system, the applicant or permittee will notify the Director at least forty-eight (48) hours in advance, excluding weekends and holidays, before the time preparation will be completed. (10-1-90)

**04. Substantiating Receipts and Delivery Slips.** The permittee shall upon request by the Director provide copies of receipts, delivery slips or other similar documents to substantiate the origin, quality, or quantity of materials used in the construction of any individual or subsurface system. (10-1-90)

**012. VIOLATIONS AND PENALTIES.**

**01. Failure to Comply.** All individual and subsurface sewage disposal systems shall be constructed and installed according to these rules. Failure by any person to comply with the permitting, licensing, approval, installation, or variance provisions of these rules shall be deemed a violation of these rules. (5-7-93)

**02. System Operation.** No person shall discharge pollutants into the underground water of the state of Idaho through an individual or subsurface sewage disposal system unless in accordance with the provisions of these rules. (5-7-93)

**03. Violation a Misdemeanor.** Pursuant to Section 39-117, Idaho Code, any person who willfully or negligently violates any of the provisions of these rules shall be guilty of a misdemeanor. (5-7-93)

**013. LARGE SOIL ABSORPTION SYSTEM DESIGN AND CONSTRUCTION.**

**01. Site Investigation.** A site investigation for a large soil absorption system by a soil scientist and/or hydrogeologist may be required by the Director for review and approval and shall be coordinated with the Director. Soil and site investigations shall conclude that the effluent will not adversely impact or harm the waters of the State. (5-7-93)

**02. Installation Permit Plans.** Installation permit application plans, as outlined in Subsection 005.04, for a large soil absorption system submitted for approval shall include provisions for inspections of the work during construction by the design engineer or his designee and/or by the Director. (5-7-93)

**03. Module Size.** The maximum size of any subsurface sewage disposal module shall be ten thousand (10,000) gallons per day. Developments with greater than ten thousand (10,000) gallons per day flow shall divide the system into absorption modules designed for ten thousand (10,000) gallons per day or less. (5-7-93)

**04. Standard Large Soil Absorption System Design Specifications.** (5-7-93)

a. All design elements and applications rates shall be arrived at by sound engineering practice and shall be provided by a professional engineer licensed by the state of Idaho and specializing in environmental or sanitary engineering. (5-7-93)



**b.** Within thirty (30) days of system installation completion the design engineer shall provide either as-built plans or a certificate that the system has been installed in substantial compliance with the installation permit application plans. (5-7-93)

**c.** Effective Soil Depths. Effective soil depths, in feet, below the bottom of the absorption module to the site conditions must be equal to or greater than the following table:

<b>TABLE -- EFFECTIVE SOIL DEPTHS</b>			
<b>Site Conditions</b>	<b>Design</b>	<b>Soil</b>	<b>Group</b>
<b>Limiting Layer</b>	<b>A</b>	<b>B</b>	<b>C</b>
Impermeable Layer	8	8	8
Fractured Bedrock, Fissured Bedrock or Extremely Permeable Material	12	8	6
Normal High Groundwater Level	12	8	6
Seasonal High Groundwater Level	2	2	2

(5-7-93)

**d.** Separation Distances. The disposal area absorption module must be located so that the following separation distances given, in feet, are maintained or exceeded as outlined in the following table:

<b>TABLE -- SEPARATION DISTANCES</b>			
<b>Feature of Interest</b>	<b>Design</b>	<b>Soil</b>	<b>Group</b>
	<b>A</b>	<b>B</b>	<b>C</b>
<b>All Domestic Water Supplies</b>			
Sewage Volume - 2,500-5,000 GPD	250	200	150
Sewage Volume - 5,000-10,000 GPD	300	250	200
<b>Property Lines</b>			
Sewage Volume - 2,500-5,000 GPD	50	50	50
Sewage Volume - 5,000-10,000 GPD	75	75	75
<b>Building Foundations - Basements</b>			
Sewage Volume - 2,500-5,000 GPD	50	50	50
Sewage Volume - 5,000-10,000 GPD	75	75	75
<b>Downslope Cut or Scarp</b>			
Impermeable Layer - Below Base	100	50	50
Separation Distance - Between Modules	12	12	12

(5-7-93)

**e.** No large soil absorption system shall be installed above a downslope scarp or cut unless it can be demonstrated that the installation will not result in effluent surfacing at the cut or scarp. (5-7-93)

f. A minimum of two (2) disposal systems will be installed, each sized to accept the daily design flow, and a replacement area equal to the size of one (1) disposal system will be reserved. (5-7-93)

g. The vertical and horizontal hydraulic limits of the receiving soils shall be established and flows shall not exceed such limits so as to avoid hydraulically overloading any absorption module and replacement area. (5-7-93)

h. The distribution system must be pressurized with a duplex dosing system. (5-7-93)

i. A geotextile filter fabric shall cover the aggregate. (5-7-93)

j. An in-line effluent filter between an extended treatment system or lagoon system and the large soil absorption area shall be installed. (5-7-93)

k. Observation pipes shall be installed to the bottom of the drainrock throughout the drainfield. (5-7-93)

l. Pneumatic tired machinery travel over the excavated infiltrative surface is prohibited. (5-7-93)

m. The drainfield disposal area shall be constructed to allow for surface drainage and to prevent ponding of surface water. Before the system is put into operation the absorption module disposal area shall be seeded with typical lawn grasses and/or other appropriate shallow rooted vegetation. (5-7-93)

**05. Large Septic Tanks.** Large Septic Tanks shall be constructed according to Section 007, except as outlined in this Subsection: (5-7-93)

a. Length to width ratios shall be maintained at least at a three to one (3:1) ratio. (5-7-93)

b. Tank inlet shall allow for even distribution of the influent across the width of the tank. (5-7-93)

c. The width to liquid depth ratio shall be between one to one (1:1) and two and one-quarter to one (2.25:1). (5-7-93)

**06. Monitoring and Reporting.** Before an installation permit is issued, a monitoring and reporting plan shall be approved by the Director and shall contain the following minimum criteria: (5-7-93)

a. Monthly recording and inspection for ponding in all observation pipes. (5-7-93)

b. Monthly recording of influent flows based on lapse time meter and/or event meter of the dosing system. (5-7-93)

c. Monthly recording of groundwater elevation measurements at all monitoring wells if high seasonal groundwater is within fifteen (15) feet of the ground surface. (5-7-93)

d. Semi-annual groundwater monitoring at all monitoring wells. (5-7-93)

e. Monitoring shall conform to the requirements of all federal, state, and local rules and regulations. (5-7-93)

f. An annual "Large Soil Absorption System Report" shall be filed with the Director no later than January 31 of each year for the last twelve (12) month period and shall include section on operation, maintenance and monthly and annual monitoring data. (5-7-93)

**07. Operation and Maintenance.** Before an installation permit is issued, an operation and maintenance plan shall be approved by the Director and shall contain the following minimum criteria: (5-7-93)

a. Annual or more frequent rotation of the disposal systems, and whenever ponding is noted. (5-7-93)

**b.** A detailed operation and maintenance manual, fully describing and locating all elements of the system and outlining maintenance procedures needed for operation of the system and who will be responsible for system maintenance, shall be submitted to the Director prior to system use. (5-7-93)

**c.** A maintenance entity shall be specified to provide continued operation and maintenance. Approval of the entity shall be made by the Director prior to issuance of an installation permit. (5-7-93)

**014. -- 049. (RESERVED)**

**050. CLEANING OF SEPTIC TANKS – GENERAL REQUIREMENTS.**

*All persons, firms or corporations operating any tank truck or any other device or equipment used or intended to be used for the purpose of pumping or cleaning septic tanks and/or transporting or disposing of human excrement, shall conform with the following requirements.* (3-1-60)

**01. Equipment to Be Watertight.** *The tank or transporting equipment shall be watertight and so constructed as to prevent spilling or leaking while being loaded, transported and/or unloaded.* (3-1-60)

**02. Equipment to Be Cleanable.** *The tank or transporting equipment shall be constructed in such a manner that every portion of the interior and exterior can be easily cleaned and maintained in a clean condition at all times while not in actual use.* (3-1-60)

**03. Disposal Methods.** *Disposal of excrement from septic tanks shall be by the following methods only:* (3-1-60)

**a.** *Discharging to a public sewer;* (3-1-60)

**b.** *Discharging to a sewage treatment plant;* (3-1-60)

**c.** *Burying under earth in a location and by a method approved by the Department of Environmental Quality;* (3-1-60)

**d.** *Drying in a location and by a method approved by the Department of Environmental Quality.* (3-1-60)

**051. CLEANING OF SEPTIC TANKS – PERMIT REQUIREMENTS.**

*All persons operating septic tank pumping equipment shall obtain a permit from the Idaho Department of Environmental Quality for the operation of such equipment. Permits shall be renewed annually. Applications for renewal of permits shall be made on or before March 1 of each year.* (3-1-60)

**01. Permit Application Contents.** *Applications for permits shall submit the following information on forms prepared by the Department:* (3-1-60)

**a.** *Number of tank trucks operated by owner;* (3-1-60)

**b.** *Vehicle license number of each tank truck;* (3-1-60)

**c.** *Name and address of owner and/or operator of equipment;* (3-1-60)

**d.** *Name and address of business, if different from Subsection 051.01.c.;* (3-1-60)

**e.** *Methods of disposal to be used in all areas of operation;* (3-1-60)

**f.** *Location of all disposal sites used by applicant;* (3-1-60)

**g.** *A complete basis of charges made for payment of the work performed.* (3-1-60)

**02. Permit Fee.** *All applications shall be accompanied by payment of the fee specified in Idaho Department of Environmental Quality Rules, IDAPA 58.01.14, Section 115, "Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services."* (12-31-91)

**03. Vehicle Number to Be Displayed.** *For each permit issued, a number will be assigned to the owner and/or operator of the tank truck or trucks. The assigned number shall be displayed at all times on the door of the vehicle or vehicles in a manner easily legible.* (3-1-60)

**04. Permit Suspension or Revocation.** *Permits issued are the property of the Department of Environmental Quality and may be suspended or revoked at any time the operator is not in compliance with the requirements of these rules.* (3-1-60)

**052. -- 995. (RESERVED)**

**996. ADMINISTRATIVE PROVISIONS.**

Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". (3-15-02)

**997. CONFIDENTIALITY OF RECORDS.**

Information obtained by the Department under these rules is subject to public disclosure pursuant to the provisions of Title 74, Chapter 1, Idaho Code, and IDAPA 58.01.21, "Rules Governing the Protection and Disclosure of Records in the Possession of the Department of Environmental Quality." (3-15-02)

**998. -- 999.**

# IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

## 58.01.17 – RECYCLED WATER RULES

DOCKET NO. 58-0117-1901

### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. The action is authorized pursuant Chapter 1, Title 39, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: This rulemaking adopts and re-publishes the following existing and previously approved and codified rule chapter under IDAPA 58 rules of the Department of Environmental Quality:

IDAPA 58.01.17, Recycled Water Rules

A temporary rule was adopted by the Idaho Board of Environmental Quality in May 2019, effective June 30, 2019, and published in the Idaho Administrative Bulletin, July 3, 2019, **Vol. 19-7, pages 547–574**. More information regarding this rule docket is available at [www.deq.idaho.gov/58-0117-1901](http://www.deq.idaho.gov/58-0117-1901).

