

Dear Senators SCHROEDER, Bair & Stennett, and  
Representatives RAYBOULD, Harwood & Elaine Smith:

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

IDAPA 58.01.17 - Rules for the Reclamation & Reuse of Municipal & Industrial

Wastewater (Docket #58-0117-1001);

IDAPA 58.01.02 - Water Quality Standards (Docket #58-0102-1001).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 9-23-10. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 10-22-10.

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

To notify Research and Legislation, call 334-4845, or send a written request to the address or FAX number indicated on the memorandum attached.



# Legislative Services Office Idaho State Legislature

*Serving Idaho's Citizen Legislature*

**Jeff Youtz**  
Director

## MEMORANDUM

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

FROM: Principal Legislative Research Analyst - Katharine Gerrity *KAG*

DATE: September 3, 2010

SUBJECT: Department of Environmental Quality

1. IDAPA 58.01.17 - Rules for the Reclamation & Reuse of Municipal & Industrial Wastewater (Docket #58-0117-1001)
2. IDAPA 58.01.02 - Water Quality Standards (Docket #58-0102-1001)

### **1. IDAPA 58.01.17 - Rules for the Reclamation & Reuse of Municipal & Industrial Wastewater**

The Department of Environmental Quality submits notice of proposed rulemaking at IDAPA 58.01.17 - Rules for the Reclamation & Reuse of Municipal & Industrial Wastewater. According to the Department, it has determined that Class A and Class B reclaimed wastewater are highly treated effluents and existing nomenclature and requirements may be too strict. The Department notes that the rule will add language to allow for time extension of reuse permits under certain conditions in order to reduce permit processing times, clarifies current rule language, reduces redundancy with other rules and will increase efficiency.

The Department states that the rule also addresses frequency of total coliform sampling, recycled water uses, pipe identification and signage, distribution pipeline requirements, nutrient removal requirements and reliability and redundancy requirements. According to the Department, the rule also revises language for permit modifications, adds language for rapid infiltration systems and subsurface design, construction and discharge requirements, adds language for industrial recycled water permit requirements, adds language to establish the mechanism for reuse permit transfer and for temporary cessation or closure of operations, adds language to allow for continuation of expiring reuse permits under certain conditions, and sets the duration of a reuse permit for a fixed term of not more than ten years. Negotiated rulemaking was conducted.

The Department indicates that the proposed changes are not broader in scope or more stringent than federal law or regulations in that there is no federal law or regulation that is comparable to the rules. The Department also states that the rulemaking does revise rules and standards necessary to protect human health and the environment. As such, the Department provided additional information in its notice.

**Mike Nugent, Manager**  
Research & Legislation

**Cathy Holland-Smith, Manager**  
Budget & Policy Analysis

**Don H. Berg, Manager**  
Legislative Audits

**Glenn Harris, Manager**  
Information Technology

According to the Department, the rule changes were initiated for clarification purposes rather than for scientific reasons and will facilitate more efficient implementation of the rule, thereby reducing the economic burden on the regulated community. The Department goes on to provide that the changes to the rule will improve upon the administrative process to determine the permit conditions for municipal and industrial wastewater reuse facilities. The Department also notes that the changes are not based upon any analysis of risk to specific populations or receptors, but rather improve the permitting process necessary to minimize risk to human health and the environment posed by permitted reuse facilities.

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

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

The Department of Environmental Quality submits notice of proposed rulemaking at IDAPA 58.01.02 - Water Quality Standards. According to the Department, the Clean Water Act requires Idaho to protect existing uses of all state waters and to protect high quality waters from degradation that, upon public review, is not necessary and important. The Department states that federal law requires the state to have both an antidegradation policy as well as methods to implement the policy. Idaho's rules provide a policy, but no procedures on how to implement the policy. The Department also states that in September of 2009, the EPA was given a 60-day notice of intent to sue by the Idaho Conservation League over EPA's failure, in oversight of Idaho's water quality rules, to require Idaho to identify an implementation procedure. The Department indicates that it initiated negotiated rulemaking in an effort to forestall the pending legal action. The Department states that if Idaho does not act, the EPA may be forced to act, resulting in a federal rule requiring antidegradation review.

The Department indicates that the standards included in this proposed rule are not broader in scope, nor more stringent, than federal regulations and do not regulate an activity not regulated by the federal government.

There is a fiscal impact associated with this rule. Implementation is estimated to require 1.6 FTE Department staff time at a cost of approximately \$145,000. In addition, one time startup costs for staff training are estimated to be about \$16,500. The Department notes that its strategy at this time would be for the regional office surface water quality staff assigned to conduct CWA Section 401 Water Quality Certifications to implement the antidegradation rules in coordination with a state office water quality standards staff person. The Department indicates that existing surface water quality work, such as monitoring and assessments, will be reduced to shift duties to antidegradation review and analysis.

The proposed rule appears to be authorized by Sections 39-105, 39-107, and 39-3601 et. seq., Idaho Code.

cc: Department of Environmental Quality  
Paula J. Wilson  
Olga Cuzmanov  
Don Essig

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.17 - RULES FOR THE RECLAMATION AND REUSE OF MUNICIPAL AND INDUSTRIAL WASTEWATER

DOCKET NO. 58-0117-1001

#### NOTICE OF RULEMAKING - PROPOSED RULE

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

**PUBLIC HEARING SCHEDULE:** No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency.

Written requests for a hearing must be received by the undersigned on or before September 15, 2010. If no such written request is received, a public hearing will not be held.

**DESCRIPTIVE SUMMARY:** This rulemaking is necessary because DEQ has determined that Class A and Class B reclaimed wastewater are highly treated effluents and existing nomenclature and requirements may be too strict. Also, this rulemaking will add language to allow for time extension of reuse permits under certain conditions in order to reduce permit processing times. Other anticipated revisions will clarify current rule language, reduce redundancy with other rules, and increase efficiency.

The proposed rule includes the following:

1. Revise name of rule chapter to "Recycled Water Rules";
2. Revise and add definitions;
3. Revise and renumber Section 401, Plan and Specification Review (moved to Section 606);
4. Revise Sections 600 and 601 to address frequency of total coliform sampling, recycled water uses, pipe identification and signage, distribution pipelines requirements, nutrient removal requirements, reliability and redundancy requirements;
5. Revise and renumber Section 602, Demonstration of Technical, Financial, and Managerial Capacity of Municipal Reuse Facility (moved to Section 612);
6. Revise language for permit modifications and provide examples of minor and major modifications;
7. Add language for rapid infiltration systems and subsurface design, construction and discharge requirements;
8. Add language for industrial recycled water permit requirements and permit content;
9. Add language to establish the mechanism for a reuse permit transfer and for temporary cessation or closure of operations; and
10. Add language to allow for continuation of expiring reuse permits under certain conditions and set the duration of a reuse permit for a fixed term of not more than ten (10) years.

This proposed rule also includes other revisions identified during the negotiated rulemaking process as necessary for maintaining consistency within this rule chapter and with other DEQ rule chapters.

Idaho Association of Commerce & Industry, Idaho Council on Industry & the Environment, Idaho Association of Cities, consulting engineers, existing and potential permittees, and the development community may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed. Please note, however, that while portions of Section 600 and entire Section 601 have been struck out, the majority of the struck out rule text has been revised, reorganized and inserted as underlined rule text into new sections of the proposed rule.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality at the November 2010 Board meeting for adoption as a pending rule. The rule is expected to be final and effective upon the adjournment of the 2011 legislative session if adopted by the Board and approved by the Legislature.

