



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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### MEMORANDUM

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

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

**DATE:** July 10, 2019

**SUBJECT:** Temporary Rule(s)

IDAPA 58.01.11 - Ground Water Quality Rule - Adoption of Temporary Fee Rule - Docket No. 58-0111-1901

IDAPA 58.01.15 - Rules Governing the Cleaning of Septic Tanks - Adoption of Temporary Rule - Docket No. 58-0115-1901

IDAPA 58.01.17 - Recycled Water Rules - Adoption of Temporary Rule - Docket No. 58-0117-1901

We are forwarding these temporary rules to you for your information only. No analysis was done by LSO. These rules are posted on our web site. If you have any questions, please call Katharine Gerrity at the Legislative Services Office at (208) 334-4834. Thank you.

Attachment: Temporary Rule(s)

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

## **58.01.11 – GROUND WATER QUALITY RULE**

### **DOCKET NO. 58-0111-1901**

#### **NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY FEE RULE**

**EFFECTIVE DATE AND HISTORY NOTES:** The effective date of the temporary rule is June 30, 2019. Traditionally effective dates are published for every subsection, paragraph and subparagraph of a rule. These individualized effective dates provide a rich history for legal scholars and interested members of the public to explore the broader context of each rule. This docket retains these important history notes while establishing the effective date for each chapter to ensure there is no gap with the expiring rules.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given that the Idaho Board of Environmental Quality has adopted a temporary rule. The action is authorized pursuant to Idaho §§ 39-105, 39-107, 39-120, and 39-126.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the rulemaking:

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

IDAPA 58.01.11, Ground Water Quality Rule

As soon as reasonably possible, DEQ will commence promulgation of a proposed rule in accordance with the rulemaking requirements of Chapter 52, Title 67, Idaho Code.

More information regarding this rule docket is available at [www.deq.idaho.gov/58-0111-1901](http://www.deq.idaho.gov/58-0111-1901).

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. The Department of Environmental Quality (DEQ) would not be able to fulfill its statutory obligations without these rules. These rules are central to DEQ's mission to protect human health and the quality of Idaho's air, land, and water.

The fees or charges imposed by the rules are necessary to avoid immediate danger. The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget. The FY2020 budget has already been set by the Legislature and passed into law. That budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and immediate danger of a violation of Idaho's constitutional requirement that it balance its budget. Temporary adoption of these rules is necessary to ensure that DEQ is able to continue to offer services such as establishing points of compliance. Listed below is the fee category and statutory authority for imposition of the fee.

Idaho Code § 39-119, point of compliance application fee

**FEE SUMMARY:** The preceding section and the attached rules provide a specific description of the fee or charge imposed by this rulemaking. This rulemaking does not impose a fee or charge beyond what was previously approved and codified in the prior rules. A description of each fee category is provided in the preceding section.

**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.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rules, contact the undersigned.

Dated this 3rd day of July, 2019.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton/Boise, Idaho 83706-1255  
(208)373-0418/Fax No. (208)373-0481  
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**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 58-0111-1901**

**IDAPA 58**  
**TITLE 01**  
**CHAPTER 11**

**58.01.11 – GROUND WATER QUALITY RULE**

**000. LEGAL AUTHORITY.**

The Idaho Legislature has given the Board of Environmental Quality authority to promulgate the Ground Water Quality Rule pursuant to Sections 39-105, 39-107, 39-120, and 39-126, Idaho Code. The authority to formulate and adopt rules as are necessary and feasible to protect the environment and health of the citizens of the state is vested in the Director and Board pursuant to Sections 39-105 and 39-107, Idaho Code. Under Section 39-120, Idaho Code, the Board is authorized to adopt, by rule, ambient ground water quality standards. Under Section 39-126, Idaho Code, all state agencies shall incorporate the Ground Water Quality Plan, adopted by the legislature, in the administration of their programs and are granted authority to promulgate rules to protect ground water quality as necessary to administer such programs. (3-20-97)

**001. TITLE AND SCOPE.**

**01. Title.** This rule is titled IDAPA 58.01.11, Rules of the Department of Environmental Quality, IDAPA 58.01.11, “Ground Water Quality Rule.” (3-20-97)

**02. Scope.** Under Section 39-120, Idaho Code, the Department of Environmental Quality is designated as the primary agency to coordinate and administer ground water quality protection programs for the state. This rule establishes minimum requirements for protection of ground water quality through standards and an aquifer categorization process. The requirements of this rule shall serve as a basis for the administration of programs which address ground water quality. This rule does not in and of itself create a permit program. (3-20-97)

**002. ADMINISTRATIVE APPEALS.**

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

**003. WRITTEN INTERPRETATIONS.**

The Department of Environmental Quality may have written statements which pertain to the interpretation of the rules of this chapter. If available, such written statements can be inspected and copied, at cost, at the Department of Environmental Quality, 1410 North Hilton, Boise, ID 83706-1255. (3-20-97)

**004. -- 005. (RESERVED)**

**006. POLICIES.**

It is the intent of the Department to implement, through this rule, the following policies from the Protection and Prevention Sections of the Idaho Ground Water Quality Plan, adopted by the legislature, 1992 Session Law, Chapter 310, Page 922. These policies are: (3-20-97)

**01. Ground Water Quality Protection.** It is the policy of the state of Idaho to maintain and protect the existing high quality of the state’s ground water. (3-20-97)

**02. Existing and Projected Future Beneficial Uses.** The policy of the state of Idaho is that existing and projected future beneficial uses of ground water shall be maintained and protected, and degradation that would impair existing and projected future beneficial uses of ground water and interconnected surface water shall not be allowed. (3-20-97)

**03. Categorization of Ground Water.** The policy of the state of Idaho is to provide differential protection for the state's ground water resources. A ground water categorization system should be established for aquifers or portions of aquifers. The categorization system should be based on vulnerability of the ground water, existing and projected future beneficial uses of the ground water, existing quality of the ground water, and social and economic considerations. (3-20-97)

**04. Ground Water Quality Standards.** The policy of the state of Idaho is to establish ground water quality standards for biological, radiological, and chemical constituents. (3-20-97)