**FEE SUMMARY:** This rulemaking does not impose a fee or charge.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the Legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rules attached hereto.

**IDAHO CODE SECTION 39-107D STATEMENT:** IDAPA 58.01.17, Recycled Water Rules, ensure that the land application of recycled water does not harm public health or the environment or violate the Department’s Water Quality Standards, IDAPA 58.01.02, or the Ground Water Quality Rule, IDAPA 58.01.11. The federal government does not specifically address recycled water land application. The statutory authority for these rules is contained in Idaho Code §§ 39-115 and 118. Idaho Code § 39-115 provides the Director with the authority to issue pollution source permits in compliance with rules. Idaho Code § 39-118 requires all plans and specifications and record plans “for the construction of new sewage systems, sewage treatment plants or systems” to “be submitted to and approved by the director before construction may begin, and all construction shall be in substantial compliance therewith.” Idaho Code § 39-105(2) requires the Director to “formulate and recommend to the board rules as may be necessary to deal with problems related to water pollution... and licensure and certification requirements pertinent thereto.” Idaho Code § 39-102(3)(a) states: “It is the policy of the state to prevent contamination of ground water from any source to the maximum extent practical.”

The majority of the substantive provisions of these rules was adopted after 2003, thus, if they were based on science or included a standard necessary to protect human health and the environment, they have already been approved as meeting Idaho Code § 39-107D(2) and (3) requirements. The remaining provisions are not specific science-based requirements or standards. Rather, they are (1) procedural requirements that are primarily necessary for the Department to properly process reuse permits, or (2) construction-related requirements to ensure land application

does not harm public health or the environment or violate Water Quality Standards or the Ground Water Quality Rule.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact the undersigned. Anyone may submit written comments regarding the proposed rulemaking by mail, fax, or email. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 4th day of September, 2019

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
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**THE FOLLOWING IS THE PROPOSED RULE TEXT OF DOCKET NO. 58-0117-1901**

**Pursuant to Section 67-5221(1), Idaho Code, this docket is being published as a proposed rule.**

**This docket has been previously published as a temporary rule.**

**The original text of the temporary rule was published in the Idaho Administrative Bulletin,  
Volume 19-7, July 3, 2019, pages 547 through 574.**

**(No changes have been made to the reauthorized/temporary rule  
and it is being published as proposed in its entirety)**

**IDAPA 58  
TITLE 01  
CHAPTER 17**

**58.01.17 – RECYCLED WATER RULES**

**000. LEGAL AUTHORITY.**

Pursuant to Title 39, Chapter 1, Idaho Code, the Director of the Department of Environmental Quality is authorized to adopt or formulate and recommend to the Board of Environmental Quality, and the Board of Environmental Quality is authorized to adopt rules, regulations and standards necessary and feasible to protect the environment and the health of citizens of the State including provisions for the issuance of pollution source permits, authorized by Section 39-115, Idaho Code, and review of plans and specifications for wastewater treatment facilities, authorized by Section 39-118, Idaho Code. (4-7-11)

**001. TITLE AND SCOPE.**

**01. Title.** These rules are to be known and cited as Idaho Department of Environmental Quality Rules, IDAPA 58.01.17, “Recycled Water Rules.” (4-7-11)

**02. Scope.** These rules establish the procedures and requirements for the issuance and maintenance of pollution source permits for reuse facilities, also referred to in these rules as “reuse permits.” (4-7-11)

**002. WRITTEN INTERPRETATIONS.**

Any written statements pertaining to the interpretation of these rules shall be available for review at the Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255. (4-6-05)

**003. INCORPORATION BY REFERENCE.**

American Water Works Association (AWWA) Standards, effective December 2009, are incorporated by reference into these rules. This document is available for review at the Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, (208)373-0502, or can be purchased from the AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235, Telephone (800) 926-7337. (4-7-11)

**004. ADMINISTRATIVE PROVISIONS.**

Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, “Rules of Administrative Procedure Before the Board of Environmental Quality.” (3-15-02)

**005. CONFIDENTIALITY OF RECORDS.**

Information obtained by the Department under these rules is subject to public disclosure pursuant to the provisions of Chapter 1, Title 74, Idaho Code, and IDAPA 58.01.21, “Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality.” (3-15-02)

**006. OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.**

The state office of the Department of Environmental Quality and the office of the Board of Environmental Quality are located at 1410 N. Hilton, Boise, Idaho 83706-1255, telephone number (208) 373-0502. The office hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. (4-11-06)

**007. (RESERVED)**

**008. REFERENCED MATERIALS.**

**01. Idaho Guidance for Recycled Water.** This document, and subsequent revisions of this document, provides assistance in applying and interpreting these rules relating to the permitting and operations of reuse facilities. Copies of the document are available at the Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, and online at <http://www.deq.idaho.gov/guidance-documents>. (4-7-11)

**02. Administrative Rules of the Department of Environmental Quality.** The following Administrative Rules of the Department of Environmental Quality are referenced in these rules at <http://adminrules.idaho.gov/rules/current/58/index.html>. (4-7-11)

- a. IDAPA 58.01.02, “Water Quality Standards.” (4-7-11)
- b. IDAPA 58.01.03, “Individual/Subsurface Sewage Disposal Rules.” (4-7-11)
- c. IDAPA 58.01.08, “Idaho Rules for Public Drinking Water Systems.” (4-7-11)
- d. IDAPA 58.01.11, “Ground Water Quality Rule.” (4-7-11)
- e. IDAPA 58.01.16, “Wastewater Rules.” (4-7-11)

**03. Treatment Technology Report for Recycled Water.** The Alternative Treatment Technology Report for Recycled Water, [https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/documents/](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/)

[dwdocuments/Alternative%20Treatment%20Technology%20Report%20for%20RW%2009\\_2014.pdf](#). (4-7-11)

**04. Recommended Standards for Wastewater Facilities.** Recommended Standards for Wastewater Facilities - Great Lakes-Upper Mississippi River Board of State Sanitary Engineers at <http://10statesstandards.com/wastewaterstandards.html>. (4-7-11)

**05. AWWA Manual M24.** AWWA Manual M24, Chapter 4 for Dual Water Systems. This document is available for review at the Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, (208)373-0502, or can be purchased from the AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235, Telephone (800) 926-7337. (4-7-11)

**06. Idaho Standards for Public Works Construction.** This document is available for a fee through the Local Highway Technical Assistance Council (LHTAC) at LHTAC, 3330 Grace Street, Boise, ID, 83703, (208) 344-0565. (4-7-11)

**009. -- 099. (RESERVED)**

**100. APPLICABILITY.**

**01. Applicability to Reuse Facilities.** All non-excluded reuse facilities are subject to the requirements of these rules. (4-7-11)

**02. Excluded Facilities.** (4-7-11)

**a.** Land application of wastewater from livestock truck washing facilities, feedlots, dairies and mining are excluded from permit requirements under these rules. (4-7-11)

**b.** The permit requirements set forth in these rules shall not apply to the incidental use of recycled water for landscape irrigation at a municipal wastewater treatment plant if: (4-7-11)

**i.** There is no other recycled water use that would subject the municipal wastewater treatment plant to these rules; (4-7-11)

**ii.** The municipal wastewater treatment plant has been issued an NPDES permit and the quality of the effluent meets that required by an NPDES permit; and (4-7-11)

**iii.** Public access to the area of landscape irrigation is restricted. (4-7-11)

**c.** The Director may exclude other facilities if covered adequately by other law. (4-7-11)

**03. Reuse Policy.** It is the policy of the Department to promote, where appropriate, the practice of reuse of both municipal and industrial recycled water through the continued creation and implementation of rules and guidance that give permittees various opportunities for new forms of reuse. (4-7-11)

**101. -- 199. (RESERVED)**

**200. DEFINITIONS.**

For the purpose of these rules, the following definitions apply unless another meaning is clearly indicated by context: (4-1-88)

**01. Applicant.** The person applying for a reuse permit. (4-7-11)

**02. Applicable Requirements.** Any state, local or federal statutes, regulations or ordinances to which the facility is subject. (4-1-88)

**03. Beneficial Use.** Any of the various uses which may be made of the water of Idaho, including, but not limited to, domestic water supplies, industrial water supplies, agricultural water supplies, navigation, recreation in



and on the water, wildlife habitat, and aesthetics. The beneficial use is dependent upon actual use, the ability of the water to support a non-existing use either now or in the future, and its likelihood of being used in a given manner. The use of water for the purpose of wastewater dilution or as a receiving water for a waste treatment facility effluent is not a beneficial use. (4-7-11)

**04. Biochemical Oxygen Demand (BOD).** The measure of the amount of oxygen necessary to satisfy the biochemical oxidation requirements of the organic materials at the time the sample is collected; unless otherwise specified, this term will mean the five (5) day BOD incubated at twenty (20) degrees C. (4-7-11)

**05. Board.** The Idaho Board of Environmental Quality. (4-7-11)

**06. Buffer Distances.** A specified distance between an actual point of use of recycled water and a land feature or resource use specified in these rules, such as wells, adjoining property, inhabited dwellings, or other features. (4-7-11)

**07. Department.** The Idaho Department of Environmental Quality. (4-1-88)

**08. Director.** The Director of the Department of Environmental Quality or the Director's designee. (4-1-88)

**09. Ground Water Recharge.** The process of adding recycled water to the zone of saturation. (4-7-11)

**10. Industrial Wastewater.** All wastewater, treated or untreated, that is not defined as municipal wastewater. (4-7-11)

**11. Land Application.** A process or activity involving application of recycled water to the land surface. Land application includes, but is not limited to, spray irrigation, ridge and furrow, overland flow, subsurface absorption, and discharge to a rapid infiltration system. (4-7-11)

**12. Landscape Impoundment.** Any lake, pond, or other water holding feature constructed or managed to store recycled water where swimming, wading, boating, fishing, and other water-based recreational activities are prohibited. A landscape impoundment is created for storage and may incidentally serve a landscaping or aesthetic purpose. (4-7-11)

**13. Modal Contact Time.** The amount of time elapsed between the time that a tracer, such as salt or dye, is injected into the influent at the entrance to a chamber and the time that the highest concentration of the tracer is observed in the effluent from the chamber. (3-30-07)