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

This proposed rule incorporates the American Water Works Association (AWWA) Standards by reference. Incorporation by reference is necessary because publication of the AWWA Standards in the rule would be unduly cumbersome and expensive. Information for obtaining the AWWA Standards is included in the proposed rule.

**NEGOTIATED RULEMAKING:** The text of the proposed rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Idaho Code Section 67-5220 and IDAPA 58.01.23.810-815. On April 7, 2010, the Notice of Negotiated Rulemaking was published in the [Idaho Administrative Bulletin, Vol. 10-4, pages 28 and 29](#), and a preliminary draft negotiated rule was made available for public review. Meetings were held on April 27, May 27, and June 22, 2010. Several members of the public participated in this negotiated rulemaking process by attending the meetings and by submitting written comments. A record of the negotiated rule drafts, written comments received, and documents distributed during the negotiated rulemaking process is available at [http://www.deq.idaho.gov/rules/waste\\_water/58\\_0117\\_1001\\_proposed.cfm](http://www.deq.idaho.gov/rules/waste_water/58_0117_1001_proposed.cfm).

**IDAHO CODE SECTION 39-107D STATEMENT:** Section 39-107D, Idaho Code, provides that DEQ must meet certain requirements when it formulates and recommends rules which are broader in scope or more stringent than federal law or regulations, or which propose to regulate an activity not regulated by the federal government. There is no federal law or regulation that is comparable to the Rules for the Reclamation and Reuse of Municipal and Industrial Wastewater. Therefore, the proposed changes to these rules are not broader in scope or more stringent than federal law or regulations.

This rulemaking does revise rules and standards necessary to protect human health and the environment. The following is a summary of additional information required by Sections 39-107D(3) and (4), Idaho Code. Information relating to Section 39-107D(2) has also been provided.

**Section 39-107D(2)(a), Idaho Code. To the degree that a department action is based on science, the department shall utilize the best available peer reviewed science and supporting studies conducted in accordance with sound objective scientific practices.**

The proposed rule changes were initiated for clarification purposes rather than for scientific reasons. By clarifying the language in the Rules for the Reclamation and Reuse of Municipal and Industrial Wastewater, DEQ is facilitating more efficient implementation of the rule, thereby reducing the economic burden on the regulated community. Improved rules also allow the public to better understand the requirements imposed on the regulated community to protect human health and the environment. Specifically, the changes to the rule improve upon the administrative process to determine the permit conditions for municipal and industrial wastewater reuse facilities. The administrative improvements in the rule are not based on science. DEQ has, however, relied upon its experience dealing with reuse activities in drafting the proposed changes to the rule.

**Section 39-107D(2)(b), Idaho Code. To the degree that a department action is based on science, the department shall utilize data collected by accepted methods or best available methods if the reliability of the method and the nature of the decision justifies use of the data.**

This provision is not applicable because the proposed rule changes are for the purpose of clarifying existing rule language. Please see explanation above.

**Section 39-107D(3), Idaho Code. Any proposed rule subject to this section which proposes a standard necessary to protect human health and the environment shall also include in the rulemaking record requirements under chapter 52, title 67, Idaho Code, the following additional information:**

- a. Identification of each population or receptor addressed by an estimate of public health effects or environmental effects;
- b. Identification of the expected risk or central estimate of risk for the specific population or receptor;
- c. Identification of each appropriate upper bound or lower bound estimate of risk;
- d. Identification of each significant uncertainty identified in the process of the assessment of public health effects or environmental effects and any studies that would assist in resolving the uncertainty; and
- e. Identification of studies known to the department that support, are directly relevant to, or fail to

**support any estimate of public health effects or environmental effects and the methodology used to reconcile inconsistencies in the data.**

The proposed changes to the rule improve upon the administrative process to determine the permit conditions for municipal and industrial wastewater reuse facilities in order to protect human health and the environment. The rule changes proposed in this rulemaking are not based upon any analysis of risk to specific populations or receptors, but rather improve upon the permitting process necessary to minimize risk to human health and the environment posed by permitted reuse facilities. Therefore, DEQ has no additional information relevant to this rulemaking pursuant to Section 39-107D(3).

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

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on questions concerning the negotiated rulemaking, contact Olga Cuzmanov at [olga.cuzmanov@deq.idaho.gov](mailto:olga.cuzmanov@deq.idaho.gov), (208)373-0449.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before September 29, 2010.

Dated this 30th day of July, 2010.

Paula J. Wilson  
Environmental Quality Section  
Attorney General's Office  
1410 N. Hilton  
Boise, Idaho 83706-1255  
(208)373-0418/Fax No. (208)373-0481  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

---

**THE FOLLOWING IS THE PROPOSED RULE TEXT FOR DOCKET NO. 58-0117-1001**

**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. (4-1-88)( )

**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, "Rules for the Reclamation and Reuse of Municipal and Industrial Wastewater Recycled Water Rules." (4-11-06)( )

**02. Scope.** These rules establish the procedures and requirements for the issuance and maintenance of pollution source permits for ~~reclamation and~~ reuse facilities, ~~including permits for the treatment of municipal~~

~~wastewaters for other reuse purposes as defined in Subsection 600.07, Direct Use of Municipal Reclaimed Wastewater also referred to in these rules as "reuse permits."~~ (4-11-06)(\_\_\_\_)

**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, <http://apps.awwa.org/ebusmain/OnlineStore.aspx>. (\_\_\_\_)

~~01- General. Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 003.02 shall constitute the full adoption by reference.~~ (4-6-05)

~~02- Documents Incorporated by Reference. The following documents are incorporated by reference into these rules:~~ (4-6-05)

~~a- IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Section 542, as codified in the 2007 Idaho Administrative Code.~~ (3-30-07)

~~b- IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Section 543, as codified in the 2007 Idaho Administrative Code.~~ (3-30-07)

~~03- Availability of Documents Incorporated by Reference. Copies of the documents incorporated by reference are available at the following locations.~~ (4-6-05)

~~a- Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706 1255, [www.deq.idaho.gov](http://www.deq.idaho.gov).~~ (4-11-06)

~~b- Idaho Administrative Rules website, <http://www.state.id.us/adm/adminrules/agyindex.htm>.~~ (4-6-05)

**(BREAK IN CONTINUITY OF SECTIONS)**

**008. REFERENCED MATERIALS.**

**01. Idaho Guidance for ~~the Reclamation and Reuse of Municipal and Industrial Wastewater~~ 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 ~~reclamation and~~ reuse facilities. Copies of the document are available at the Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, [http://www.deq.idaho.gov/water/permits\\_forms/permitting/guidance.cfm](http://www.deq.idaho.gov/water/permits_forms/permitting/guidance.cfm). (3-30-07)(\_\_\_\_)

**02. ~~Idaho Wastewater Rules, IDAPA 58.01.16.~~ Administrative Rules of the Department of Environmental Quality.** The following administrative rules of the Department of Environmental Quality are referenced in these rules and are available at <http://adm.idaho.gov/adminrules/rules/idapa58/58index.htm>. (3-30-07)(\_\_\_\_)

**a. IDAPA 58.01.02, "Water Quality Standards."** (\_\_\_\_)

**b. IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules."** (\_\_\_\_)

**c. IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems."** (\_\_\_\_)

- d. IDAPA 58.01.11, "Ground Water Quality Rule." ( )
- e. IDAPA 58.01.16, "Wastewater Rules." ( )

**03. Treatment Technology Report for Recycled Water.** The State of California ~~Department of Health Services~~ Treatment Technology Report for Recycled Water, <http://www.dhs.ca.gov/ps/ddwem/publications/waterrecycling/treatmenttechnology.pdf> [www.cdph.ca.gov/healthinfo/environhealth/water/pages/waterrecycling.aspx](http://www.cdph.ca.gov/healthinfo/environhealth/water/pages/waterrecycling.aspx). (3-30-07)( )

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

**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, <http://apps.awwa.org/EbusMain/Default.aspx?TabId=55&ProductID=6713>. ( )

**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. ( )

009. -- 099. (RESERVED).