**05. Prevention of Ground Water Contamination.** The policy of the state of Idaho is to prevent contamination of ground water from all regulated and nonregulated sources of contamination to the maximum extent practical. (7-1-98)

**06. Mining.** The policy of the state of Idaho is to protect ground water and allow for the extraction of minerals above and within ground water. (7-1-98)

**007. DEFINITIONS.**

**01. Agricultural Chemical.** Any pesticide, nutrient or fertilizer used for the benefit of agricultural production or pest management. (3-20-97)

**02. Aquifer.** A geological unit of permeable saturated material capable of yielding economically significant quantities of water to wells and springs. (3-20-97)

**03. Beneficial Uses.** Various uses of ground water in Idaho including, but not limited to, domestic water supplies, industrial water supplies, agricultural water supplies, aquacultural water supplies, and mining. A beneficial use is defined as actual current or projected future uses of ground water. (3-20-97)

**04. Best Available Method.** Any system, process, or method which is available to the public for commercial or private use to minimize the impact of point or nonpoint sources of contamination on ground water quality. (3-20-97)

**05. Best Management Practice.** A practice or combination of practices determined to be the most effective and practical means of preventing or reducing contamination to ground water and interconnected surface water from nonpoint and point sources to achieve water quality goals and protect the beneficial uses of the water. (3-20-97)

**06. Best Practical Method.** Any system, process, or method that is established and in routine use which could be used to minimize the impact of point or nonpoint sources of contamination on ground water quality. (3-20-97)

**07. Board.** The Idaho Board of Environmental Quality. (3-20-97)

**08. Cleanup.** The removal, treatment or isolation of a contaminant from ground water through the directed efforts of humans or the removal or treatment of a contaminant in ground water through management practice or the construction of barriers, trenches and other similar facilities for prevention of contamination, as well as the use of natural processes such as ground water recharge, natural decay and chemical or biological decomposition. (3-20-97)

**09. Constituent.** Any chemical, ion, radionuclide, synthetic organic compound, microorganism, waste or other substance occurring in ground water. (3-20-97)

**10. Contaminant.** Any chemical, ion, radionuclide, synthetic organic compound, microorganism, waste or other substance which does not occur naturally in ground water or which naturally occurs at a lower concentration. (3-20-97)

**11. Contamination.** The direct or indirect introduction into ground water of any contaminant caused in

- whole or in part by human activities. (3-20-97)
- 12. Crop Root Zone.** The zone that extends from the surface of the soil to the depth of the deepest crop root and is specific to a species of plant, group of plants, or crop. (3-20-97)
- 13. Degradation.** The lowering of ground water quality as measured in a statistically significant and reproducible manner. (3-20-97)
- 14. Department.** The Department of Environmental Quality. (3-20-97)
- 15. Extraction.** Physical removal of ore or waste rock from mineral-bearing deposits. Extraction does not include processing, which is the removal of target minerals from ores by physical or chemical methods. (7-1-09)
- 16. Ground Water.** Any water of the state which occurs beneath the surface of the earth in a saturated geological formation of rock or soil. (3-20-97)
- 17. Ground Water Quality Standard.** Values, either numeric or narrative, assigned to any constituent for the purpose of establishing minimum levels of protection. (3-20-97)
- 18. Highly Vulnerable Ground Water.** Ground water characterized by a relatively high potential for contaminants to enter and/or be transported within the flow system. Determinations of ground water vulnerability will include consideration of land use practices and aquifer characteristics. (3-20-97)
- 19. Irreplaceable Source.** A ground water source serving a beneficial use(s) where the reliable delivery of comparable quality and quantity of water from an alternative source in the region would be economically infeasible or precluded by institutional constraints. (3-20-97)
- 20. Mine Operator.** Any person authorized to engage in mining activities, including without limitation those authorized by law, lease, contract, permit, or plan of operation. It does not include a governmental agency that grants mineral leases or similar contracts or permits unless the agency is engaged in mining activities. (7-1-09)
- 21. Mining Activity.** Recovery of a mineral from mineral-bearing deposits, which includes reclamation, extraction, excavation, overburden placement, disposal of tailings resulting from processing, and disposal of mineral extraction wastes, including tailings that are the result of extraction, waste rock, and other extraction wastes uniquely associated with mining. (7-1-09)
- 22. Mining Area.** The area on or within which one (1) or more mining activities occur. The Department shall determine the boundaries of the mining area as provided in Section 401. Distinct mining activities may constitute separate mining areas. (7-1-09)
- 23. Natural Background Level.** The level of any constituent in the ground water within a specified area as determined by representative measurements of the ground water quality unaffected by human activities. (3-20-97)
- 24. Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state or federal governmental department, agency or instrumentality, or any legal entity which is recognized by law as the subject of rights and duties. (3-20-97)
- 25. Point of Compliance.** The vertical surface where the Department determines compliance with ground water quality standards as provided in Subsection 400.05 and Section 401. (7-1-09)
- 26. Practical Quantitation Level.** The lowest concentration of a constituent that can be reliably quantified among laboratories within specified limits of precision and accuracy during routine laboratory operating conditions. Specified limits of precision and accuracy are the criteria listed in the calibration specifications or quality control specifications of an analytical method. (3-20-97)
- 27. Projected Future Beneficial Uses.** Various uses of ground water, such as drinking water,

aquaculture, industrial, mining or agriculture, that are practical and achievable in the future based on hydrogeologic conditions, water quality, future land use activities and social/economic considerations. (3-20-97)

**28. Recharge Area.** An area in which water infiltrates into the soil or geological formation from, including but not limited to precipitation, irrigation practices and seepage from creeks, streams, and lakes, and percolates to one (1) or more aquifers. (3-20-97)

**29. Reclamation.** The process of restoring an area affected by a mining activity to its original or another beneficial use, considering previous uses, possible future uses, and surrounding topography. The objective is to re-establish a diverse, self-perpetuating plant community, and to minimize erosion, remove hazards, and maintain water quality. (7-1-09)