**14. Municipal Wastewater.** Wastewater that contains sewage and associated solids, whether treated or untreated. Municipal wastewater may contain industrial wastewater. Municipal wastewater is also known as domestic wastewater. (4-7-11)

**15. Non-Contact Cooling Water.** Water used to reduce temperature which does not come into direct contact with any raw material, intermediate product, waste product (other than heat) or finished product, the land application of which does not have the potential to negatively impact ground water. (4-7-11)

**16. Non-Potable Mains.** The pipelines that collect and/or convey non-potable discharges from or to multiple service connections. Examples would include sewage collection and interceptor mains, storm sewers, non-potable irrigation mains, and recycled water mains. (4-7-11)

**17. Non-Potable Services.** The pipelines that convey non-potable discharges from individual facilities to a connection with the non-potable main. This term also refers to pipelines that convey non-potable water from a pressurized irrigation system, recycled water system, and other non-potable systems to individual consumers. (4-7-11)

**18. Non-Potable Water.** Water not suitable for drinking by humans. (4-7-11)

19. **NTU (Nephelometric Turbidity Unit).** A measure of turbidity based on a comparison of the intensity of the light scattered by the sample under defined conditions with the intensity of the light scattered by a standard reference suspension under the same conditions. (3-30-07)
20. **Operation and Maintenance Manual.** A manual that describes in detail the operation, maintenance, and management of a reuse facility. Operation and maintenance manual is also known as plan of operation. (4-7-11)
21. **Peak Day Flow.** The largest volume of flow to be received during a one (1) day period expressed as a volume per unit time. (4-7-11)
22. **Peak Hour Flow.** The largest volume of flow to be received during a one (1) hour period expressed as a volume per unit time. (4-7-11)
23. **Permit.** Written authorization by the Director to modify, operate, construct, or discharge to a reuse facility. (4-7-11)
24. **Permittee.** The person to whom the reuse permit is issued. (4-7-11)
25. **Person.** An individual, public or private corporation, partnership, association, firm, joint stock company, joint venture, trust, estate, state, municipality, commission, political subdivision of the state, state, or federal agency, department or instrumentality, special district, or interstate body or any legal entity, which is recognized by law as the subject of rights and duties. (4-7-11)
26. **Plan of Operation.** A manual that describes in detail the operation, maintenance, and management of a reuse facility. Plan of operation is also known as operation and maintenance manual. (4-7-11)
27. **Point of Compliance.** That point in the reuse facility where the recycled water must meet the requirements of the permit. A permit may require more than one (1) point of compliance within the facility depending on the constituents to be monitored. (4-7-11)
28. **Potable Water.** Water suitable for drinking by humans. (4-7-11)
29. **Primary Effluent.** Wastewater that has been mechanically treated by screening, degritting, sedimentation and/or skimming processes to remove substantially all floatable and settleable solids. (4-7-11)
30. **Processed Food Crop.** Any crop intended for human consumption that has been changed from its original form and further disinfection occurs. (4-1-88)
31. **Rapid Infiltration System.** Rapid infiltration systems, also known as soil aquifer treatment systems, are highly permeable infiltration basins that are operated using periods of wetting and drying cycles at set frequencies to provide for both anaerobic and aerobic treatment of the wastewater through the vadose zone. (4-7-11)
32. **Raw Food Crop.** Any crop intended for human consumption which is to be used in its original form. (4-1-88)
33. **Recycled Water.** Water that has been treated by a wastewater treatment system and is used in accordance with these rules. (4-7-11)
34. **Restricted Public Access.** Preventing public entry within the area or point of reuse of a facility and the buffer distance around the area by site location or physical structures such as fencing. (4-7-11)
35. **Reuse.** The use of recycled water for, irrigation, ground water recharge, landscape impoundments, toilet flushing in commercial buildings, dust control, and other uses. (4-7-11)
36. **Reuse Facility or Facility.** Any structure or system designed or used for reuse of municipal or industrial wastewater including, but not limited to, industrial and municipal wastewater treatment facilities, pumping

and storage facilities, pipeline and distribution facilities, and the property to which the recycled water is applied. This does not include industrial in-plant processes and reuse of process waters within the plant. (4-7-11)

**37. Sewage.** The water-carried human wastes from residences, buildings, industrial establishments and other places, together with such ground water infiltration and surface water as may be present. (4-7-11)

**38. Sludge.** The semi-liquid mass produced and removed by wastewater treatment process. This does not include grit, garbage, and large solids. (4-7-11)

**39. Subsurface Distribution System.** Any system with a point of discharge beneath the earth's surface. (4-7-11)

**40. Turbidity.** A measure of the interference of light passage through water, or visual depth restriction due to the presence of suspended matter such as clay, silt, nonliving organic particulates, plankton and other microscopic organisms. Operationally, turbidity measurements are expressions of certain light scattering and absorbing properties of a water sample. Turbidity is measured by the Nephelometric method. (3-30-07)

**41. Wastewater.** Any combination of liquid or water and pollutants from activities and processes occurring in dwellings, commercial buildings, industrial plants, institutions and other establishments, together with any ground water, surface water, and storm water that may be present; liquid or water that is chemically, biologically, physically or rationally identifiable as containing blackwater, gray water or commercial or industrial pollutants; and sewage. (4-7-11)

**42. Water Pollution.** Any alteration of the physical, thermal, chemical, biological, or radioactive properties of any waters of the state, or the discharge of any pollutant into the waters of the state, which will or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to fish and wildlife, or to domestic, commercial, industrial, recreational, aesthetic, or other beneficial uses. (4-7-11)

**43. Waters and Waters of the State.** All the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state. (4-1-88)

**201. -- 299. (RESERVED)**

**300. PERMIT REQUIREMENTS AND APPLICATION.**

**01. Permit Required.** No person shall construct, modify, operate, or continue to operate a reuse facility without a valid permit issued by the Director as provided in these rules. (4-7-11)

**02. Pre-Application Conference.** Prospective applicants are encouraged to meet with the Department prior to submission of an application to discuss the application procedure and anticipated application requirements. (4-7-11)

**03. Application Contents.** Except as provided in Subsection 300.04, an application for a reuse permit shall include the following information: (4-7-11)

**a.** Name, location, and mailing address of the facility; (4-1-88)

**b.** Name, mailing address, and phone number of the facility owner and signature of the owner or authorized agent; (4-1-88)

**c.** The nature of the entity owning the facility (federal, state, private, or public entity); (4-1-88)

**d.** A list of local, state, and federal permits, licenses and approvals related to the activity which have been applied for and which have been received and the dates of application or approval; (4-1-88)

- e. A topographic map of the facility site identifying and showing the location and extent of: (4-1-88)
  - i. Wastewater inlets, outlets, and storage structures and facilities, including the land application area; (4-7-11)
  - ii. Wells, springs, wetlands, and surface waters; (4-1-88)
  - iii. Twenty-five (25), fifty (50), and one hundred (100) year flood plains, as available through the Federal Insurance Administration of the Federal Emergency Management Agency; (4-1-88)
  - iv. Service roads; (4-1-88)
  - v. Natural or man-made features necessary for treatment; (4-1-88)
  - vi. Buildings and structures; and (4-1-88)
  - vii. Process chemicals and residue storage facilities. (4-1-88)
- f. A topographic map which may be separate from or combined with the facility site map, extending one quarter (1/4) mile beyond the outer limits of the facility site. The map shall identify and show the location and extent of the following: (4-1-88)
  - i. Wells, springs, wetlands, and surface waters; (4-6-05)
  - ii. Public and private drinking water supply sources and source water assessment areas (public water system protection area information); (4-6-05)
  - iii. Public roads; and (4-1-88)
  - iv. Dwellings and private and public gathering places. (4-1-88)
- g. If the facility site or any portion thereof is leased or rented, a copy of that lease or rental agreement; (4-1-88)
- h. The volume of wastewaters to be treated; (4-7-11)
- i. The physical, chemical, and biological characteristics of the recycled water to be used; (4-7-11)
- j. The climatic, hydrogeologic, and soil characteristics of the facility site; (4-7-11)
- k. Description of treatment process and alternatives for disposal of unanticipated excess recycled water that does not meet class specifications; (4-7-11)
- l. Site management plans, including a cropping plan where applicable; (4-7-11)
- m. A statement and supporting documentation demonstrating that the proposed activity shall comply with IDAPA 58.01.11, "Ground Water Quality Rule"; and (4-7-11)
- n. Any other information the Department may require. The Idaho Guidance for Recycled Water is intended to provide assistance to permit applicants in obtaining a reuse permit and may be considered in determining the need for other information. (4-7-11)

**04. Permit Application Content Exceptions.** Certain permit renewals may not require one (1) or more of the items listed in Subsection 300.03. Application content requirements for permit renewals will be clarified at the pre-application conference. (4-7-11)

**05. Reuse Facility Operation and Maintenance Manual or Plan of Operations.** A facility's

operation and maintenance manual must contain all system components relating to the reuse facility in order to comply with IDAPA 58.01.16 "Wastewater Rules," Section 425. Manuals and manual amendments are subject to the review and approval provision therein. In addition to the content required by IDAPA 58.01.16.425, manuals for reuse facilities shall include, if applicable: operation and management responsibility, permits and standards, general plant description, operation and control of unit operations, land application site maps, wastewater characterization, cropping plan, hydraulic loading rate, constituent loading rates, compliance activities, seepage rate testing, site management plans, monitoring, site operations and maintenance, solids handling and processing, laboratory testing, general maintenance, records and reports, store room and inventory, personnel, an emergency operating plan, and any other information required by the Department. (4-7-11)

**301. -- 399. (RESERVED)**

**400. APPLICATION PROCESSING PROCEDURE.**

**01. Submittal Date.** In order to allow for adequate processing of permit applications in accordance with these rules, permit applications for new facilities should be submitted at least one hundred eighty (180) days prior to the applicant's expected commencement of reuse activities. Existing facilities applying for permit renewals shall submit a permit application at least one hundred eighty (180) days prior to expiration of the existing permit. (4-7-11)

**02. Complete Application.** If the application is determined to be complete the Director shall provide written notice to the applicant within thirty (30) days after receipt of the application which shall specify: (4-11-06)

- a. The effective date of application, which shall be the date of the notice; and (4-7-11)
- b. A projected schedule for processing the permit which lists the tentative dates for: (4-1-88)
  - i. Publication of the preliminary permit decision or application denial; and (4-1-88)
  - ii. The date of issuance of a final permit. (4-1-88)

**03. Incomplete Application.** If the application is determined to be incomplete the Director shall provide written notice to the applicant within thirty (30) days after receipt of the application which specifies deficiencies and specifies additional required information. The Director shall not process an application until it is determined to be complete in accordance with these rules. (4-11-06)