**100. APPLICABILITY.**

**01. Applicability to ~~Reclamation and~~ Reuse Facilities.** All ~~reclamation and~~ non-excluded reuse facilities are subject to the ~~permit~~ requirements of these rules. (4-11-06)( )

**02. Excluded Facilities.** ( )

**a.** Land application of wastewater from livestock truck washing facilities, feedlots, dairies and mining are excluded from permit requirements under these rules ~~but are subject to Idaho Department of Environmental Quality Rules, IDAPA 58.01.16, "Wastewater Rules."~~ ( )

**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: ( )

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

**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 ( )

**iii.** Public access to the area of landscape irrigation is restricted. ( )

**c.** The Director may exclude other facilities if covered adequately by other law. (4-11-06)( )

**03. Reuse Policy.** It is the policy of the Department to promote, where appropriate, the practice of reuse of both municipal and industrial ~~reclaimed wastewater~~ recycled water through the continued creation and implementation of rules and guidance that give permittees various opportunities for new forms of reuse. (4-11-06)( )

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 ~~reclamation and~~ reuse permit. (4-11-06)(\_\_\_\_)
- 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. (\_\_\_\_)
- 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. (\_\_\_\_)
- ~~035. Board.~~ The Idaho ~~State~~ Board of Environmental Quality. (12-31-91)(\_\_\_\_)
- ~~046. Buffer Distances.~~ (4-11-06)
- ~~a. The A specified distances between the an actual point of reuse of reclaimed wastewater recycled water and other uses a land feature or resource use specified in these rules, such as wells, adjoining property, inhabited dwellings, and or other features. Buffer distances are set to:~~ (4-11-06)(\_\_\_\_)
- ~~i. Protect public health by limiting exposure to wastewater and conditions associated with reuse facilities;~~ (4-11-06)
- ~~ii. Protect waters of the state, including surface water, ground water and drinking water supplies; and~~ (4-11-06)
- ~~iii. Help ensure that wastewater is restricted to the reuse facilities.~~ (4-11-06)
- ~~b. In determining buffer distances, the Department will consider, as applicable, the degree of treatment or pretreatment of wastewater; the method of irrigation; physical or vegetative barriers; studies of the content of the wastewater, such as pathogen studies; best management practices; environmental conditions, such as wind speed and direction; and other information relevant to protecting public health and the environment. Further information regarding buffer distances is set forth in The Idaho Guidance for The Reclamation and Reuse of Municipal and Industrial Wastewater.~~ (4-11-06)
- ~~05. Class A Capacity.~~ The capabilities required of a Class A effluent treatment and distribution system in order to achieve and maintain compliance with these rules. (4-6-05)
- ~~06. Class A Effluent Distribution System.~~ The distribution system for Class A effluent as described in these rules. The distribution system does not include any of the collection or treatment portions of the wastewater facility and is not subject to operator licensing requirements of IDAPA 58.01.16, "Wastewater Rules." (4-11-06)
- 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. Idaho Guidance for the Reclamation and Reuse of Municipal and Industrial Wastewater.** This document, and subsequent revisions of this document, provides assistance in applying and interpreting these rules relating to for permitting and operating reclamation and reuse facilities. Copies of the document are available at the

~~Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255 and www.deq.idaho.gov.~~  
**Ground Water Recharge.** The process of adding recycled water to the zone of saturation. (4-11-06)( )

**10. Industrial Wastewater.** ~~Wastewater that is the by-product of any industrial processes including, but not limited to, food processing or food washing~~ All wastewater, treated or untreated, that is not defined as municipal wastewater. (4-11-06)( )

**11. Land Application.** ~~The application of municipal or industrial wastewater to land for the purpose of land treatment.~~ 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. (4-11-06)( )

~~**12. Land Treatment.** The use of land, soil, and crops for treatment of municipal or industrial wastewater.~~ (4-11-06)

**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. ( )

**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. (4-1-88)( )

~~**15. New Activity.** Any significant change in operation or construction of the wastewater treatment system which may impact the waters of the state.~~ (4-1-88)

**16. 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. (4-1-88)( )

**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. ( )

**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. ( )

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

**17. 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. ( )

**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. ( )

**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. ( )

~~1823.~~ **Permit.** Written authorization by the Director to modify, operate, construct, or discharge to a ~~reclamation and~~ reuse facility. (4-11-06)( )

~~1924.~~ **Permittee.** The person to whom the ~~reclamation and~~ reuse permit is issued. (4-11-06)( )

~~205.~~ **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 agency, 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. (4-1-88)( )

~~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. ( )

~~217.~~ **Point of Compliance.** That point in the ~~reclamation and~~ reuse facility where the ~~reclaimed wastewater~~ recycled water must meet the requirements of the permit. ~~There may be~~ A permit may require more than one (1) point of compliance within the facility depending on the constituents to be monitored. (4-11-06)( )

~~28.~~ **Potable Water.** Water suitable for drinking by humans. ( )

~~229.~~ **Primary Effluent.** ~~Raw~~ Wastewater that has been mechanically treated by screening, degritting, sedimentation and/or skimming processes to remove substantially all floatable and settleable solids. (4-1-88)( )

~~230.~~ **Processed Food Crop.** Any crop intended for human consumption that has been changed from its original form and further disinfection occurs. (4-1-88)

~~2431.~~ **Rapid Infiltration System.** ~~A wastewater treatment method by which wastewater is applied to land in an amount of twenty (20) to six hundred (600) feet per year for percolation through the soil. Vegetation is not generally utilized by this method.~~ 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. (4-1-88)( )

~~2532.~~ **Raw Food Crop.** Any crop intended for human consumption which is to be used in its original form. (4-1-88)

~~26.~~ **Reclaimed Wastewater.** ~~For the purpose of these rules, the term reclaimed wastewater shall mean wastewater that is used in accordance with these rules.~~ (4-11-06)

~~33.~~ **Recycled Water.** Water that has been treated by a wastewater treatment system and is used in accordance with these rules. ( )

~~2734.~~ **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. ~~A lesser buffer distance may be accepted if aerosol drift is reduced.~~ (4-11-06)( )

~~28.~~ **Reclamation.** ~~The treatment of municipal or industrial wastewater that allows it to be reused for beneficial uses. Reclamation also includes land treatment for wastewater that utilizes soil or crops for partial treatment.~~ (4-11-06)

~~2935.~~ **Reuse.** The use of ~~reclaimed wastewater~~ recycled water for ~~beneficial uses including, but not limited to, land treatment, irrigation, aquifer ground water recharge, use in surface water features, landscape impoundments,~~ toilet flushing in commercial buildings, dust control, and other uses. (4-11-06)( )

~~306.~~ **Reclamation and Reuse Facility or Facility.** Any structure or system designed or used for ~~reclamation or~~ 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 ~~reclaimed wastewater~~ recycled water is applied. This does not include industrial in-plant processes and reuse of process waters within the plant. (4-11-06)(\_\_\_\_)