**30. Remediation.** Any action taken (1) to control the source of contamination, (2) to reduce the level of contamination, (3) to mitigate the effects of contaminants, and/or (4) to minimize contaminant movement. Remediation includes providing alternate drinking water sources when needed. (3-20-97)

**31. Site Background Level.** The ground water quality at the hydraulically upgradient site boundary. (3-20-97)

**008. -- 010. (RESERVED)**

**011. INCORPORATION BY REFERENCE.**

Codes, standards and regulations may be incorporated by reference in this rule pursuant to Section 67-5229, Idaho Code. Such incorporation by reference shall constitute full adoption by reference, including any notes or appendices therein, unless expressly provided otherwise in this rule. Codes, standards or regulations adopted by reference throughout this rule are available in the following locations: (3-20-97)

**01. Department of Environmental Quality.** Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255. (3-20-97)

**02. Law Library.** State Law Library, 451 W. State Street, P.O. Box 83720, Boise, ID 83720-0051. (3-20-97)

**03. U.S. Government Printing Office.** U.S. Government Printing Office, Superintendent of Documents, Washington, D.C. 20402, or U.S. Government Bookstore, Room 194 Federal Bldg., 915 Second Ave., Seattle, WA 98174. (3-20-97)

**012. -- 149. (RESERVED)**

**150. IMPLEMENTATION.**

This rule establishes minimum requirements to maintain and protect ground water quality. This rule applies to all activities with the potential to degrade ground water quality. (3-20-97)

**01. Ground Water Quality Standards.** The numerical and narrative standards in Sections 200 and 301 identify minimum levels of protection for ground water quality and shall be used as a basis for: (3-20-97)

**a.** Evaluating or comparing ground water quality when developing or modifying best available methods, best management practices, or best practical methods; (3-20-97)

**b.** Identifying permit conditions; (3-20-97)

**c.** Establishing cleanup levels; and (3-20-97)

**d.** Determining appropriate actions when ground water quality standards are exceeded. (3-20-97)

**02. Aquifer Categorization.** Aquifers of the state shall be categorized based on vulnerability of the ground water, existing and projected future beneficial uses of the ground water, existing water quality, and social and

economic considerations. There shall be three aquifer categories, Sensitive Resource, General Resource, and Other Resource, to provide different levels of protection. The level of protection required for each category and application of standards to these categories are shown in Table I.

<b>Table 1. Level of Protection and Application of Standards to Aquifer Categories</b>		
<b>Category</b>	<b>Level of Protection</b>	<b>Application of Standards</b>
Sensitive Resource	Apply best management practices and best available methods. This category provides the highest level of ground water protection.	May apply stricter standards than in Section 200.
General Resource	Apply best management practices and best practical methods to the maximum extent practical.	Apply numerical and narrative standards in Section 200.
Other Resource	Apply best management practices and best practical methods to the maximum extent practical.	May apply less strict standards than in Section 200.

(3-25-16)

**a.** All aquifers where there are activities with the potential to degrade ground water quality are categorized in Section 300. Those aquifers where no activities with the potential to degrade ground water quality are occurring will remain uncategorized until such activities are commenced. If no action is taken to categorize an aquifer when an activity(ies) with the potential to degrade ground water quality is initiated, the aquifer will automatically be categorized as General Resource. (3-20-97)

**b.** Categorization should be considered when an activity with the potential to degrade ground water quality is proposed over an aquifer or portion of an aquifer which presently has no such activities and, based on the criteria in Section 350, the aquifer may be most appropriately categorized as Sensitive Resource or Other Resource. (3-20-97)

**c.** Recategorization should be considered when information on vulnerability of the ground water, existing and projected future beneficial uses of the ground water, existing quality of the ground water, and social and economic considerations, in conjunction with one or more of the criteria in Section 350, demonstrates that the aquifer or portion of an aquifer may be more appropriate in another category. (3-20-97)

**03. Ground Water-Surface Water Interconnection.** The beneficial uses of interconnected surface water shall be recognized when evaluating ground water quality protection. The implementation of water quality programs shall ensure that the quality of ground water that discharges to surface water does not impair the identified beneficial uses of the surface water and that surface water infiltration does not impair beneficial uses of ground water. (3-20-97)

**04. Interagency Coordination.** The Department will coordinate with other federal, state, and local agencies to pursue interagency agreements when necessary to ensure implementation of this rule for activities which have the potential to degrade ground water quality. (3-20-97)

**151. -- 199. (RESERVED)**

**200. GROUND WATER QUALITY STANDARDS.** The following numerical and narrative standards apply to all ground water of the state and shall not be exceeded unless otherwise allowed in this rule. (3-20-97)

**01. Numerical Ground Water Quality Standards.** (3-20-97)

**a.** The Primary Constituent Standards are based on protection of human health and are identified in



Table II.

<b>Table II - Primary Constituent Standards</b>		
<b>Chemical Abstract Service Number</b>	<b>Constituent</b>	<b>Standard (mg/l unless otherwise specified)</b>
7440-36-0	Antimony	0.006
7440-38-2	Arsenic	0.05
1332-21-4	Asbestos	7 million fibers/l longer than 10 um
7440-39-3	Barium	2
7440-41-7	Beryllium	0.004
7440-43-9	Cadmium	0.005
7440-47-3	Chromium	0.1
7440-50-8	Copper	1.3
57-12-5	Cyanide	0.2
16984-48-8	Fluoride	4
7439-92-1	Lead	0.015
7439-97-6	Mercury	0.002
*1	Nitrate (as N)	10
*1	Nitrite (as N)	1
*1	Nitrate and Nitrite (both as N)	10
7782-49-2	Selenium	0.05
7440-28-0	Thallium	0.002
15972-60-8	Alachlor	0.002
1912-24-9	Atrazine	0.003
71-43-2	Benzene	0.005
50-32-8	Benzo(a)pyrene (PAH)	0.0002
75-27-4	Bromodichloromethane (THM)	0.1
75-25-2	Bromoform (THM)	0.1
1563-66-2	Carbofuran	0.04
56-23-5	Carbon Tetrachloride	0.005
57-74-9	Chlordane	0.002
124-48-1	Chlorodibromomethane (THM)	0.1
67-66-3	Chloroform(THM)	0.002
94-75-7	2,4-D	0.07
75-99-0	Dalapon	0.2