**04. Preliminary Decision/Application Denial.** Within thirty (30) days of the effective date of the application the Director shall issue a preliminary decision to prepare a draft permit, or issue a decision denying the application. The applicant shall be notified in writing of the Director's preliminary decision or application denial. Notification shall include a staff analysis of the application and a draft permit if appropriate. (4-1-88)

**05. Contents of the Staff Analysis.** The staff analysis shall briefly state the principal facts and the significant questions considered in preparing the draft permit conditions or the intent to deny, and a summary of the basis for the draft conditions or denial with references to applicable requirements and supporting materials. (4-1-88)

**06. Information or Consultation Before Issuance of Draft Permit or Application Denial.** After the application is determined to be complete, additional information or consultation between the applicant and the Department may be needed to clarify, modify, or supplement the application. This action may be initiated by the Director or the applicant. (4-11-06)

**07. Issuance and Contents of the Draft Permit.** (4-11-06)

a. Issuance and Contents of the Draft Permit. The Director shall issue a draft permit to the applicant within sixty (60) days of issuing a preliminary decision to prepare a draft permit. The draft permit shall be in the same form as a final permit and shall specify conditions of operation and management which will be required for the issuance of the permit. Permit conditions shall protect the environment and the public health from the hazard potential of an existing or proposed wastewater treatment system. (4-11-06)

**b. Public Comments.** The Department shall provide notice to the public of its issuance of a draft permit. The public may provide written comments for a period of time and in a manner specified in the Department's notice. The Department may, in its discretion, provide an opportunity for the public to provide oral comments.; (4-11-06)

**08. Issuance of the Final Permit.** The Director shall issue a final permit decision in writing to the applicant within sixty (60) days from the issuance of the draft permit, except the Director may issue the decision at a later date in response to a written request to extend the public comment period. (4-11-06)

**09. Effective Date of Final Permit.** The final permit shall become effective upon date of issue unless a later effective date is specified in the permit. (4-1-88)

**10. Continuation of Expiring Permits.** (4-7-11)

**a.** A timely and sufficient application for permit renewal shall administratively extend the terms and conditions of an expired permit pursuant to Section 67-5254, Idaho Code. An application shall be considered timely and sufficient under these rules so long as the Department has determined the application is complete under Subsection 400.02 and the application's effective date under Subsection 400.02.a. is prior to the expiration of the current permit. (4-7-11)

**b.** A permittee shall perform the closure requirements in a permit, the closure requirements of these rules, and complete all closure plan activities notwithstanding the expiration of the permit. (4-7-11)

**401. -- 499. (RESERVED)**

**500. STANDARD PERMIT CONDITIONS.**  
The following conditions shall apply to and be included in all permits. (4-1-88)

**01. Compliance Required.** The permittee shall comply with all conditions of the permit. (4-1-88)

**02. Renewal Responsibilities.** If the permittee intends to continue operation of the permitted facility after the expiration of an existing permit, the permittee shall apply for a new permit in accordance with these rules. (4-1-88)

**03. Operation of Facilities.** The permittee shall at all times properly maintain and operate all structures, systems, and equipment for treatment, control and monitoring, which are installed or used by the permittee to achieve compliance with the permit or these rules. (4-1-88)

**04. Provide Information.** The permittee shall furnish to the Director within a reasonable time, any information including copies of records, which may be requested by the Director to determine whether cause exists for modifying, revoking, re-issuing, or terminating the permit, or to determine compliance with the permit or these rules. (4-1-88)

**05. Entry and Access.** The permittee shall allow the Director, consistent with Title 39, Chapter 1, Idaho Code, to: (4-1-88)

**a.** Enter the permitted facility. (4-1-88)

**b.** Inspect any records that must be kept under the conditions of the permit. (4-1-88)

**c.** Inspect any facility, equipment, practice, or operation permitted or required by the permit. (4-1-88)

**d.** Sample or monitor for the purpose of assuring permit compliance, any substance or any parameter at the facility. (4-1-88)

**06. Reporting.** The permittee shall report to the Director under the circumstances and in the manner

specified in this section: (4-1-88)

**a.** In writing at least thirty (30) days before any planned physical alteration or addition to the permitted facility or activity if that alteration or addition would result in any significant change in information that was submitted during the permit application process. When the alteration or addition results in a need for a major modification, such alteration or addition shall not be made prior to Department approval issued in accordance with these rules. (4-7-11)

**b.** In writing thirty (30) days before any anticipated change which would result in noncompliance with any permit condition or these rules. (4-1-88)

**c.** Orally within twenty-four (24) hours from the time the permittee became aware of any noncompliance which may endanger the public health or the environment at telephone numbers provided in the permit by the Director. (4-1-88)

**d.** In writing as soon as possible but within five (5) days of the date the permittee knows or should know of any noncompliance unless extended by the Department. This report shall contain: (4-1-88)

**i.** A description of the noncompliance and its cause; (4-1-88)

**ii.** The period of noncompliance including to the extent possible, times and dates and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and (4-7-11)

**iii.** Steps taken or planned, including timelines, to reduce or eliminate the continuance or reoccurrence of the noncompliance. (4-7-11)

**e.** In writing as soon as possible after the permittee becomes aware of relevant facts not submitted or incorrect information submitted, in a permit application or any report to the Director. Those facts or the correct information shall be included as a part of this report. (4-1-88)

**07. Minimize Impacts.** The permittee shall take all necessary actions to eliminate and correct any adverse impact on the public health or the environment resulting from permit noncompliance. (4-1-88)

**08. Compliance with “Ground Water Quality Rule.”** Permits issued pursuant to these rules shall require compliance with IDAPA 58.01.11, “Ground Water Quality Rule.” (4-7-11)

**501. -- 599. (RESERVED)**

**600. SPECIFIC PERMIT CONDITIONS.**

**01. Basis for Specific Permit Conditions.** Conditions necessary for the protection of the environment and the public health may differ from facility to facility because of varying environmental conditions and wastewater compositions. The Director may establish, on a case-by-case basis, specific permit conditions. Specific conditions shall be established in consideration of characteristics specific to a facility and inherent hazards of those characteristics. Such characteristics include, but are not limited to: (4-1-88)

**a.** Chemical, biological, physical, and volumetric characteristics of the wastewater; (4-1-88)

**b.** Geological and climatic nature of the facility site; (4-1-88)

**c.** Size of the site and its proximity to population centers and to ground and surface water; (4-1-88)

**d.** Legal considerations relative to land use and water rights; (4-1-88)

**e.** Techniques used in wastewater distribution and the disposition of that vegetation exposed to wastewaters; (4-1-88)

f. Abilities of the soils and vegetative covers to treat the wastewater without undue hazard to the environment or to the public health; and (4-1-88)

g. The need for monitoring and record keeping to determine if the facility is being operated in conformance with its design and if its design is adequate to protect the environment and the public health. (4-1-88)

**02. Duration of Permit.** The permit shall be effective for a fixed term of not more than ten (10) years. (4-7-11)

**03. Limitations to Operation.** Conditions of the permit may specify or limit: (4-1-88)

a. Wastewater composition; (4-1-88)

b. Method, manner, and frequency of wastewater treatment; (4-1-88)

c. Wastewater pretreatment requirements; (4-1-88)

d. Physical, chemical, and biological characteristics of a land treatment facility; and (4-11-06)

e. Any other condition the Director finds necessary to protect public health or environment. (4-1-88)

**04. Compliance Schedules.** The Director may establish a compliance schedule for existing facilities as part of the permit conditions including: (4-1-88)

a. Specific steps or actions to be taken by the permittee to achieve compliance with applicable requirements or final permit conditions; (4-1-88)

b. Dates by which those steps or actions are to be taken; and (4-1-88)

c. In any case where the period of time for compliance exceeds one (1) year the schedule may also establish interim requirements and the dates for their achievements. (4-1-88)

**05. Monitoring Requirements.** Any facility may be subject to monitoring requirements including, but not limited to: (4-1-88)

a. The installation, use, and maintenance of monitoring equipment; (4-1-88)

b. Monitoring or sampling methodology, frequency, and locations; (4-1-88)

c. Monitored substances or parameters; (4-1-88)

d. Testing and analytical procedures; and (4-1-88)

e. Reporting requirements including both frequency and form. (4-1-88)

**601. MUNICIPAL RECYCLED WATER: CLASSIFICATION, TREATMENT, USE.**

**01. Class A Recycled Water.** In order to be classified as Class A recycled water, municipal wastewater shall be oxidized, coagulated, clarified, and filtered, or treated by an equivalent process and adequately disinfected. Class A treatment systems shall be reviewed by the Department and approved on a case-by-case basis. The Department may require pilot testing or demonstration prior to approval, or may condition approval upon the successful outcome of such testing or demonstration. (4-7-11)

a. Disinfection Requirements. (4-7-11)

i. Class A recycled water shall be disinfected by either: (4-7-11)



(1) A chlorine disinfection process that provides a concentration/contact time (CT) of four hundred and fifty (450) miligram-minutes per liter (mg-min/L) measured at the end of the contact time based on total chlorine residual and a modal contact time of not less than ninety (90) minutes based on peak day dry weather flow; or (4-7-11)

(2) A disinfection process that, when combined with filtration, has been demonstrated to achieve 5-log inactivation of virus. Acceptance by the State of California as published in their Treatment Technology Report for Recycled Water is one (1) method to constitute such a demonstration. (4-7-11)

ii. The median number of total coliform organisms does not exceed two and two-tenths (2.2) per one hundred (100) milliliters, as determined from the bacteriological results of the last seven (7) days for which analyses have been completed. No sample shall exceed twenty-three (23) organisms per one hundred (100) milliliters in any confirmed sample. (4-7-11)

iii. Sampling frequency and point of compliance. (4-7-11)

(1) Class A recycled water shall be sampled and analyzed daily for total coliform when allowed uses specifically require Class A recycled water. The sampling frequency for Class A may be decreased and the alternate frequency will be determined based upon, but not limited to, the following: uses that are allowed with lower class recycled water, the volume of recycled water used, the disinfection method used, the demonstrated disinfection efficiency and reliability, the point of compliance, or other factors demonstrating that the alternative frequency is protective of public health. (4-7-11)

(2) The point of compliance for Class A recycled water for total coliform shall be at any point in the system following final treatment and disinfection contact time. It is recommended that the recycled water also be disinfected following storage. (4-7-11)

**b.** Turbidity Requirements. (4-7-11)

i. Class A recycled water shall meet the following turbidity limits: (4-7-11)

(1) For filtration systems utilizing sand or other granular media or cloth media, the daily arithmetic mean of all measurements of turbidity shall not exceed two (2) NTU, and turbidity shall not exceed five (5) NTU at any time. (4-7-11)