**317. 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. (4-1-88)(\_\_\_\_)

**328. Sludge.** The semi-liquid mass produced and removed by wastewater treatment ~~of water or wastewater~~ process. This does not include grit, garbage, and large solids. (4-1-88)(\_\_\_\_)

**33. ~~Time Distribution of Flows.~~** ~~A measurement of the volume of wastewater distributed over a specified area during a specified time period. Typical unit of measure is inches per acre per week.~~ (4-1-88)

**39. Subsurface Distribution System.** Any system with a point of discharge beneath the earth's surface. (\_\_\_\_)

**340. 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)

**3541. ~~Wastewater.~~** ~~Unless otherwise specified, industrial waste, municipal waste, agricultural waste, and associated solids or combinations of these, whether treated or untreated, together with such water as is present but not including sludge, or non-contact cooling water. 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.~~ (4-1-88)(\_\_\_\_)

**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. (\_\_\_\_)

**3643. 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 reclamation and reuse facility without a valid permit issued by the Director as provided in these rules. (4-11-06)(\_\_\_\_)

**02. ~~Dischargers.~~** ~~No person shall discharge to a reclamation and reuse facility without a valid permit issued by the Director as provided in these rules.~~ (4-11-06)

**032. 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. (4-1-88)(\_\_\_\_)

**04. ~~Application Required.~~** ~~Every person requiring a permit under these rules shall submit a permit application to the Department.~~ (4-1-88)

**a.** ~~At least one hundred eighty (180) days prior to the day on which a new activity is to begin; or~~ (4-11-06)

~~b.~~ *At least one hundred eighty (180) days prior to the expiration of any permit issued pursuant to these rules.* (4-11-06)

**053.** **Application Contents.** ~~Application shall be made on a form prescribed by the Director and available from the Department.~~ Except as provided in Subsection 300.054-l, ~~the~~ an application for a reuse permit shall include, but not be limited to, the following information: (3-30-07)(    )

- 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; (4-1-88)(    )
- 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 ~~and the time distribution of flows;~~ (4-1-88)(    )
- i. The physical, chemical, and biological characteristics of the ~~wastewater~~ recycled water to be used; (4-1-88)(    )

- ~~j.~~ The climatic, hydrogeologic, and soil characteristics of the facility site; ~~(4-1-88)~~(\_\_\_\_)
- ~~k.~~ Description of treatment process and alternatives for disposal of unanticipated excess recycled water that does not meet class specifications; (\_\_\_\_)
- ~~l.~~ Site management plans, including a cropping plan where applicable; (\_\_\_\_)
- ~~m.~~ A statement and supporting documentation demonstrating that the proposed activity shall comply with IDAPA 58.01.11, "Ground Water Quality Rule"; and (\_\_\_\_)
- ~~kn.~~ Any ~~Other~~ information ~~the Department~~ may ~~also be~~ required. The Idaho Guidance for *Reclamation and Reuse of Municipal and Industrial Wastewater Recycled Water* is intended to provide assistance to permit applicants in obtaining a ~~reclamation and~~ reuse permit and may be considered in determining the need for other information. ~~(4-11-06)~~(\_\_\_\_)

~~04.~~ **Permit Application Content Exceptions.** ~~Under certain circumstances for permit reissuances, some information required in renewals may not require one (1) or more of the items listed in Subsections 300.053-a through k. may not be necessary for evaluation and will not be required.~~ Application content requirements for permit renewals will be clarified at the pre-application conference. ~~(3-30-07)~~(\_\_\_\_)

~~065.~~ **Existing Reclamation and Reuse Facility Operation and Maintenance Manual or Plan of Operations.** ~~Any existing reclamation and reuse facility shall be required to have a plan of operation which describes in detail the operation, maintenance, and management of the wastewater treatment system. 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.~~ ~~(4-11-06)~~(\_\_\_\_)

~~07.~~ **New Reclamation and Reuse Facility Plan of Operation.** ~~Any new proposed reclamation and reuse facility shall be required to have a detailed plan of operation at the fifty percent (50%) completion point of construction. In addition, after one (1) year of operation the plan must be updated to reflect actual operating procedures. A general outline of the plan of operation must be provided with the permit application which will satisfy the intent of these rules.~~ ~~(4-11-06)~~

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. (\_\_\_\_)

- ~~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 ~~will~~ shall be the date of the notice; and ~~(4-1-88)~~(\_\_\_\_)
- 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)

**023. 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)

**034. 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)

**045. 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)

**056. 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)

- 067. 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)

**078. 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)

**089. 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.** ( )

**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. ( )

**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. ( )

**~~401. PLAN AND SPECIFICATION REVIEW.~~**

~~The current edition of the "Recommended Standards for Wastewater Facilities—Great Lakes-Upper Mississippi River Board of State Sanitary Engineers," "Idaho Standards for Public Works Construction," and other Department guidance shall be used as guides for the development of plans and specifications for all waste treatment facilities. The~~

*Department may review the project plans and specifications and the permit application materials concurrently. Plans and specifications may require modification prior to a final permit being issued. The Department does not require review of industrial in-plant processes, only those processes that treat or distribute wastewater. (4-11-06)*

~~**01. Requirement for Single Point of Contact Responsible for Entire Wastewater Project.** The Applicant (Permittee) shall designate a single point of contact who is responsible for all submissions to the Department related to the reclamation and reuse facilities. This single point of contact shall be identified in the permit application. (4-11-06)~~

~~**02. Requirement for Preparation of Plans and Specifications.** All plans and specifications for the construction of new sewage systems, sewage treatment plants or systems, other waste treatment or disposal facilities or modification or expansion to same shall be submitted to and approved by the Director before construction can begin in accordance with Chapter 1, Title 39, Idaho Code, and IDAPA 58.01.16, "Wastewater Rules." (4-11-06)~~

~~**03. Requirement for Professional Engineer's Seal.** All plans and specifications for the construction of new sewage systems, sewage treatment plants or systems, other waste treatment or disposal facilities or modification or expansion to same, wherein the public welfare or the safeguarding of life, health, or property is involved, shall bear the seal, signature and date of a registered professional engineer licensed in the state of Idaho in accordance Chapter 12, Title 54, Idaho Code. (4-6-05)~~

~~4021. -- 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. (4-1-88)( )

**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 (4-1-88)( )

**iii.** Steps taken or planned, including timelines, to reduce or eliminate the continuance or recurrence of the noncompliance. (4-1-88)( )

**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." ( )

**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 ~~five ten~~ (~~510~~) years. (4-1-88)

**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)

~~**06. Rapid Infiltration Systems.** The following minimum treatment requirements are established for land application of wastewater using rapid infiltration methods and systems. (4-11-06)~~

~~a. Suspended solids content of wastewater which includes organic and inorganic particulate matter shall not exceed a thirty (30) day average concentration of one hundred (100) mg/l. (4-1-88)~~

~~b. Nitrogen (total as N) content of wastewater shall not exceed a thirty (30) day average concentration of twenty (20) mg/l. (4-1-88)~~

~~**07. Direct Use of Municipal Reclaimed Wastewater.** Treatment requirements for reuse facilities applicable to direct use of municipal reclaimed wastewater include, but are not limited to, the following. The applicable treatment requirements, buffer zones, access restrictions, disinfection requirements, uses, and other requirements are further described in the Classification Table in Subsection 600.08. (3-30-07)~~