Table II - Primary Constituent Standards		
Chemical Abstract Service Number	Constituent	Standard (mg/l unless otherwise specified)
103-23-1	Di(2-ethylhexyl) adipate	0.4
96-12-8	Dibromochloropropane	0.0002
541-73-1	Dichlorobenzene m-	0.6
95-50-1	Dichlorobenzene o-	0.6
106-46-7	1,4(para)-Dichlorobenzene or Dichlorobenzene p-	0.075
107-06-2	1,2-Dichloroethane	0.005
75-35-4	1,1-Dichloroethylene	0.007
156-59-2	cis-1, 2-Dichloroethylene	0.07
156-60-5	trans-1, 2-Dichloroethylene	0.1
75-09-2	Dichloromethane	0.005
78-87-5	1,2-Dichloropropane	0.005
117-81-7	Di(2-ethylhexyl)phthalate	0.006
88-85-7	Dinoseb	0.007
85-00-7	Diquat	0.02
145-73-3	Endothall	0.1
72-20-8	Endrin	0.002
100-41-4	Ethylbenzene	0.7
106-93-4	Ethylene dibromide	0.00005
1071-83-6	Glyphosate	0.7
76-44-8	Heptachlor	0.0004
1024-57-3	Heptachlor epoxide	0.0002
118-74-1	Hexachlorobenzene	0.001
77-47-4	Hexachlorocyclopentadiene	0.05
58-89-9	Lindane	0.0002
72-43-5	Methoxychlor	0.04
108-90-7	Monochlorobenzene	0.1
23135-22-0	Oxamyl (Vydate)	0.2
87-86-5	Pentachlorophenol	0.001
1918-02-1	Picloram	0.5
1336-36-3	Polychlorinated biphenyls (PCBs)	0.0005
122-34-9	Simazine	0.004

Table II - Primary Constituent Standards		
Chemical Abstract Service Number	Constituent	Standard (mg/l unless otherwise specified)
100-42-5	Styrene	0.1
1746-01-6	2,3,7,8-TCDD (Dioxin)	3.0 x 10 <sup>-8</sup>
127-18-4	Tetrachloroethylene	0.005
108-88-3	Toluene	1
*1	Total Trihalomethanes [the sum of the concentrations of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform), and trichloromethane (chloroform)]	0.1
8001-35-2	Toxaphene	0.003
93-72-1	2,4,5-TP (Silvex)	0.05
120-82-1	1,2,4-Trichlorobenzene	0.07
71-55-6	1,1,1-Trichloroethane	0.2
79-00-5	1,1,2-Trichloroethane	0.005
79-01-6	Trichloroethylene	0.005
75-01-4	Vinyl Chloride	0.002
1330-20-7	Xylenes (total)	10
*1	Gross alpha particle activity (including radium -226, but excluding radon and uranium)	15 pCi/l
*1	Combined beta/photon emitters	4 millirems/year effective dose equivalent
*1	Combined Radium - 226 and radium 228	5 pCi/l
*1	Strontium 90	8 pCi/l
*1	Tritium	20,000 pCi/l
*1	Total Coliform <sup>2</sup>	1 colony forming unit/100 ml
	Escherichia coliform (E. coli)	Less than 1 viable colony or colony forming unit/100 ml using any EPA approved method
	Fecal coliform	Less than 1 viable colony or colony forming unit/100 ml using any EPA approved method
Table Footnotes		
*1 No Chemical Abstract Service Number exists for this constituent.		

<b>Table II - Primary Constituent Standards</b>		
<b>Chemical Abstract Service Number</b>	<b>Constituent</b>	<b>Standard (mg/l unless otherwise specified)</b>
<sup>2</sup> An exceedance of the primary ground water quality standard for total coliform is not a violation of these rules. If the primary ground water quality standard for total coliform is exceeded, additional analysis for fecal coliform or E. coli will be conducted. An exceedance of the primary ground water quality standards for either fecal coliform or E. coli is a violation of these rules.		

(3-30-07)

**b.** The Secondary Constituent Standards are generally based on aesthetic qualities and are identified in Table III.

<b>TABLE III - SECONDARY CONSTITUENT STANDARDS</b>	
<b>Constituent</b>	<b>Standard (mg/l unless otherwise specified)</b>
Aluminum	0.2
Chloride	250
Color	15 Color Units
Foaming Agents	0.5
Iron	0.3
Manganese	0.05
Odor	3.0 Threshold Odor Number
pH	6.5 to 8.5 (no units apply)
Silver	0.1
Sulfate	250
Total Dissolved Solids	500
Zinc	5

(3-20-97)

**c.** Sample preservation and analytical procedures to determine compliance with the standards identified in Subsection 200.01 shall be in accordance with the following, except that cyanide shall be analyzed as weak acid dissociable cyanide using a method approved by the Department: (5-3-03)

i. Environmental Protection Agency, Code of Federal Regulations, Title 40, Parts 141 and 143, revised as of July 2001; or (5-3-03)

ii. Another method approved by the Department. (3-20-97)

**02. Narrative Ground Water Quality Standards.** Contaminant concentrations, alone or in

combination with other contaminants or properties, shall not cause the ground water to be hazardous, deleterious, carcinogenic, mutagenic, teratogenic, or toxic. Determinations of specific numerical levels when applying this standard shall be based on: (3-20-97)

- a. Best scientific information currently available on adverse effects of the contaminant(s); (3-20-97)
- b. Protection of a beneficial use; or (3-20-97)
- c. Practical quantitation levels for the contaminant(s), if they exceed the levels identified in Subsection 200.02.a. or 200.02.b. (3-20-97)

**03. Natural Background Level.** If the natural background level of a constituent exceeds the standard in this section, the natural background level shall be used as the standard. (3-20-97)