(2) For filtration systems utilizing membrane filtration, the daily arithmetic mean of all measurements of turbidity shall not exceed zero point two (0.2) NTU, and turbidity shall not exceed zero point five (0.5) NTU at any time. The turbidity standard shall be met prior to disinfection. (4-7-11)

ii. One (1) in-line, continuously monitoring, recording turbidimeter is required for each treatment train after filtration and prior to disinfection. (4-7-11)

**c.** Nitrogen, pH and BOD5 Requirements. (4-7-11)

i. Total nitrogen at the point of compliance shall not exceed ten (10) mg/L for ground water recharge systems and thirty (30) mg/L for residential irrigation and other non-recharge uses. These limits are based on a monthly arithmetic mean as determined from weekly composite sampling. These limits are a maximum value and may not be applicable if the results of an assessment of ground water quality impacts that may be required and is approved by the Department indicate that lower limits are necessary to protect existing ground water quality beneficial uses. (4-7-11)

ii. The pH as determined by daily grab samples or continuous monitoring shall be between six point zero (6.0) and nine point zero (9.0). (4-7-11)

iii. Five (5) Day Biochemical Oxygen Demand (BOD5) shall not exceed five (5) mg/L for ground water recharge systems, and ten (10) mg/L each for residential irrigation and other non-recharge systems, based on a monthly arithmetic mean as determined from weekly composite sampling. (4-7-11)

**02. Class B Recycled Water.** In order to be classified as Class B recycled water, municipal wastewater shall be oxidized, coagulated, clarified, and filtered, or treated by an equivalent process and adequately disinfected. Class B treatment systems shall be reviewed by the Department and approved on a case-by-case basis. The Department may require pilot testing or demonstration prior to approval, or may condition approval upon the successful outcome of such testing or demonstration. (4-7-11)

**a. Disinfection Requirements.** (4-7-11)

**i. Class B recycled water shall be disinfected by either:** (4-7-11)

(1) A chlorine disinfection process that provides a residual chlorine at the point of compliance of not less than one (1) mg/L total chlorine residual after a contact time of thirty (30) minutes at peak flow; or (4-7-11)

(2) When an alternative disinfection process is used, it must be demonstrated to the satisfaction of the Department that the alternative process is comparable to that achieved by chlorination with a total chlorine residual of one (1) mg/L after a minimum contact time of thirty (30) minutes. (4-7-11)

**ii.** The median number of total coliform organisms does not exceed two and two-tenths (2.2) per one hundred (100) milliliters, as determined from the bacteriological results of the last seven (7) days for which analyses have been completed. No sample shall exceed twenty-three (23) organisms per one hundred (100) milliliters in any confirmed sample, as determined from the bacteriological results of the last seven (7) days for which analyses have been completed. (4-7-11)

**iii. Sampling frequency and point of compliance.** (4-7-11)

(1) Class B recycled water shall be sampled and analyzed daily for total coliform when allowed uses specifically require Class B recycled water. The sampling frequency for Class B may be decreased and the alternate frequency will be determined based upon, but not limited to, the following: uses that are allowed with lower class recycled water, the volume of recycled water used, the disinfection method used, the demonstrated disinfection efficiency and reliability, the point of compliance, or other factors demonstrating that the alternative frequency is protective of public health. (4-7-11)

(2) The point of compliance for Class B recycled water for total coliform shall be at any point in the system following final treatment and disinfection contact time. It is recommended that the recycled water also be disinfected following storage. (4-7-11)

**b. Turbidity Requirements.** Class B recycled water shall meet the following: (4-7-11)

**i. Turbidity Limits.** The daily arithmetic mean of all measurements of turbidity shall not exceed five (5) NTU, and turbidity shall not exceed ten (10) NTU at any time. The turbidity standard shall be met prior to disinfection. (4-7-11)

**ii. Monitoring.** One (1) in-line, continuously monitoring, recording turbidimeter is required for each treatment train after filtration and prior to disinfection. (4-7-11)

**03. Class C Recycled Water.** In order to be classified as Class C recycled water, municipal wastewater shall be oxidized and adequately disinfected. (4-7-11)

**a. Disinfection Requirements.** (4-7-11)

**i.** The median number of total coliform organisms does not exceed twenty-three (23) per one hundred (100) milliliters, as determined from the bacteriological results of the last five (5) days for which analyses have been completed. No sample shall exceed two hundred thirty (230) per one hundred (100) milliliters in any confirmed sample. (4-7-11)

**ii. Sampling frequency and point of compliance.** (4-7-11)

(1) Class C recycled water shall be sampled and analyzed weekly for total coliform when allowed uses specifically require Class C recycled water. The sampling frequency for Class C may be decreased and the alternate frequency will be determined based upon, but not limited to, the following: uses that are allowed with lower class recycled water, the volume of recycled water used, the disinfection method used, the demonstrated disinfection efficiency and reliability, the point of compliance, or other factors demonstrating that the alternative frequency is protective of public health. (4-7-11)

(2) The point of compliance for Class C recycled water for total coliform shall be at any point in the system following final treatment and disinfection contact time. (4-7-11)

**04. Class D Recycled Water.** In order to be classified as Class D recycled water, municipal wastewater shall be oxidized and adequately disinfected. (4-7-11)

**a. Disinfection Requirements.** (4-7-11)

i. The median number of total coliform organisms does not exceed two hundred thirty (230) per one hundred (100) milliliters, as determined from the bacteriological results of the last three (3) days for which analyses have been completed. No sample shall exceed two thousand three hundred (2300) organisms per one hundred (100) milliliters in any confirmed sample. (4-7-11)

ii. Sampling frequency and point of compliance. (4-7-11)

(1) Class D recycled water shall be sampled and analyzed monthly for total coliform when allowed uses specifically require Class D recycled water. The sampling frequency for Class D may be decreased and the alternate frequency will be determined based upon, but not limited to, the following: uses that are allowed with lower class recycled water, the volume of recycled water used, the disinfection method used, the demonstrated disinfection efficiency and reliability, the point of compliance, or other factors demonstrating that the alternative frequency is protective of public health. (4-7-11)

(2) The point of compliance for Class D recycled water for total coliform shall be at any point in the system following final treatment and disinfection contact time. (4-7-11)

**05. Class E Recycled Water.** In order to be classified as Class E recycled water, municipal wastewater shall meet at least primary effluent quality. (4-7-11)

**a.** Class E recycled water has no disinfection requirements or applicable coliform standard. (4-7-11)

**b.** Sampling frequency for total coliform. In general no sampling and analysis are required for Class E recycled water. In cases where sampling and analysis are required (e.g. buffer distance change reduction) the sampling frequency for total coliform will be established consistent with these rules in order to adequately protect human health and the environment. (4-7-11)

**602. MUNICIPAL RECYCLED WATER: CLASSIFICATION AND USES TABLES.**

**01. Municipal Recycled Water -- Classification Tables.** The following tables provide a summary of the treatment requirements of municipal recycled water outlined in Section 601. If there are discrepancies between Sections 601 and 602, the requirements of Section 601 prevail.

TABLE 1 - CLASSIFICATION TABLE					
Classification	Class A	Class B	Class C	Class D	Class E
Oxidized	Yes	Yes	Yes	Yes	No
Clarified	Yes	Yes	No	No	No

TABLE 1 - CLASSIFICATION TABLE						
Classification		Class A	Class B	Class C	Class D	Class E
Filtered		Yes	Yes	No	No	No
Disinfected		Yes	Yes	Yes	Yes	No
Total coliform (organisms/ 100 milliliters)	Median results for last x-days for which analysis have been completed	2.2 7-day median	2.2 7-day median	23 5-day median	230 3-day median	No limit
	Maximum in any sample	23	23	230	2300	No limit
	Monitoring frequency	Daily, or as determined.	Daily or as determined.	Once weekly or as determined.	Once monthly or as determined.	
Disinfection requirements contact time		Contact time of 450 mg-min L with 90 min of modal time Or disinfection to 5-log inactivation of virus	Total chlorine not less than 1mg/L after 30 min contact time at peak flow Or alternate process comparable to this			

(4-7-11)

TABLE 2 - CLASS A AND CLASS B ADDITIONAL REQUIREMENTS			
Classification		Class A	Class B
Turbidity (NTU)	24-hr - mean, Not to exceed	Granular or cloth media - 2 Membrane filter - 0.2	Granular or cloth media - 5
	Maximum, in any sample	Granular or cloth media - 5 Membrane filter - 0.5	Granular or cloth media - 10
	Monitoring frequency	Continuous	Continuous
Maximum Total nitrogen (mg/L)		Ground water recharge - 10 Residential irrigation and other non-recharge uses - 30  or  As required based on an analysis of ground water impacts	May be required based on an analysis of ground water impacts

<b>TABLE 2 - CLASS A AND CLASS B ADDITIONAL REQUIREMENTS</b>		
<b>Classification</b>	<b>Class A</b>	<b>Class B</b>
BOD5 (mg/L) Monthly arithmetic mean, from weekly composite samples not to exceed	Ground water recharge - 5 Residential irrigation and other non-recharge uses - 10	
pH Daily grab samples or continuous monitoring	Between 6.0 and 9.0	

(4-7-11)

**02. Municipal Recycled Water - Uses.** The following table provides a summary of municipal recycled water uses for which a specific classification is required. Other uses not listed here may be considered on a case-by-case basis and approved by the Department.