~~a. Class A effluent is municipal reclaimed wastewater that may be used under particular circumstances for irrigation, including residential irrigation at individual homes; ground water recharge using~~

~~surface spreading, seepage ponds, or other unlined surface water features; ground water recharge using subsurface distribution; fire suppression from dedicated, marked hydrants and only by trained fire personnel, and not to be used in building sprinkler systems; dust suppression at construction sites; toilet flushing at industrial and commercial sites where only trained maintenance personnel have access to the plumbing for repair; or other uses acceptable to the Department. Class A effluent shall be oxidized, coagulated, clarified, and filtered, or treated by an equivalent process and adequately disinfected. Filtration approval requirements, nutrient removal requirements, turbidity limits requirements, monitoring requirements, reliability and redundancy requirements, and distribution system requirements also apply. Class A treatment systems are required to be pilot tested or otherwise approved by the Department per Subsection 601.04 of these rules. Class A effluent shall be considered adequately disinfected if, at the point of compliance, the median number of total coliform organisms does not exceed two and two-tenths (2.2) per one hundred (100) milliliters, and does not exceed twenty three (23) 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. For ground water recharge using surface spreading, seepage ponds, and other unlined surface water features, IDAPA 58.01.11, "Ground Water Quality Rule," requirements apply. For Class A effluent, analysis shall be based on daily sampling during periods of use. The point of compliance for Class A effluent for total coliform shall be at any point in the system following final treatment and disinfection contact time. It is recommended but not required that the effluent also be disinfected following storage. Class A effluent for residential irrigation shall be applied only during periods of non-use.~~ (3-30-07)

~~**b.** Class B effluent is municipal reclaimed wastewater that may contact any edible portion of raw food crops; may be used to irrigate golf courses, parks, playgrounds, schoolyards and other areas where children are likely to have access or exposure; or may be used for toilet flushing at industrial and commercial sites where only trained maintenance personnel have access to the plumbing for repair. Class B effluent shall be oxidized, coagulated, clarified, and filtered, or treated by an equivalent process and adequately disinfected. New Class B treatment systems are required to be pilot tested and approved by the Department prior to start-up. Class B effluent shall meet the following turbidity limits. The daily arithmetic mean of all daily measurements of turbidity shall not exceed two (2) NTU, and turbidity shall not exceed five (5) NTU at any time. Turbidity shall be measured continuously. The turbidity standard shall be met prior to disinfection. For those systems that have in-line turbidimeters that are operating full-time, no additional monitoring for total suspended solids (TSS) is required. Class B effluent shall be considered adequately disinfected if, at the point of compliance, the median number of total coliform organisms does not exceed two and two-tenths (2.2) per one hundred (100) milliliters, and does not exceed twenty three (23) 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. For Class B effluent, analysis shall be based on daily sampling during periods of application. The point of compliance for Class B effluent for total coliform shall be at any point in the system following final treatment and disinfection contact time. It is recommended but not required that the effluent also be disinfected following storage. Residual chlorine at the point of compliance shall be not less than one (1) mg/L free chlorine after a contact time of thirty (30) minutes at peak flow. If 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 one (1) mg/L free chlorine after thirty (30) minutes contact time. Class B effluent shall be applied only during periods of non-use by the public.~~ (3-30-07)

~~**c.** Class C effluent is municipal reclaimed wastewater that may only contact the inedible portion of raw food crops; may be used to irrigate orchards and vineyards during the fruiting season, if no fruit harvested for raw use comes in contact with the irrigation water or ground or will only contact the inedible portion of raw food crops; may be used to irrigate cemeteries, vegetation on sides and medians of highways, and other areas where individuals have access or exposure; or may be used for toilet flushing at industrial and commercial sites where only trained maintenance personnel have access to the plumbing for repair. Class C effluent shall be oxidized and adequately disinfected. Class C effluent shall be considered adequately disinfected if, at the point of compliance, the median number of total coliform organisms does not exceed twenty three (23) per one hundred (100) milliliters, and does not exceed two hundred thirty (230) per one hundred (100) milliliters in any confirmed sample as determined from the bacteriological results of the last five (5) days for which analyses have been completed. For Class C effluent, analysis shall be based on weekly sampling during periods of application. The point of compliance for Class C effluent for total coliform shall be at any point in the system following final treatment and disinfection contact time. Class C effluent shall be applied only during periods of non-use by the public.~~ (3-30-07)

~~**d.** Class D effluent is municipal reclaimed wastewater that is used to irrigate fodder, seed, or processed food crops and is oxidized and adequately disinfected. Class D effluent shall be considered adequately~~

~~disinfected if, at some location in the treatment process, the median number of total coliform organisms does not exceed two hundred thirty (230) per one hundred (100) milliliters, not to exceed two thousand three hundred (2300) per one hundred (100) milliliters in any confirmed sample, as determined from the bacteriological results of the last three (3) days for which analyses have been completed. For Class D effluent, analysis shall be based on monthly sampling during periods of application. The point of compliance for Class D effluent for total coliform shall be at any point in the system following final treatment and disinfection contact time. Animals shall not be grazed on land where Class D municipal wastewater is applied, and animals shall not be fed harvested vegetation irrigated in this manner within two (2) weeks of application. (4-11-06)~~

~~e. Class E effluent is municipal reclaimed wastewater that is used to irrigate forested sites where public access is restricted and the municipal wastewater shall be of at least primary effluent quality. Animals shall not be grazed on land where Class E municipal wastewater is applied, and animals shall not be fed harvested vegetation irrigated in this manner within four (4) weeks of application. (4-11-06)~~

~~08. **Direct Use of Municipal Reclaimed Wastewater — Classification Table.** The following table provides a brief summary of the requirements for direct use of municipal reclaimed wastewater outlined in Subsection 600.07. If there are discrepancies between Subsections 600.07 and 600.08, the requirements of Subsection 600.07 prevail.~~

<b>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>
<del>Treatment</del>	<del>This is a partial list — see Section 601 for more detail: Oxidized, clarified, and coagulated, with filtration approval requirements or treated by an equivalent process, plus nutrient removal requirements, turbidity limits requirements, adequately disinfected and tested.</del>	<del>Oxidized, coagulated, clarified, and filtered, or treated by an equivalent process, turbidity limits requirements, and adequately disinfected and tested.</del>	<del>Oxidized and adequately disinfected</del>	<del>Oxidized and adequately disinfected</del>	<del>At least primary effluent quality</del>
<del>Disinfection</del>	<del>Total coliform organisms does not exceed two and two tenths (2.2) per one hundred (100) milliliters</del>	<del>Total coliform organisms does not exceed two and two tenths (2.2) per one hundred (100) milliliters</del>	<del>Total coliform organisms does not exceed twenty three (23) per one hundred (100) milliliters</del>	<del>Total coliform organisms does not exceed two hundred thirty (230) per one hundred (100) milliliters</del>	<del>Total coliform organisms up to “too numerous to count”</del>