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

**300. CATEGORIZED AQUIFERS OF THE STATE.**

Aquifers or portions of aquifers in the state are categorized as follows: (3-20-97)

**01. Sensitive Resource.** (3-20-97)

- a. Spokane Valley -- Rathdrum Prairie Aquifer. (3-20-97)

- i. In addition to the ground water quality standards in Section 200, the following narrative standard applies: the aquifer shall not be degraded, as it relates to beneficial uses, as a result of point source or nonpoint source activity unless it is demonstrated by the person proposing the activity that such change is justifiable as a result of necessary economic or social development. (3-20-97)

**02. General Resource.** All aquifers or portions of aquifers where there are activities with the potential to degrade ground water quality of the aquifer, unless otherwise listed in Subsection 300.01 or 300.03. Once an activity with the potential to degrade the ground water quality of an uncategorized aquifer or portion of an aquifer is initiated, the uncategorized aquifer shall automatically become General Resource unless petitioned into the Sensitive Resource or Other Resource category. (3-20-97)

**03. Other Resource.** (3-20-97)

**301. MANAGEMENT OF ACTIVITIES WITH THE POTENTIAL TO DEGRADE AQUIFERS.**

**01. Sensitive Resource Category Aquifers.** (3-20-97)

- a. Activities with the potential to degrade Sensitive Resource aquifers shall be managed in a manner which maintains or improves existing ground water quality through the use of best management practices and best available methods except when a point of compliance is set pursuant to Section 401. (3-25-16)

- b. Numerical and narrative standards identified in Section 200 shall apply to aquifers or portions of aquifers categorized as Sensitive Resource. In addition, stricter numerical and narrative standards, for specified constituents, may be adopted pursuant to Section 350 on a case by case basis and listed in Section 300. (3-20-97)

**02. General Resource Category Aquifers.** (3-20-97)

- a. Activities with the potential to degrade General Resource aquifers shall be managed in a manner which maintains or improves existing ground water quality through the use of best management practices and best practical methods to the maximum extent practical except when a point of compliance is set pursuant to Section 401. (3-25-16)

- b. Numerical and narrative standards identified in Section 200 shall apply to aquifers or portions of aquifers categorized as General Resource. (3-20-97)

**03. Other Resource Category Aquifers. (3-20-97)**

**a.** Activities with the potential to degrade Other Resource aquifers shall be managed in a manner which maintains existing ground water quality, except for those identified constituents which may have a less stringent standard, through the use of best management practices and best practical methods to the maximum extent practical except when a point of compliance is set pursuant to Section 401. (3-25-16)

**b.** Numerical and narrative standards identified in Section 200 shall apply to aquifers or portions of aquifers categorized as Other Resource. In addition, less strict numerical and narrative standards, for specified constituents, may be adopted pursuant to Section 350 on a case by case basis and listed in Section 300. (3-20-97)

**302. -- 349. (RESERVED)**

**350. PROCEDURES FOR CATEGORIZING OR RECATEGORIZING AN AQUIFER.**

The following process shall be used for categorizing or recategorizing an aquifer. (3-20-97)

**01. Criteria for Aquifer Categories.** The following criteria shall be considered when a petition to categorize or recategorize aquifers or portions of aquifers is submitted to the Board: (3-20-97)

**a.** For Sensitive Resource aquifers: (3-20-97)

**i.** The ground water in an aquifer or portion of an aquifer is of a better quality than the ground water quality standards in Section 200 and maintenance of this quality is needed to protect an identified beneficial use(s); (3-20-97)

**ii.** The ground water in an aquifer or portion of an aquifer is considered highly vulnerable; (3-20-97)

**iii.** The ground water in an aquifer or portion of an aquifer represents an irreplaceable source for the identified beneficial use(s); (3-20-97)

**iv.** The ground water quality in an aquifer or portion of an aquifer has been degraded and there is a need for additional protection measures to maintain or improve the water quality or prevent impairment of a beneficial use; (3-20-97)

**v.** The ground water within an aquifer or portion of an aquifer is shown to be hydrologically interconnected with surface water and additional protection is needed to maintain the quality of either surface or ground water. Hydrologic interconnections can include either natural or induced ground water recharge or discharge areas; or (7-1-98)

**vi.** The ground water within an aquifer or portion of an aquifer demonstrates other criteria which justify the need for additional protection. (3-20-97)

**b.** For General Resource aquifers: (3-20-97)

**i.** An activity with the potential to degrade ground water quality is initiated over an aquifer or portion of an aquifer which presently has no such activities; (3-20-97)

**ii.** The ground water in an aquifer or portion of an aquifer is currently being used for drinking water or another beneficial use which requires similar protection; or (3-20-97)

**iii.** The ground water in an aquifer or portion of an aquifer has a projected future beneficial use of drinking water or another beneficial use which requires similar protection. (3-20-97)

**c.** For other resource aquifers: (3-20-97)

**i.** The ground water quality within an aquifer or portion of an aquifer does not meet one or more of

the ground water quality standards in Section 200; and allowing the ground water quality to remain at this level does not impair existing or projected future beneficial uses within the aquifer or portion of an aquifer; (3-20-97)

ii. The projected ground water quality within an aquifer or portion of an aquifer will not meet one or more of the ground water quality standards in Section 200 as a result of activities over or within the aquifer or portion of an aquifer; and allowing the proposed degradation will not impair existing or projected future beneficial uses; (3-20-97)

iii. Human caused conditions or sources of contamination have resulted in ground water quality standards in Section 200 being exceeded, and the contamination cannot be remedied for economical or technical reasons, or remediation would cause more environmental damage to correct than to leave in place; or (3-20-97)

iv. The ground water within an aquifer or portion of an aquifer demonstrates other criteria which justify the need for categorization as an Other Resource. (3-20-97)

**02. Petition Process.** The Department or any other person may petition the Board to initiate rulemaking to categorize or recategorize an aquifer or portion of an aquifer pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality." In addition to the information required in a rulemaking Petition pursuant to IDAPA 58.01.23, the following information shall be submitted in writing by the Petitioner for the identified aquifer or portion of an aquifer: (3-15-02)