<b>TABLE 3 - RECYCLED WATER USES</b>					
<b>Recycled Water Uses</b>	<b>Class A</b>	<b>Class B</b>	<b>Class C</b>	<b>Class D</b>	<b>Class E</b>
<b>Uses relating to Irrigation and buffers</b>					
Buffers required	No	Yes	Yes	Yes	Yes
Fodder, fiber crops	Yes	Yes	Yes	Yes	Yes
Commercial timber, firewood	Yes	Yes	Yes	Yes	Yes
Processed food crops or "food crops that must undergo commercial pathogen-destroying processing before being consumed by humans"	Yes	Yes	Yes	Yes	No
Ornamental nursery stock, or Christmas trees	Yes	Yes	Yes	Yes	No
Sod and seed crops not intended for human ingestion	Yes	Yes	Yes	Yes	No
Pasture for animals not producing milk for human consumption	Yes	Yes	Yes	Yes	No
Pasture for animals producing milk for human consumption	Yes	Yes	Yes	No	No
Orchards and vineyards irrigation during the fruiting season, if no fruit harvested for raw use comes in contact with the irrigation water or ground, or will only contact the inedible portion of raw food crops	Yes	Yes	Yes	No	No
Highway medians and roadside vegetation irrigation on sides	Yes	Yes	Yes	No	No
Cemetery irrigation	Yes	Yes	Yes	No	No
Parks, playgrounds, and school yards during periods of non-use	Yes	Yes	No	No	No

<b>TABLE 3 - RECYCLED WATER USES</b>					
<b>Recycled Water Uses</b>	<b>Class A</b>	<b>Class B</b>	<b>Class C</b>	<b>Class D</b>	<b>Class E</b>
Parks, playgrounds, and school yards during periods of use	Yes	No	No	No	No
Golf courses	Yes	Yes	No	No	No
Food crops, including all edible food crops	Yes	Yes	No	No	No
Residential landscape	Yes	No	No	No	No
<b>Uses at Industrial, Commercial, or Construction Sites</b>					
Dust suppression at construction sites and control on roads and streets	Yes	Yes	Yes	No	No
Toilet flushing at industrial and commercial sites, when only trained maintenance personnel have access to plumbing for repairs	Yes	Yes	Yes	No	No
Nonstructural fire fighting	Yes	Yes	Yes	No	No
Cleaning roads, sidewalks and outdoor work areas	Yes	Yes	Yes	No	No
Backfill consolidation around non-potable piping	Yes	Yes	Yes	No	No
Soil compaction	Yes	Yes	Yes	No	No
Commercial campus irrigation	Yes	Yes	No	No	No
Fire suppression	Yes	Yes	No	No	No
Snowmaking for winter parks, resorts	Yes	No	No	No	No
Commercial laundries	Yes	No	No	No	No
<b>Ground Water Recharge</b>					
Ground water recharge through surface spreading, seepage ponds or other unlined surface water features, such as landscape impoundments	Yes	No	No	No	No
<b>Subsurface Distribution</b>					
Subsurface distribution.	Yes	Yes	Yes	Yes	No

(4-7-11)

**603. MUNICIPAL RECYCLED WATER: ACCESS, EXPOSURE AND SIGNAGE.**

**01. Class A Recycled Water.** When using Class A recycled water the public and personnel at the area of use must be notified that the water is recycled water and is not safe for drinking or human contact. Signs shall be posted and must state “Caution: Recycled Water - Do Not Drink”, or equivalent signage both in English and Spanish. (4-7-11)

**a.** Class A distribution system identification and signage. (4-7-11)

**i.** General. All new buried pipe conveying Class A Recycled Water, including service lines, valves, and other appurtenances, shall be colored purple, and the precise color used, e.g., Pantone 512, 522 or equivalent, shall be consistently used throughout the system. The precise color proposed for use shall be identified in the plans and specifications and reviewed by the Department during plan and specification review to ensure the pipes may be

adequately identifiable and distinguishable. If fading or discoloration of the purple pipe is experienced during construction, identification tape or locating wire along the pipe is required. Label piping every ten (10) feet "Caution: Recycled Water - Do Not Drink" or equivalent signage in both Spanish and English. (4-7-11)

ii. Identification Tape. If identification tape is installed along with the purple pipe, it shall be prepared with white or black printing on a purple color field as approved by the Department, having the words, "Caution: Recycled Water - Do Not Drink" or equivalent signage in both Spanish and English. The overall width of the tape shall be at least three (3) inches. Identification tape shall be installed eighteen (18) inches above the transmission pipe longitudinally, shall be centered over the pipe, and shall run continuously along the length of the pipe. (4-7-11)

iii. Valve Boxes and Other Surface Identification. All valves shall have locking valve covers that are non-interchangeable with potable water valve covers, and shall have an inscription cast on the top surface stating "Recycled Water." All above ground pipes and pumps shall be consistently color coded (purple) and marked to differentiate Class A recycled water facilities from potable water facilities. (4-7-11)

**b.** Class A recycled water pumping facilities identification and signage. (4-7-11)

i. Marking. All exposed and above ground piping, risers, fittings, pumps, valves, etc., shall be painted purple color (Pantone 512, 522 or other equivalent product acceptable to the Department). In addition, all piping shall be identified using an accepted means of labeling reading "Caution: Recycled Water - Do Not Drink" or equivalent signage in both Spanish and English lettering. In a fenced pump station area, signs shall be posted on the fence on all sides. (4-7-11)

ii. Warning Labels. Warning labels shall be installed on designated facilities such as, but not limited to, controller panels and washdown or blow-off hydrants on water trucks, hose bibs, and temporary construction services. The labels shall read, "Caution: Recycled Water - Do Not Drink" or equivalent signage, in both Spanish and English. (4-7-11)

**c.** Class A Lagoon Identification and Signage. Where Class A recycled water is stored or impounded, or used for irrigation in public areas, warning signs shall be installed and contain, at a minimum, one (1) inch purple letters (Pantone 512, 522 or other equivalent product acceptable to the Department) on a white or other high contrast background notifying the public that the water is unsafe to drink. Signs may also have a purple background with white or other high contrast lettering. Warning signs and labels shall read, "Caution: Recycled Water - Do Not Drink" or equivalent signage in both Spanish and English. (4-7-11)

**d.** Class A Additional Access Requirements. Drinking fountains, picnic tables, food establishments, and other public eating facilities shall be placed out of any spray irrigation area in which Class A recycled water is used, or shall be otherwise protected from contact with the Class A recycled water. Exterior drinking fountains, picnic tables, food establishments, and other public eating facilities shall be shown and called out on the construction plans. If no exterior drinking fountains, picnic tables, food establishments, or other public eating facilities are present in the design area, then it shall be specifically stated on the plans that none are to exist. (4-7-11)

**02. Class B Recycled Water.** When using Class B recycled water, the public and personnel at the use area must be notified that the water used is recycled water and is not safe for drinking or human contact. Signs must be posted and the signs must state that recycled water is used and is not safe for drinking or human contact. Signs shall be posted and must state "Caution: Recycled Water - Do Not Drink", or equivalent signage both in English and Spanish. (4-7-11)

**03. Class C Recycled Water.** When using Class C recycled water for irrigation, the personnel at the use area must be notified that the water used is recycled water and is not safe for drinking. For the public, signs must be posted around the perimeter of the irrigation site stating that recycled water is used and is not safe for drinking or human contact. Signs shall be posted and must state "Warning: Recycled Water - Do Not Enter", or equivalent signage both in English and Spanish. (4-7-11)

**04. Class D Recycled Water.** When using Class D recycled water for irrigation, the personnel at the use area must be notified that the water used is recycled water and is not safe for drinking. For the public, signs must be posted around the perimeter of the irrigation site stating that recycled water is used and is not safe for drinking or

human contact. Signs shall be posted and must state “Warning: Recycled Water - Do Not Enter”, or equivalent signage both in English and Spanish. (4-7-11)

**05. Class E Undisinfected Recycled Water.** When using Class E undisinfected recycled water for irrigation, public access to the irrigation site shall be prevented using a physical barrier or other measure approved by the Department. Signs shall be posted around the perimeter of the irrigation site stating that recycled water is used and is not safe for drinking or human contact. Signs shall be posted and must state “Warning: Recycled Water - Do Not Enter”, or equivalent signage both in English and Spanish. (4-7-11)

**604. REUSE FACILITIES: BUFFER DISTANCES.**

**01. Buffer Distance Considerations.** Buffer distances shall be established for the following purposes: (4-7-11)

**a.** Protect public health by limiting exposure to recycled water and conditions associated with reuse facilities; (4-7-11)

**b.** Protect waters of the state, including surface water, ground water and drinking water supplies; and (4-7-11)

**c.** Help ensure that the use of recycled water is restricted to within the physical boundaries of the reuse facilities. (4-7-11)

**02. Determining Buffer Distances.** In determining buffer distances for inclusion in a reuse permit the Department will consider the following: (4-7-11)

**a.** Characterization of the recycled water; (4-7-11)

**b.** The method of irrigation; (4-7-11)

**c.** The physical or vegetative barriers; (4-7-11)

**d.** Microbial risk assessments; (4-7-11)

**e.** Any applicable best management practices; (4-7-11)

**f.** Environmental conditions, such as wind speed and direction; and (4-7-11)

**g.** Any other information relevant to the purposes described in this section. (4-7-11)

**605. MUNICIPAL RECYCLED WATER: PRELIMINARY ENGINEERING REPORTS.**

Preliminary engineering reports shall comply with these rules and applicable provisions of IDAPA 58.01.16 “Wastewater Rules.” Preliminary engineering reports for new municipal recycled water systems or major upgrades to municipal recycled water systems shall be submitted to the Department for review and approval prior to submittal of plans and specifications. (4-7-11)

**606. REUSE FACILITY: PLAN AND SPECIFICATION REVIEW.**

All plans and specifications for the construction of new reuse facilities or modification or expansion to same shall be submitted to and approved by the Director in accordance with Chapter 1, Title 39, Idaho Code, and IDAPA 58.01.16, “Wastewater Rules.” (4-7-11)

**607. MUNICIPAL RECYCLED WATER: DISTRIBUTION PIPELINES.**

**01. Compliance with Wastewater Rules Required.** The design and construction of municipal recycled water distribution pipelines shall comply with applicable provisions of IDAPA 58.01.16, “Wastewater Rules,” Section 430. The design and construction of municipal recycled water distribution pipelines shall also comply with applicable provisions of IDAPA 58.01.08, “Idaho Rules for Public Drinking Water Systems.” Any person or



agency that is planning to construct all or part of the distribution system must obtain a plan and specification approval from the Department prior to beginning construction. (4-7-11)

**a.** Recycled water mains shall be treated as non-potable mains when considering their separation from potable water. Recycled water mains shall be treated as potable water mains when considering their separation from sewers. (4-7-11)

**b.** For a system that proposes to use an alternative to the distribution pipeline requirements in these rules, IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," or IDAPA 58.01.16, "Wastewater Rules," the design engineer shall submit data to the Department for review and approval demonstrating that the installation of an alternative will protect public health and environment. (4-7-11)

**02. Additional Distribution System Requirements for Class A Recycled Water.** Class A distribution systems and the continued distribution systems of all of its customers shall have specific requirements including, but not limited to the following. (4-7-11)

**a.** Where Class A recycled water is to be provided by pressure pipeline, the following standards may be used as guidance: the current edition of "Recommended Standards for Wastewater Facilities - Great Lakes-Upper Mississippi River Board of State Sanitary Engineers," the "AWWA Manual M24" Chapter 4 for dual water systems, and the current edition of "Idaho Standards for Public Works Construction." (4-7-11)