<b>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>
<i>Uses</i>	<i>May be used for residential irrigation at individual homes; ground-water recharge using surface spreading; seepage ponds or other unlined surface water features; ground-water recharge using subsurface distribution; fire suppression from dedicated, marked hydrants; dust suppression at construction sites; toilet flushing at industrial and commercial sites; or Class B, C, D, or E uses. Other requirements apply for ground water uses. See Subsection 600.07.a.</i>	<i>May contact any edible portion of raw food crops; may be used to irrigate golf courses, parks, playgrounds, schoolyards; may be used for toilet flushing at industrial and commercial sites; or Class C, D, or E uses. See Subsection 600.07.b.</i>	<i>May be used to irrigate orchards and vineyards 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; may be used to irrigate cemeteries or roadside vegetation; may be used for toilet flushing at industrial and commercial sites; or Class D or E uses. See Subsection 600.07.c.</i>	<i>May be used to irrigate fodder, seed, or processed food crops; or Class E uses. See Subsection 600.07.d.</i>	<i>May be used to irrigate forested sites. See Subsection 600.07.e.</i>
<i>Access-Restriction</i>	<i>Irrigated during periods of non-use.</i>	<i>Irrigated during periods of non-use by the public.</i>	<i>Irrigated during periods of non-use by the public.</i>	<i>Public access restricted.</i>	<i>Public access restricted.</i>
<i>Signing and Posting</i>	<i>See Subsection 601.02</i>	<i>Site specific— See Idaho Guidance for The Reclamation and Reuse of Municipal and Industrial Wastewater</i>	<i>Site specific— See Idaho Guidance for The Reclamation and Reuse of Municipal and Industrial Wastewater</i>	<i>Site specific— See Idaho Guidance for The Reclamation and Reuse of Municipal and Industrial Wastewater</i>	<i>Site specific— See Idaho Guidance for The Reclamation and Reuse of Municipal and Industrial Wastewater</i>

<b>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>
<i>Buffer Distances</i>	No effluent is allowed to be applied to surface waters in those circumstances when an NPDES Permit is required. One hundred (100) foot minimum to drinking water wells.	Site specific— See Idaho Guidance for The Reclamation and Reuse of Municipal and Industrial Wastewater. No effluent is allowed to be applied to surface waters in those circumstances when an NPDES Permit is required.	Site specific— See Idaho Guidance for The Reclamation and Reuse of Municipal and Industrial Wastewater. No effluent is allowed to be applied to surface waters in those circumstances when an NPDES Permit is required.	Site specific— See Idaho Guidance for The Reclamation and Reuse of Municipal and Industrial Wastewater. No effluent is allowed to be applied to surface waters in those circumstances when an NPDES Permit is required.	1000 ft. to inhabited dwellings and areas accessible to the public. No effluent is allowed to be applied to surface waters in those circumstances when an NPDES Permit is required.
<i>Grazing</i>	Grazing allowed only with approved grazing management plan.	Grazing allowed only with approved grazing management plan.	Grazing allowed only with approved grazing management plan.	Grazing not allowed.	Grazing not allowed.

(3-30-07)

~~601. CLASS A EFFLUENT MUNICIPAL RECLAIMED WASTEWATER ADDITIONAL REQUIREMENTS.~~

~~01. Engineering Report. Engineering reports and application materials for new Class A effluent municipal reclaimed wastewater systems or major upgrades to Class A effluent municipal reclaimed wastewater systems shall be submitted to the Department with the application and must be approved by the Department prior to permit issuance. The engineering report shall include, but not be limited to, the following items as applicable: purpose; approach; development of alternatives; technical, financial, managerial, and legal issues; emergency response and security; operation and maintenance; consideration of alternatives for disposal of unanticipated excess effluent that does not meet Class specifications; pilot testing; client use issues; potential markets for reclaimed wastewater; potential sources of wastewater; public involvement and perception; targeted markets for reclaimed wastewater; allocation of reclaimed wastewater; preliminary investigations; staff development; treatment system upgrades to meet Class A requirements; distribution system development and schedule; new development infrastructure; reservoir or booster capacity; water balance calculations; costs; applicable regulations; and potential funding sources. This engineering report shall be stamped, dated and signed in accordance with Idaho Board of Registration of Professional Engineers and Professional Land Surveyors, IDAPA 10.01.02, "Rules of Professional Responsibility."~~ (3-30-07)

~~02. Distribution System Requirements. Class A distribution systems and the continued distribution systems of all of its customers shall have specific requirements including, but not limited to:~~ (4-6-05)

~~a. 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. Where Class A effluent is to be provided by pressure pipeline, the following applicable standards shall 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." The above guidance documents shall be used for all new systems constructed after April 1, 2005. Requirements for irrigation systems proposed for conversion from use of non-Class A effluent water to use with Class A effluent will be considered on a case-by-case basis considering protection of public health and the environment.~~ (4-6-05)

~~b. Distribution Lines. (4-6-05)~~

~~i. Minimum Separation. (4-6-05)~~

~~(1) Horizontal Separation. Class A effluent distribution mains parallel to potable (culinary) water mains shall be installed in accordance with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Subsection 542.07. Class A effluent distribution mains parallel to sanitary sewer mains shall be installed at least five (5) feet horizontally from the sanitary sewer main if the sanitary sewer main is located above the Class A effluent main, and three (3) feet horizontally from the sanitary sewer main if the sanitary sewer main is located below the Class A effluent main. (3-30-07)~~

~~(2) Vertical Separation. At crossings of Class A effluent distribution mains with potable water mains and sanitary sewer mains, the order of the mains from lowest in elevation to highest should be: sanitary sewer main, Class A effluent main, and potable water main. A minimum of eighteen (18) inches vertical separation between each of these utilities shall be provided as measured from outside of pipe to outside of pipe. The crossings shall be arranged so that the Class A effluent main joints will be equidistant and as far as possible from the potable water main joints and the sanitary sewer main joints. If the Class A effluent water main must cross above the potable water main, the vertical separation shall be a minimum eighteen (18) inches, the Class A effluent main shall be supported to prevent settling, and the Class A effluent main shall be encased in a continuous pipe sleeve to a distance on each side of the crossing equal to ten (10) feet. If the Class A effluent main must cross below the sanitary sewer main, the vertical separation shall be a minimum eighteen (18) inches and the Class A effluent main shall be encased in a continuous pipe sleeve to a distance on each side of the crossing equal to ten (10) feet. (3-30-07)~~

~~(3) Special Provisions. Where the horizontal and/or vertical separation as required above cannot be maintained, special construction requirements shall be provided in accordance with requirements in IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Section 542, for protection of potable water mains. (3-30-07)~~

~~ii. Class A Effluent Pipe Identification. (4-6-05)~~

~~(1) General. All new buried pipe, including service lines, valves, and other appurtenances, shall be colored purple, Pantone 512 or equivalent. 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: Reclaimed Wastewater—Do Not Drink" in both Spanish and English lettering. (3-30-07)~~

~~(2) Identification Tape. If identification tape is installed along with the purple pipe, it shall be prepared with white or black printing on a purple field, color Pantone 512 or equivalent, having the words, "Caution: Reclaimed Wastewater—Do Not Drink" in both Spanish and English lettering. 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. (3-30-07)~~

~~iii. Conversion of Existing Drinking Water or Irrigation Water Lines. Existing water lines that are being converted to use with Class A effluent or a combination of Class A effluent and irrigation water shall first be accurately located and comply with leak test standards in accordance with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Section 542, and in coordination with the Department. The pipeline must be physically disconnected from any potable water lines and brought into compliance with current state cross connection rules and requirements (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 effluent~~

~~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 wastewater effluent line, the lines shall be marked as stated in Subsection 601.02.b.ii.(2) of these rules.~~  
(3-30-07)

~~iv. 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 "Reclaimed Wastewater." Valve boxes shall meet the requirements of IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Section 542. All above ground pipes and pumps shall be consistently color coded (purple, Pantone 512) and marked to differentiate Class A effluent facilities from potable water facilities.~~  
(3-30-07)