- a. Current category, if applicable; (3-20-97)
- b. Proposed category and an explanation of how one or more of the criteria in Subsection 350.01 are met; (3-20-97)
- c. An explanation of why the categorization or recategorization is being proposed; (3-20-97)
- d. Location, description and areal extent; (3-20-97)
- e. General location and description of existing and projected future ground water beneficial uses; (3-20-97)
- f. Documentation of the existing ground water quality; (3-20-97)
- g. Documentation of aquifer characteristics, where available, including, but not limited to: (3-20-97)
  - i. Depth to ground water; (3-20-97)
  - ii. Thickness of the water bearing section; (3-20-97)
  - iii. Direction and rate of ground water flow; (3-20-97)
  - iv. Known recharge and discharge areas; and (3-20-97)
  - v. Geology of the area; (3-20-97)
- h. Identification of any proposed standards, for specified constituents, which would be stricter or less strict than the ground water quality standards in Section 200, or any standards to be applied in addition to those in Section 200; and a rationale for the proposed standards. (3-20-97)

**03. Preliminary Department Review.** Prior to submission of a petition to the Board to categorize or recategorize an aquifer, any person may seek a preliminary review of the petition from the Department. The Department shall respond to the petitioner with comments within forty-five (45) days. (3-20-97)

**351. -- 399. (RESERVED)**

**400. GROUND WATER CONTAMINATION.**

**01. Releases Degrading Ground Water Quality.** No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that: (3-20-97)

- a. Causes a ground water quality standard to be exceeded; (3-20-97)
- b. Injures a beneficial use of ground water; or (3-20-97)
- c. Is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method. (3-20-97)

**02. Measures Taken in Response to Degradation.** (3-25-16)

a. Except when a point of compliance is set pursuant to Section 401, when a numerical standard is not exceeded, but degradation of ground water quality is detected and deemed significant by the Department, the Department shall take one (1) or more of the following actions: (3-25-16)

- i. Require a modification of regulated activities to prevent continued degradation; (3-20-97)
- ii. Coordinate with the appropriate agencies and responsible persons to develop and implement prevention measures for activities not regulated by the Department; (3-20-97)

iii. Allow limited degradation of ground water quality for the constituents identified in Subsection 200.01.a. if it can be demonstrated that: (3-30-07)

(1) Best management practices, best available methods or best practical methods, as appropriate for the aquifer category, are being applied; and (3-20-97)

(2) The degradation is justifiable based on necessary and widespread social and economic considerations; or (3-20-97)

iv. Allow degradation of ground water quality up to the standards in Subsection 200.01.b., if it can be demonstrated that: (3-20-97)

(1) Best management practices are being applied; and (3-20-97)

(2) The degradation will not adversely impact a beneficial use. (3-20-97)

b. The following criteria shall be considered when determining the significance of degradation: (3-20-97)

i. Site specific hydrogeologic conditions; (3-20-97)

ii. Water quality, including seasonal variations; (3-20-97)

iii. Existing and projected future beneficial uses; (3-20-97)

iv. Related public health issues; and (3-20-97)

v. Whether the degradation involves a primary or secondary constituent in Section 200. (3-20-97)

**03. Contamination Exceeding a Ground Water Quality Standard.** The discovery of any contamination exceeding a ground water standard that poses a threat to existing or projected future beneficial uses of ground water shall require appropriate actions, as determined by the Department, to prevent further contamination. These actions may consist of investigation and evaluation, or enforcement actions if necessary to stop further



contamination or clean up existing contamination, as required under the Environmental Protection and Health Act, Section 39-108, Idaho Code. (3-20-97)

**04. Agricultural Chemicals.** Agricultural chemicals found in intermittently saturated soils within the crop root zone will not be considered ground water contaminants as long as the chemicals remain within the crop root zone, and have been applied in a manner consistent with all appropriate regulatory requirements. (3-20-97)

**05. Site-Specific Ground Water Quality Levels or Points of Compliance.** The Department may allow site-specific ground water quality levels, for any aquifer category, that vary from a standard(s) in Section 200 or Section 300, or may allow site-specific points of compliance, based on consideration of effects to human health and the environment, for: (7-1-09)

- a. Remediation conducted under the Department's oversight; (3-20-97)
- b. Permits issued by the Department; (3-20-97)
- c. Situations where the site background level varies from the ground water quality standard; (7-1-09)
- d. Dissolved concentrations of secondary constituents listed in Section 200 of this rule. The Department may allow the use of dissolved concentrations for secondary constituents if the requesting person demonstrates that doing so will not adversely affect human health and the environment; or (7-1-09)
- e. Other situations authorized by the Department in writing. (3-20-97)

**401. MINING.**

**01. Request for Setting Point(s) of Compliance and Standards Applicable to Mining Activities.** At the request of a mine operator, pursuant to this section, the Department shall set a point of compliance, or points of compliance, at which the mine operator shall protect current and projected future beneficial uses of the ground water and meet the ground water quality standards as described in Section 200 or as allowed under Subsection 400.05. Degradation of ground water is allowed at a point of compliance if the mine operator implements the level of protection during mining activities appropriate for the aquifer category as specified in Table 1 of Subsection 150.02. If a request is not made, the mine operator must meet the ground water quality standards as described in Subsection 150.01 in ground water both within and beyond the mining area unless the Department establishes the point(s) of compliance consistent with Subsection 401.03. (3-25-16)

**02. Application Process.** (7-1-09)

a. If the mine operator requests a point of compliance, or points of compliance, the mine operator shall make written application to the Department. The application shall be accompanied by a fee of two thousand five hundred dollars (\$2,500). The application shall include the following information in sufficient detail to allow the Department to establish point(s) of compliance: (7-1-09)