**b.** Conversion of Existing Drinking Water or Irrigation Water Lines. Requirements for irrigation systems proposed for conversion from use of non-Class A recycled water to use with Class A recycled water will be considered on a case-by-case basis considering protection of public health and the environment. Existing water lines that are being converted to use with Class A recycled water or a combination of Class A recycled water and irrigation water shall be accurately located, pressure tested and leakage tested prior to conversion in coordination with the Department. AWWA Standard(s) for pressure and leakage testing of drinking water lines shall be utilized on the lines to be converted. The pipeline must be physically disconnected from any potable water lines and brought into compliance with applicable cross connection rules and requirements in IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Section 543, and must meet minimum separation requirements set forth in these rules. If the existing lines meet approval of the water supplier and the Department based upon the requirements set forth in these rules, the lines shall be approved for Class A recycled water distribution. If regulatory compliance of the system (accurate location, pressure testing, and verification of no cross connections) cannot be verified with record drawings, testing, televising, or otherwise, the lines shall be uncovered, inspected, and identified or otherwise verified to the Department's satisfaction prior to use. All accessible portions of the system must be retrofitted to meet the requirements of these rules. After conversion of the water or irrigation line to a Class A recycled water line, the lines shall be marked as stated in Subsection 603.01.a.iii. of these rules. (4-7-11)

**c.** Blow-off Assemblies. If either an in-line type or end-of-line type blow-off or drain assembly is installed in the system, a plan for proposed discharge or runoff locations shall be submitted to the Department for review and approval. (4-7-11)

**d.** Requirements for mixing Class A recycled water with other irrigation waters. Mixing Class A recycled water with other irrigation waters may be conducted in a pipe to pipe manner if both the other irrigation water source and the Class A source are protected by Department approved backflow devices. Class A recycled water may be mixed with other irrigation water in an unlined pond if the Class A recycled water is permitted for ground water recharge. Class A recycled water that is permitted for irrigation only and not ground water recharge may be mixed with other irrigation water only in a lined pond. Water from these mixed ponds may then be used for permitted Class A uses. (4-7-11)

**e.** Requirements for Class A recycled water distribution system operators. All operators of Class A recycled water distribution systems, including operators of distribution systems that utilize a combination of Class A recycled water and other irrigation waters, operators of the distribution system from the wastewater treatment plant to the point of compliance or point of use or point of sale, as applicable, and those operators that are employed by buyers of the Class A recycled water for subsequent use, including home occupants, shall be required to sign a utility user agreement provided by the utility providing the Class A recycled water that states that the user understands the origin of the effluent and the concept of agronomic rate for applying the Class A recycled water. Contracts for sale of

Class A recycled water for subsequent use shall also include these requirements. Individual homeowners are allowed to operate or maintain Class A recycled water distribution systems. Providers of the Class A recycled water shall undertake a public education program within its service area to teach potential customers the benefits and responsibilities of using Class A recycled water. (4-7-11)

**608. MUNICIPAL RECYCLED WATER: PUMPING STATIONS.**

**01. Pumping Station Requirements.** All municipal recycled wastewater pumping stations shall comply with applicable provisions of IDAPA 58.01.16 “Wastewater Rules”, Sections 440. (4-7-11)

**02. Additional Pumping Station Requirements for Recycled Water.** (4-7-11)

**a. Backflow Protection-Seal Water.** Any potable water used as seal water for recycled water pump seals shall be protected from backflow with a Department approved backflow prevention device or air gap. (4-7-11)

**b. Backflow Protection-Potable and Recycled Water.** In no case shall a direct connection be made between the potable and recycled water system. If it is necessary to put potable water into the recycled water distribution system, a Department approved reduced pressure principal device or air gap must be provided to protect the potable water system. (4-7-11)

**c. Equipment and Facilities.** Any equipment or facilities such as tanks, temporary piping or valves, and portable pumps that have been or may be used with recycled water shall not be used with potable water or sewage. Any equipment or facilities such as tanks, temporary piping or valves, and portable pumps that have been or may be used with sewage shall not be used with recycled water or potable water. (4-7-11)

**609. MUNICIPAL RECYCLED WATER: LAGOONS.**

**01. Requirements for Municipal Recycled Water Lagoons.** All new and existing lagoons for municipal recycled water shall comply with applicable provisions of IDAPA 58.01.16 “Wastewater Rules,” Section 493. (4-7-11)

**02. Class A Recycled Water Lagoons.** Surface water features, such as landscape impoundments used for Class A recycled water, that are not lined or sealed to prevent seepage may be approved provided the ground water quality standards for ground water protection are met. (4-7-11)

**610. MUNICIPAL RECYCLED WATER: CLASS A RECYCLED WATER FILTRATION.**

**01. Class A Filtration Technology Approval.** The Department shall approve the following filter technologies for use in compliance with these rules: (4-7-11)

**a.** Those approved and listed in the State of California Treatment Technology Report for Recycled Water, [www.cdph.ca.gov/healthinfo/environmentalhealth/water/pages/waterrecycling.aspx](http://www.cdph.ca.gov/healthinfo/environmentalhealth/water/pages/waterrecycling.aspx). (4-7-11)

**b.** The Department may consider for approval filtration technologies other than those listed in the report referenced in Subsection 610.01.a. upon submission of a written request accompanied by all necessary product information. Approval of these filtration technologies shall be in accordance with procedures provided in the State of California Treatment Technology Report for Recycled Water. (4-7-11)

**02. Filter to Waste Requirement.** The Department may require certain types of Class A recycled water filtration facilities to install and operate a filter to waste system that operates each time a filter starts up. Filter to waste systems shall automatically filter to waste until the effluent meets the required turbidity standard. (4-7-11)

**611. MUNICIPAL RECYCLED WATER: RELIABILITY AND REDUNDANCY.**

**01. Reliability and Redundancy Requirements.** The reliability and redundancy for all wastewater systems shall comply with the requirements in IDAPA 58.01.16 “Wastewater Rules.” (4-7-11)

**02. Additional Reliability and Redundancy Requirements.** Following are additional reliability and redundancy requirements for Class A recycled water: (4-7-11)

**a.** Class A treatment systems shall have treatment capabilities able to treat peak day flow for the season in which Class A recycled water is being produced. (4-7-11)

**b.** Class A treatment systems shall also provide for one (1) of the following alternative back-up systems: (4-7-11)

**i.** Another permitted disposal option; or (4-7-11)

**ii.** Diversion to adequate lined storage capable of storing Class A recycled water during a malfunction or emergency. (4-7-11)

**c.** An alternative back-up system must be automatically activated if turbidity exceeds or chlorine residual drops below the instantaneous required value for more than five (5) minutes, or if the alternative filtration/disinfection system is not achieving its required 5-log removal/inactivation of virus for more than five (5) minutes. The maximum number of times a facility could exceed on this basis is twice in one (1) week, both of which times are required to be immediately reported. Failure to report or exceeding more than twice in one (1) week are sufficient grounds for the Department to require the system to be shut down for inspection and repair. (4-7-11)

**d.** Class A redundant monitoring equipment and automatic by-pass equipment must be provided. (4-7-11)

**e.** Standby power sufficient to maintain all treatment and distribution works or to meet the requirements for an alternative back-up system shall be required for the Class A recycled water facilities. (4-7-11)

**612. DEMONSTRATION OF TECHNICAL, FINANCIAL, AND MANAGERIAL CAPACITY OF MUNICIPAL REUSE FACILITY.**

**01. Compliance with Wastewater Rules Required.** All reuse facilities shall comply with applicable provisions of IDAPA 58.01.16 "Wastewater Rules," Section 409. (4-7-11)

**02. Exclusion.** New Class A recycled water systems which are public utilities as defined in Sections 61-104 (Corporation), 61-124 (Water System), 61-125 (Water Corporation), and 61-129 (Public Utility), Idaho Code, are governed by and must meet the regulatory requirements of Chapter 1, Title 61, Idaho Code, Public Utilities Law, and IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission." In any conflict arising out of the application of these rules and IDAPA 31.01.01, the provisions and requirements of the Idaho Public Utilities Commission shall prevail. (4-7-11)

**613. REUSE FACILITY: RAPID INFILTRATION SYSTEM.**

Rapid infiltration systems shall be designed such that the beneficial uses of the waters of the state will not be injured. Prior to construction of a new recycled water system that includes as treatment rapid infiltration systems all plans and specification shall be submitted to and approved by the Director before construction can begin. The Preliminary Engineering Report shall include the parameters for the design of the rapid infiltration systems. (4-7-11)

**01. Design and Construction.** Following are the design and construction criteria for rapid infiltration systems: (4-7-11)

**a.** The system shall be designed to allow a relatively high rate of recycled water infiltration into the soil followed by rapid percolation; (4-7-11)

**b.** The system shall consist of either two (2) or more cells which can be alternately loaded and rested, or one (1) cell preceded by an effluent storage or stabilization pond system. Where only one (1) cell is provided, the storage and stabilization pond(s) shall have sufficient capacity to allow intermittent loading of the rapid infiltration systems; (4-7-11)

c. The rapid infiltration system shall be designed to provide even distribution of the recycled water and prevent erosion; (4-7-11)

d. The system shall be designed to ensure that the subsurface soils have the capacity to transmit the applied recycled water down and away from the basins at an acceptable rate to avoid excessive water mounding beneath the basin that would interfere with infiltration at the basins surface; and (4-7-11)

e. The system shall be designed to ensure proper operation during the winter conditions in cold climate areas. (4-7-11)

**02. Discharge Requirements.** Following are the discharge requirements for recycled water discharged to a rapid infiltration system: (4-7-11)

a. The discharge to a rapid infiltration system may not exceed the hydraulic, organic, nitrogen, suspended solids or other limitations specified in the permit or plans developed pursuant to a permit requirement. In determining discharge limitations, the Department shall consider past operating performance, the ability of the soils to treat the pollutants in the recycled water, hydrogeologic characteristics of the site such as permeability and infiltration rates, and other relevant information; and (4-7-11)

b. Compliance with IDAPA 58.01.11, "Ground Water Quality Rule," and IDAPA 58.01.02, "Water Quality Standards" shall be ensured. (4-7-11)

**614. GROUND WATER RECHARGE: CLASS A RECYCLED WATER.**

All ground water recharge systems shall comply with IDAPA 58.01.11, "Ground Water Quality Rule." The minimum requirements for site location and aquifer storage time shall be based on site-specific modeling and any source water assessment zone studies for public drinking water wells in the area. The owners of these systems must control the ownership of this down gradient area to prohibit future wells from being drilled in the impact zone of the ground water recharge system. Authorization from the Idaho Department of Water Resources is required for ground water injection wells. (4-7-11)

**615. SUBSURFACE DISTRIBUTION OF RECYCLED WATER.**

**01. Subsurface Use of Recycled Water.** The subsurface distribution and use of recycled water must be designed and located so that compliance with IDAPA 58.01.11, "Ground Water Quality Rule," is maintained and pollutants cannot be reasonably expected to enter waters of the state in concentrations resulting in injury to beneficial uses. In addition, the subsurface distribution and use of recycled water shall comply with these rules, and with applicable IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules." (4-7-11)