~~v. 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.~~  
(4-6-05)

~~e. Storage. If storage or impoundment of Class A effluent is provided, the following requirements apply:~~  
(4-6-05)

~~i. Fencing. No fencing is required by these rules, but may be required by local laws or ordinances.~~  
(4-6-05)

~~ii. Identification. All storage facilities shall be identified by signs prepared according to the requirements of Subsection 601.02.e.v. of these rules. Signs shall be posted on the surrounding fence at minimum five hundred (500) foot intervals and at the entrance of each facility. If there is no fence, signs shall be located at a minimum on each side of the facility or at minimum two hundred fifty (250) foot intervals or at all accessible points.~~  
(4-6-05)

~~iii. For systems supplying irrigation water for residential lawn irrigation, minimum storage requirements shall include sufficient volume for daily use patterns, precipitation events, etc., and an alternate disposal point during non-irrigation season.~~  
(4-6-05)

~~d. Pumping Facilities.~~  
(4-6-05)

~~i. Marking. All exposed and above ground piping, risers, fittings, pumps, valves, etc., shall be painted purple, Pantone 512. In addition, all piping shall be identified using an accepted means of labeling reading "Warning: Reclaimed Wastewater - Do Not Drink" in both Spanish and English lettering. In a fenced pump station area, signs shall be posted on the fence on all sides.~~  
(3-30-07)

~~ii. Seal Water. Any potable water used as seal water for reclaimed water pump seals shall be protected from backflow with a Department approved backflow prevention device or air gap.~~  
(4-6-05)

~~e. Other Requirements.~~  
(4-6-05)

~~i. Backflow Protection. In no case shall a direct connection be made between the potable and Class A effluent system. If it is necessary to put potable water into the Class A effluent distribution system, a Department approved reduced pressure principal device or air gap must be provided to protect the potable water system.~~  
(4-6-05)

~~ii. Drinking fountains, picnic tables, food establishments, and other public eating facilities shall be placed out of any spray irrigation area in which Class A effluent is used, or shall be otherwise protected from contact with the Class A effluent. 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.~~  
(4-6-05)

~~iii. 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 Class A effluent 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 Class A effluent or potable water. (4-6-05)~~

~~iv. 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, "Warning: Reclaimed Wastewater - Do Not Drink" in both Spanish and English lettering. (3-30-07)~~

~~v. Warning signs. Where reclaimed 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 or equivalent) 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, "Warning: Reclaimed Wastewater - Do Not Drink" in both Spanish and English lettering. (3-30-07)~~

~~03. Other Permits Addressed as Necessary. The following other permits may be necessary for a particular facility but are not regulated under these rules: (4-6-05)~~

~~a. NPDES permits from the Environmental Protection Agency for surface water discharge. (4-6-05)~~

~~b. Injection well permits from Idaho Department of Water Resources. (4-6-05)~~

~~04. Filtration Technology. (3-30-07)~~

~~a. Filtration Technology Acceptance Requirements. All Class A effluent projects in Idaho must have written acceptance from the Department for their proposed filtration technology prior to submitting plans and specifications for approval. Except as provided in Subsections 601.04.b.i and 601.04.b.ii., the following approaches are methods by which this written acceptance may be obtained from the Department. Consultants and vendors shall submit written requests with accompanying product information to the Department's State Office Wastewater Program. (3-30-07)~~

~~i. Department acceptance based on previous similar projects in Idaho. (3-30-07)~~

~~ii. National approval by National Reuse Association, Water Environment Federation Research Foundation, NSF International, or other organization accepted by the Department. (3-30-07)~~

~~iii. The State of California Department of Health Services Treatment Technology Report for Recycled Water, <http://www.dhs.ca.gov/ps/ddwem/publications/waterrecycling/treatmenttechnology.pdf>. (3-30-07)~~

~~iv. Other methods accepted by the Department, including pilot testing. (3-30-07)~~

~~b. Filter Loading, Coagulation, and Acceptance Requirements. (3-30-07)~~

~~i. For mono, dual or mixed media gravity or pressure filtration systems, influent shall be coagulated, clarified and passed through an undisturbed bed of soils or filter media at a rate not to exceed five (5) gallons per minute per square foot. For traveling bridge automatic backwash filters, influent shall be coagulated, clarified and passed through an undisturbed bed of soils or filter media at a rate not to exceed two (2) gallons per minute per square foot. Coagulation may be waived if all of following are met: the filter effluent does not exceed two (2) NTU, the filter influent is continuously measured, the filter influent turbidity does not exceed five (5) NTU, and automatically activated chemical addition or diversion facilities are provided in the event filter effluent turbidity exceeds five (5) NTU. (3-30-07)~~

~~ii. Gravity or pressure filters as described in Subsection 601.04.b.i. are recognized as being acceptable filtration processes under these rules. (3-30-07)~~

~~iii. Other granular media filters that have a continuous backwash feature, pulsed bed feature, or other feature that, in the determination of the Department, does not comply with Subsection 601.04.b.i.; membrane filters;~~

~~or cloth filters must obtain acceptance in accordance with Subsection 601.04.a. (3-30-07)~~

~~**05. Nutrient Removal Requirements.** 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 systems, based on a monthly arithmetic mean as determined from weekly composite sampling. These limits may be much lower depending on the results of any applicable nutrient pathogen studies that may be required. (4-11-06)~~

~~**06. Turbidity Requirements and Disinfection Requirements.** (3-30-07)~~

~~**a.** One (1) in-line, continuously monitoring, recording turbidimeter is required for each treatment train after filtration and prior to disinfection. (3-30-07)~~

~~**b.** Class A effluent shall meet the following turbidity limits. For systems utilizing sand or other granular media or cloth media, the daily arithmetic mean of all daily measurements of turbidity shall not exceed two (2) NTU, and turbidity shall not exceed five (5) NTU at any time. For systems utilizing membrane filtration, the daily arithmetic mean of all daily 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. (3-30-07)~~

~~**e.** Class A effluent shall be disinfected by either: (3-30-07)~~

~~**i.** 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 with a modal contact time of not less than ninety (90) minutes based on peak day dry weather flow; or (3-30-07)~~

~~**ii.** A disinfection process that, when combined with filtration, has been demonstrated to achieve 5-log inactivation of virus. Acceptance by the State of California Department of Health Services as published in their Treatment Technology Report for Recycled Water is one method to constitute such a demonstration. (3-30-07)~~

~~**07. Reliability and Redundancy Requirements.** (4-6-05)~~

~~**a.** Redundant Treatment Capabilities. (3-30-07)~~

~~**i.** Class A treatment systems shall have redundant treatment capabilities able to treat peak day flow; Class A treatment systems shall also provide for: (3-30-07)~~

~~(1) An alternative disposal option; or (3-30-07)~~

~~(2) Diversion to adequate lined storage capable of storing seven (7) days of effluent; or (3-30-07)~~

~~(3) Equivalent back-up system. (3-30-07)~~

~~**ii.** Each of these three (3) alternatives 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. Peak flow is defined for the purpose of Subsection 601.07 to mean the peak day flow of the plant anticipated for the season in which Class A effluent is being produced. 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. (3-30-07)~~

~~**b.** Redundant facilities, including, but not limited to, monitoring equipment and treatment trains shall be required. (4-6-05)~~