- i. Name, location, and mailing address of the mining operation; (7-1-09)
- ii. Name, mailing address, and phone number of the mine operator; (7-1-09)
- iii. Land ownership status of the mining operation (federal, state, private or public); (7-1-09)
- iv. The legal structure (corporation, partnership, etc.) and residence of the mine operator; (7-1-09)
- v. The legal description, to the quarter-quarter section, of the location of the proposed mining operation; (7-1-09)
- vi. Evidence the mine operator is authorized by the Secretary of State to conduct business in the state of Idaho; (7-1-09)

vii. A general description of the operational plans for the mining operation from construction through final reclamation. This description shall include any proposed phases for construction, operations, and reclamation and a map that identifies the location of all mining activities; (7-1-09)

viii. A preconstruction topographic site map or aerial photos extending at least one (1) mile beyond the outer limits of the mining area, identifying and showing the location and extent of the following features: (7-1-09)

(1) All wells, perennial and intermittent springs, adit discharges, wetlands, surface waters and irrigation ditches; (7-1-09)

(2) All public and private drinking water supply source(s) within one (1) mile of the mining area; (7-1-09)

(3) All service roads and public roads; (7-1-09)

(4) All buildings and structures within one (1) mile of the mining area; (7-1-09)

(5) All special resource waters within one (1) mile of the mining area; and (7-1-09)

(6) All Clean Water Act Section 303(d) listed streams, and their listed impairments, within one (1) mile of the mining area; (7-1-09)

ix. To the extent such information is available, a description and location of underground mine workings and adits and a description of the structural geology that may influence ground water flow and direction; (7-1-09)

x. Information regarding the relevant factors set forth in Subsection 401.03; and (7-1-09)

xi. A proposed point of compliance, or points of compliance. (7-1-09)

**b.** Within thirty (30) days of receipt of an application, the Department shall issue a written notice to the mine operator indicating: (7-1-09)

i. That the application is complete; or (7-1-09)

ii. That the Department is rejecting the application as incomplete. In such a case, the Department shall provide a list of deficiencies. Upon a determination that the application is incomplete, the Department shall refund one-half (1/2) of the application fee. (7-1-09)

**c.** The Department shall establish the point(s) of compliance within one hundred eighty (180) days after receipt of a complete application unless the Department determines that additional time is necessary due to unusual circumstances. (7-1-09)

**03. Setting the Point(s) of Compliance.** The point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections 401.03.a. through 401.03.h., but in no event shall the point(s) of compliance be within the boundary of the mining area. The mining area boundary means the outermost perimeter of the mining area (projected in the horizontal plane) as it would exist at the completion of the mining activity. The point(s) of compliance shall be set so that, outside the mining area boundary, there is no injury to current or projected future beneficial uses of ground water and there is no violation of water quality standards applicable to any interconnected surface waters. The Department's determination regarding the point(s) of compliance shall be based on an analysis and consideration of all relevant factors including, but not limited to: (7-1-09)

**a.** The hydrogeological characteristics of the mining area and surrounding land, including any dilution characteristics of the aquifer and any natural attenuation supported by site-specific data; (7-1-09)

**b.** The concentration, volume, and physical and chemical characteristics of contaminants resulting

- from the mining activity, including the toxicity and persistence of the contaminants; (7-1-09)
- c. The quantity, quality, and direction of flow of ground water underlying the mining area; (7-1-09)
  - d. The proximity and withdrawal rates of current ground water users; (7-1-09)
  - e. A prediction of projected future beneficial uses; (7-1-09)
  - f. The availability of alternative drinking water supplies; (7-1-09)
  - g. The existing quality of the ground water, including other sources of contamination and their cumulative impacts on the ground water; and (7-1-09)
  - h. Public health, safety, and welfare effects. (7-1-09)

**04. Ground Water Monitoring and Reporting.** The Department shall require ground water monitoring and reporting whenever the Department sets the point(s) of compliance. The Department shall not require ground water monitoring that duplicates ground water monitoring required by other state or federal agencies as long as the mine operator provides the data to the Department. (7-1-09)

- a. A ground water monitoring system required under Subsection 401.04 shall be designed to: (7-1-09)
  - i. Represent the quality of background ground water that has not been affected by the mining activity; and (7-1-09)
  - ii. Represent the quality of ground water passing the point(s) of compliance in order to determine compliance with ground water quality standards or effectiveness of best management practices. (7-1-09)
- b. When practicable, indicator monitoring wells or other devices may be required. Such indicator wells and other devices shall not be used to determine compliance with the ground water quality standards, but instead may be used to evaluate modeling results, to predict the quality of ground water at the point(s) of compliance, or to determine the effectiveness of best management practices. (7-1-09)
- c. All monitoring wells shall be constructed (well depth, well screen size, well screen interval, gravel pack, etc.) and developed so that ground water samples represent the quality of ground water that is relevant to current and future beneficial uses. (7-1-09)

**05. Coordination with Other State or Federal Agencies/Public Notice.** Before setting the point(s) of compliance or requiring ground water monitoring, the Department shall coordinate with and seek recommendations from other state or federal agencies that have regulatory authority over the mining activities. The Department may provide public notice and an opportunity for public comment prior to setting or changing the point(s) of compliance. The Department shall issue a public notice after it sets the point(s) of compliance. (7-1-09)

**06. Limitations.** Section 401 addresses only those contaminants that naturally occur in the mining area ground water or in the surrounding rock or soil and are present in concentrations above the natural background level as a result of mining activities. (7-1-09)

**07. Application of Provisions.** The provisions set out in Section 401 apply to new mining activities or to an expansion of existing mining activities commencing after July 1, 2009. All consent orders, compliance schedules, and other agreements adopted or issued by the Department prior to July 1, 2009 pertaining to ground water protection at mine sites shall remain in full force and effect. (7-1-09)

**08. Change in Point(s) of Compliance/Ground Water Monitoring.** (7-1-09)

- a. A change in the point(s) of compliance may be requested by the mine operator when there is a change in, or new information regarding, the mining activity or any of the factors set forth in Subsection 401.03. A change requested by the mine operator shall include an identification of the new proposed point(s) of compliance, a

description of the cause for the change and any data supporting the change. The mine operator's request shall be handled as an application submitted pursuant to Subsection 401.02.a. and shall be subject to all other provisions of Section 401. (7-1-09)