**02. Design and Construction.** (4-7-11)

a. The system shall be constructed to prevent surface runoff from entering the system. (4-7-11)

b. Precautions shall be taken during construction of the subsurface distribution system to minimize compaction and prevent a reduction in soil infiltration rate. (4-7-11)

c. Erosion control measures shall be taken during construction to prevent erosion of soil into surface water. (4-7-11)

**03. Discharge Limitations.** (4-7-11)

a. Prior to discharge to a subsurface system, the wastewater shall be treated such that the recycled water is Class A, B, C or D quality. (4-7-11)

b. The discharge to a subsurface distribution system may not exceed the hydraulic, organic, nitrogen, or other limitations specified in a permit or plans developed pursuant to a permit requirement. The Department shall consider past operating performance, the ability of the soils to treat the pollutants in the discharge, hydrogeologic characteristics of the site such as permeability and infiltration rates and other relevant information. (4-7-11)

**616. PERMIT FOR USE OF INDUSTRIAL RECYCLED WATER.**

Industrial recycled water shall only be used in accordance with a permit issued pursuant to these rules. Permit conditions and limitations shall be developed by the Department on a case-by-case basis taking into account the specific characteristics of the wastewater to be recycled, the treatment necessary to ensure the use of such recycled water is in compliance with IDAPA 58.01.11, "Ground Water Quality Rule," and IDAPA 58.01.02, "Water Quality Standards." Unless otherwise indicated in this section, the permit application, processing and issuance procedures provided in this rule shall apply to industrial reuse permits. (4-7-11)

**01. Additional Application Contents.** In addition to the requirements in Section 300 of these rules, a permit application for reuse of industrial recycled water shall include: (4-7-11)

- a.** The source of the water and the projected rates and volumes; and (4-7-11)
- b.** The chemical, biological, and physical characteristics of the industrial recycled water from each source. (4-7-11)

**02. Permit Content.** The Department shall include the requirements of Section 500, Standard Permit Conditions, in all permits issued for use of industrial recycled water. The Department shall develop additional permit conditions on a case-by-case basis considering the following factors: (4-7-11)

- a.** The risk to public health and the environment; (4-7-11)
- b.** The degree of public access to the site where the recycled water is used and the degree of human exposure anticipated; (4-7-11)
- c.** Any additional measures necessary to prevent nuisance conditions; (4-7-11)
- d.** Specific recycled water quality necessary for the intended type of reuse; and (4-7-11)
- e.** The means of application of the recycled water. (4-7-11)

**617. -- 699. (RESERVED)**

**700. PERMIT MODIFICATION.**

**01. Modification of Permits.** A permit modification may be initiated by the receipt of a request for modification from the permittee, or may be initiated by the Department if one (1) or more of the following causes for modification exist: (4-7-11)

- a.** Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit. (4-7-11)
- b.** New standards or regulations. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. (4-7-11)
- c.** Compliance schedules. The Department determines good cause exists for modification of a compliance schedule or terms and conditions of a permit. (4-7-11)
- d.** Non-limited pollutants. When the level of discharge of any pollutant which is not limited in the permit exceeds the level which may cause an adverse impact to surface or ground waters. (4-7-11)
- e.** To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions. (4-7-11)

**f.** When a treatment technology proposed, installed, and properly operated and maintained by the permittee fails to achieve the requirements of the permit. (4-7-11)

**02. Minor Modifications.** Minor modifications are those which if granted would not result in any increased hazard to the environment or to the public health. If a permit modification satisfies the criteria for “minor modifications,” the permit may be modified without issuance of a draft permit or public review. Minor modifications are normally limited to: (4-7-11)

- a.** The correction of typographical errors or formatting changes; (4-7-11)
- b.** Transfer of ownership or operational control, or responsible official; (4-7-11)
- c.** A change in monitoring or reporting frequency requirements, or revision of a laboratory method; (4-7-11)
- d.** Change compliance due date in a schedule of compliance, provided the new date does not exceed six (6) months; (4-7-11)
- e.** Change or add a sampling location; (4-7-11)
- f.** Change to a higher level of treatment without a change in end uses; (4-7-11)
- g.** Change in terminology; (4-7-11)
- h.** Removal of an allowed use; (4-7-11)
- i.** Correct minor technical errors, such as citations of law, and citations of construction specifications; (4-7-11)
- j.** Change in a contingency plan resulting in equal or more efficient responsiveness; or (4-7-11)
- k.** Removal of acreage from irrigation without an increase in loadings. (4-7-11)

**03. Major Modifications.** All modifications not considered minor shall be considered major modifications. The procedure for making major modifications shall be the same as that used for a new permit under these rules. Some examples of the major modifications are: (4-7-11)

- a.** Changes in the treatment system; (4-7-11)
- b.** Adding an allowed use; (4-7-11)
- c.** Changes to a lower (less treated) class of water; (4-7-11)
- d.** Addition of acreage used for irrigation; or (4-7-11)
- e.** Changes to less stringent discharge limitations. (4-7-11)

**701. -- 799. (RESERVED)**

**800. PERMIT TRANSFERABLE.**

**01. General.** A permit may be transferred only upon approval of the Department. No transfer is required for a corporate name change as long as the secretary of state can verify that a change in name alone has occurred. An attempted transfer is not effective for any purpose until approved in writing by the Department. (4-7-11)

**02. Request for Transfer.** Either the permit holder (permittee) or the person to whom the permit is

proposed to be transferred (transferee) shall submit to the department a request for transfer at least thirty (30) days before the proposed transfer date. The request for transfer shall include: (4-7-11)

- a. Legal name and address of the permittee; (4-7-11)
- b. Legal name and address of the transferee; (4-7-11)
- c. Location and the common name of the facility; (4-7-11)
- d. Date of proposed transfer; (4-7-11)
- e. Sufficient documentation for the Department to determine that the transferee will meet the requirements listed in IDAPA 58.01.16 "Wastewater Rules," Section 409, relating to technical, financial and managerial capacity; (4-7-11)
- f. A signed declaration by the transferee that the transferee has reviewed the permit and understands the terms of the permit; (4-7-11)
- g. A sworn statement that the request is made with the full knowledge and consent of the permittee if the transferee is submitting the request; (4-7-11)
- h. Identification of any judicial decree, compliance agreement, enforcement order, or other outstanding obligating instrument, the terms of which have not been met, along with legal instruments sufficient to address liabilities under such decree, agreement, order, or other obligating instrument; and (4-7-11)
- i. Any other information the director may reasonably require. (4-7-11)

**03. Effective Date of Transfer.** Responsibility for compliance with the terms and conditions of the permit and liability for any violation associated therewith is assumed by the transferee, effective on the date indicated in the approved transfer. (4-7-11)

**04. Compliance with Permit Conditions Pending Transfer Approval.** Prior to a transfer approval, the permittee shall continue to be responsible for compliance with the terms and conditions of the permit and be liable for any violation associated therewith, regardless of whether ownership or operational control of the permitted facility has been transferred. (4-7-11)

**05. Transferee Liability Prior to Transfer Approval.** If a proposed transferee causes or allows operation of the facility under his ownership or control before approval of the permit transfer, such transferee shall be considered to be operating without a permit or authorization required by these rules and may be cited for additional violations as applicable. (4-7-11)

**06. Compliance Record of Transferee.** The director may consider the prior compliance record of the transferee, if any, in the decision to approve or disapprove a transfer. (4-7-11)

**801. TEMPORARY CESSATION OF OPERATIONS AND CLOSURE.**

**01. Temporary Cessation.** A permittee shall implement any applicable conditions specified in the permit for temporary cessation of operations. When the permit does not specify applicable temporary cessation conditions, the permittee shall notify the Director prior to a temporary cessation of operations at the facility greater than sixty (60) days in duration and any cessation not for regular maintenance or repair. Cessation of operations necessary for regular maintenance or repair of a duration of sixty (60) days or less are not required to notify the Department under this section. All notifications required under this section shall include a proposed temporary cessation plan that will ensure the cessation of operations will not pose a threat to human health or the environment. (4-7-11)

**02. Closure.** A closure plan shall be required when a facility is closed voluntarily and when a permit is revoked or expires. A permittee shall implement any applicable conditions specified in the permit for closure of the

facility. Unless otherwise directed by the terms of the permit or by the Director, the permittee shall submit a closure plan to the Director for approval at least ninety (90) days prior to ceasing operations. The closure plan shall ensure that the closed facility will not pose a threat to human health and the environment. Closure plan approval may be conditioned upon a permittee's agreement to complete such site investigations, monitoring, and any necessary remediation activities that may be required. (4-7-11)

**802. -- 919. (RESERVED)**

**920. PERMIT REVOCATION.**

**01. Conditions for Revocation.** The Director may revoke a permit if the permittee violates any permit condition or these rules, or the Director becomes aware of any omission or misrepresentation of condition or information relied upon when issuing the permit. (4-7-11)

**02. Notice of Revocation.** Except in cases of emergency, the Director shall issue a written notice of intent to revoke to the permittee prior to final revocation. Revocation shall become final within thirty-five (35) days of receipt of the notice by the permittee, unless within that time the permittee requests an administrative hearing in writing. The hearing shall be conducted in accordance with IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality." (5-3-03)

**03. Emergency Action.** If the Director finds the public health, safety or welfare requires emergency action, the Director shall incorporate findings in support of such action in a written notice of emergency revocation issued to the permittee. Emergency revocation shall be effective upon receipt by the permittee. Thereafter, if requested by the permittee in writing, the Director shall provide the permittee a revocation hearing and prior notice thereof. Such hearings shall be conducted in accordance with IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality." (3-15-02)

**04. Revocation and Closure.** A permittee shall perform the closure requirements in a permit, the closure requirements of these rules, and complete all closure plan activities notwithstanding the revocation of the permit. (4-7-11)

**921. -- 929. (RESERVED)**

**930. VIOLATIONS.**

Any person violating any provision of these rules or any permit or order issued thereunder shall be liable for a civil penalty not to exceed ten thousand dollars (\$10,000) or one thousand dollars (\$1,000) for each day of a continuing violation, whichever is greater. In addition, pursuant to Title 39, Chapter 1, Idaho Code, any willful or negligent violation may constitute a misdemeanor. (4-1-88)

**931. -- 939. (RESERVED)**

**940. WAIVERS.**

Waivers from the requirements of these rules may be granted by the Director on a case-by-case basis upon full demonstration by the person requesting the waivers that such activities for which the waivers are granted will not have a detrimental effect upon existing water quality and beneficial uses are adequately protected. (4-7-11)

**941. -- 999. (RESERVED)**