**b.** The Department may initiate a change in the point(s) of compliance if there is a change in, or new information regarding, the mining activity or any of the factors set forth in Subsection 401.03, and the Department determines that the change is necessary to ensure there is no injury to current or projected future beneficial uses of ground water and no violation of water quality standards applicable to any interconnected surface waters. The Department shall notify the mine operator in writing of the Department's intent to change the point(s) of compliance. The Department shall make its final decision to change the point(s) of compliance within sixty (60) days of the notice to the mine operator unless the Department and the mine operator agree more time is necessary to make the decision. (7-1-09)

**c.** The Department may require additional or new ground water monitoring or indicator wells when the Department changes the point(s) of compliance. The Department may also require additional or different ground water monitoring or indicator wells if the Department determines, based upon a change in or new information regarding the mining activity or any of the factors listed in Subsection 401.03, that the monitoring no longer meets the requirements set forth in Subsection 401.04. The mine operator may also request a change in the monitoring. (7-1-09)

**402. -- 999. (RESERVED)**

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

## **58.01.15 – RULES GOVERNING THE CLEANING OF SEPTIC TANKS**

**DOCKET NO. 58-0115-1901**

### **NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE AND HISTORY NOTES:** The effective date of the temporary rule is June 30, 2019. Traditionally effective dates are published for every subsection, paragraph and subparagraph of a rule. These individualized effective dates provide a rich history for legal scholars and interested members of the public to explore the broader context of each rule. This docket retains these important history notes while establishing the effective date for each chapter to ensure there is no gap with the expiring rules.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given that the Idaho Board of Environmental Quality has adopted a temporary rule. The action is authorized pursuant Chapter 1, Title 39, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the 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 58.01.15, Rules Governing the Cleaning of Septic Tanks

As soon as reasonably possible, DEQ will commence promulgation of a proposed rule in accordance with the rulemaking requirements of Chapter 52, Title 67, Idaho Code.

More information regarding this rule docket is available at [www.deq.idaho.gov/58-0115-1901](http://www.deq.idaho.gov/58-0115-1901).

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. The Department of Environmental Quality (DEQ) would not be able to fulfill its statutory obligations without these rules. These rules are central to DEQ's mission to protect human health and the quality of Idaho's air, land, and water.

**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.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rules, contact the undersigned.

Dated this 3rd day of July, 2019.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton/Boise, Idaho 83706-1255  
(208)373-0418/Fax No. (208)373-0481  
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**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 58-0115-1901**

**IDAPA 58**  
**TITLE 01**  
**CHAPTER 15**

**58.01.15 – RULES GOVERNING THE CLEANING OF SEPTIC TANKS**

**000. (RESERVED)**

**001. LEGAL AUTHORITY.**

Title 39, Chapter 1, Idaho Code, grants authority to the Board of Environmental Quality to adopt rules, regulations and standards to protect the environment and the health of the State and for the issuance of pollution source permits. Title 39, Chapter 1, Idaho Code, 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 him to issue pollution source permits. (12-31-91)

**002. TITLE AND SCOPE.**

**01. Title.** These rules are titled IDAPA 58.01.15, “Rules Governing the Cleaning of Septic Tanks.” (12-31-91)

**02. Scope.** The provisions of these rules establish general requirements for the handling, transportation and disposal of septic tank wastes and for obtaining a septic tank pumping permit. (12-31-91)

**003. 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)

**004. 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 004.01.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)

**005. -- 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 9, Chapter 3, 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)

**998. -- 999.**



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

## **58.01.17 – RECYCLED WATER RULES**

### **DOCKET NO. 58-0117-1901**

#### **NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE AND HISTORY NOTES:** The effective date of the temporary rule is June 30, 2019. Traditionally effective dates are published for every subsection, paragraph and subparagraph of a rule. These individualized effective dates provide a rich history for legal scholars and interested members of the public to explore the broader context of each rule. This docket retains these important history notes while establishing the effective date for each chapter to ensure there is no gap with the expiring rules.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given that the Idaho Board of Environmental Quality has adopted a temporary rule. The action is authorized pursuant Chapter 1, Title 39, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the 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

As soon as reasonably possible, DEQ will commence promulgation of a proposed rule in accordance with the rulemaking requirements of Chapter 52, Title 67, Idaho Code.

More information regarding this rule docket is available at [www.deq.idaho.gov/58-0117-1901](http://www.deq.idaho.gov/58-0117-1901).

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. The Department of Environmental Quality (DEQ) would not be able to fulfill its statutory obligations without these rules. These rules are central to DEQ's mission to protect human health and the quality of Idaho's air, land, and water.

**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 temporary rules attached hereto..

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rules, contact the undersigned.

Dated this 3rd day of July, 2019.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton/Boise, Idaho 83706-1255  
(208)373-0418/Fax No. (208)373-0481  
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**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 58-0117-1901**

**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/dwdocuments/Alternative%20Treatment%20Technology%20Report%20for%20RW%2009\\_2014.pdf](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) milligram-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.

<b>TABLE 1 - CLASSIFICATION TABLE</b>					
<b>Classification</b>	<b>Class A</b>	<b>Class B</b>	<b>Class C</b>	<b>Class D</b>	<b>Class E</b>
Oxidized	Yes	Yes	Yes	Yes	No
Clarified	Yes	Yes	No	No	No
Filtered	Yes	Yes	No	No	No
Disinfected	Yes	Yes	Yes	Yes	No

TABLE 1 - CLASSIFICATION TABLE						
Classification		Class A	Class B	Class C	Class D	Class E
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
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	



TABLE 2 - CLASS A AND CLASS B ADDITIONAL REQUIREMENTS		
Classification	Class A	Class B
pH	Between 6.0 and 9.0	
Daily grab samples or continuous monitoring		

(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.

TABLE 3 - RECYCLED WATER USES					
Recycled Water Uses	Class A	Class B	Class C	Class D	Class E
<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 unedible 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
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

<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>
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/environhealth/water/pages/waterrecycling.aspx](http://www.cdph.ca.gov/healthinfo/environhealth/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)**