~~**e.** Standby Power sufficient to maintain all treatment and distribution works shall be required for the Class A effluent use. An alternative to this is to provide standby power sufficient for basic treatment and for automatic bypass of filtration directly to an alternative permitted disposal option. (3-30-07)~~

~~d. Standby treatment filter units in fully operable condition capable of treating peak flow, with the largest filter unit out of service, shall be plumbed and wired in place for immediate use. Peak flow is defined for the purpose of this rule to mean the peak day flow of the plant anticipated for the season in which Class A effluent is being produced. An alternative to this is automatic by-pass of filtration directly to an alternative permitted disposal option. (3-30-07)~~

~~08. Other Class A Effluent Requirements. (4-6-05)~~

~~a. Minimum treatment system size shall be ten thousand (10,000) gallons per day of wastewater flow being treated. (4-11-06)~~

~~b. 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. (3-30-07)~~

~~e. 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) inclusive. (4-11-06)~~

~~d. For any type of ground water recharge system, the Class A effluent must also meet ground water quality standards per IDAPA 58.01.11, "Ground Water Quality Rule," at the point of compliance, and comply with the remaining sections of the "Ground Water Quality Rule." For these types of ground water recharge systems utilizing Class A effluent municipal reclaimed wastewater, the applicant shall propose to the Department for review and approval, the applicable testing requirements for the effluent as it relates to the primary and secondary ground water standards, as well as background ground water quality. Ground water recharge site locations shall be a minimum of one thousand (1000) feet from any down gradient drinking water extraction well and shall also provide for a minimum of six (6) months time of travel in the aquifer prior to withdrawal. The minimum requirements for site location and aquifer storage time may also be greater depending on 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. The Idaho Department of Water Resources requires additional permits for ground water injection wells. (4-11-06)~~

~~e. A filter to waste operational criteria is required for all Class A effluent filtration facilities for each time a filter starts up. The filter will automatically filter to waste until the effluent meets the required turbidity standard. (4-6-05)~~

~~f. Additional information in the form of reports by qualified soil scientists, professional geologists, professional engineers, or other qualified individuals relating to environmental assessments, nutrient management plans, or water rights issues shall be submitted to the Department at the pre application conference or with the application and must be approved by the Department prior to permit issuance. (4-6-05)~~

~~g. Requirements for Class A effluent distribution system operators. All operators of Class A effluent distribution systems, including operators of distribution systems that utilize a combination of Class A effluent 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 effluent for subsequent use, including home occupants, shall be required to sign a utility user agreement provided by the utility providing the Class A effluent that states that the user acknowledges that the user understands the origin of the effluent and the concept of agronomic rate for applying the Class A effluent. Contracts for sale of Class A effluent for subsequent use shall also include these requirements. Individual homeowners are allowed to operate or maintain Class A effluent distribution systems. Providers of the Class A effluent shall undertake a public education program within its service area to teach potential customers the benefits and responsibilities of using Class A effluent (3-30-07)~~

~~h. Requirements for mixing Class A effluent with other irrigation waters. Mixing Class A effluent 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 effluent may be mixed with other irrigation water in an unlined pond if the Class A effluent is permitted for aquifer recharge. Class A effluent that is permitted for irrigation only and not aquifer 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. If any of the water from these mixed ponds ultimately discharges to a canal, drain or other surface water, an NPDES permit may be required due to the presence of effluent in the mixed water. A downstream water user does not need a permit under these rules when mixed effluent/irrigation water is used after it is discharged, in accordance with these rules, to a canal, drain or other surface water.~~ (3-30-07)

~~**602. DEMONSTRATION OF TECHNICAL, FINANCIAL, AND MANAGERIAL CAPACITY OF CLASS A EFFLUENT RECLAIMED WASTEWATER SYSTEMS.**~~

~~No person shall proceed, or cause to proceed, with construction of a new class A effluent reclaimed wastewater system until it has been demonstrated to the Department that the new Class A effluent reclaimed wastewater system will have adequate technical, financial, and managerial capacity. Demonstration of capacity shall be submitted to the Department prior to or concurrent with the submittal of plans and specifications, as required in Section 39-118, Idaho Code, and Subsection 601.02.a. of these rules. The Applicant must obtain Department approval of the new system capacity demonstration prior to permit issuance and construction.~~ (4-6-05)

~~**01. Technical Capacity.** In order to meet this requirement, the Class A effluent reclaimed wastewater system shall submit documentation to demonstrate the following:~~ (4-6-05)

~~**a.** The system meets the relevant design, construction, operating and maintenance requirements of these rules;~~ (4-6-05)

~~**b.** The system has an adequate and consistent source of wastewater;~~ (4-6-05)

~~**c.** A security plan is in place to protect the wastewater source and deal with emergencies;~~ (4-6-05)

~~**d.** The system has trained personnel with an understanding of the technical and operational characteristics of the system;~~ (4-6-05)

~~**e.** A plan for cross connection control;~~ (4-6-05)

~~**f.** Procedures for emergency response; and~~ (4-6-05)

~~**g.** Quality assurance and quality control plans.~~ (4-6-05)

~~**02. Financial Capacity.** A demonstration of financial capacity must include, but is not limited to, the following information:~~ (4-6-05)

~~**a.** Documentation that organizational and financial arrangements are adequate to construct and operate the Class A effluent reclaimed wastewater distribution system in accordance with these rules. This information can be provided by submitting estimated construction, operation, and maintenance costs, letters of credit, or other access to financial capital through public or private sources and, if available, a certified financial statement;~~ (4-6-05)

~~**b.** Demonstration of revenue sufficiency that includes, but is not limited to, billing and collection procedures, a proposed rate structure which is affordable and ensures availability of operating funds, revenues for depreciation and reserves, and the ability to accrue a capital replacement fund. A preliminary operating budget shall be provided;~~ (4-6-05)

~~**c.** Adequate fiscal controls shall be demonstrated; and~~ (4-6-05)

~~**d.** Equipment inventory controls shall be in place.~~ (4-6-05)

~~**03. Managerial Capacity.** In order to demonstrate adequate managerial capacity, the owner and/or operator of a new Class A effluent reclaimed wastewater system shall submit at least the following information to the Department:~~ (4-6-05)

~~**a.** Clear documentation of legal ownership of the Class A effluent reclaimed wastewater system,~~

~~including collection, treatment and effluent distribution systems, and any plans that may exist for transfer of that ownership on completion of construction or after a period of operation;~~ (4-6-05)

~~b. The name, address, and telephone number of the person who will be accountable for ensuring that the Class A effluent reclaimed wastewater system is in compliance with these rules;~~ (4-6-05)

~~c. The name, address, and telephone number of the system operator;~~ (4-6-05)

~~d. A description of the manner in which the wastewater system will be managed. By laws, restrictive covenants, articles of incorporation, or procedures and policy manuals which describe the management organization structure are a means of providing this information;~~ (4-6-05)

~~e. Personnel management policies and a description of staffing, including training, experience, certification or licensing, and continuing education completed by the Class A effluent reclaimed wastewater system staff;~~ (4-6-05)

~~f. An explanation of how the wastewater system operators will establish and maintain effective communications and relationships between the wastewater system management, its customers, professional service providers, and any applicable regulatory agencies; and~~ (4-6-05)

~~g. Evidence of short-term and long-term planning for future growth, equipment repair and maintenance, and long-term replacement of system components.~~ (4-6-05)

~~04. Consolidation. In demonstrating new system capacity, the owner of the proposed new Class A effluent reclaimed wastewater system shall investigate the feasibility of obtaining water service from an established public water system. If such service is available, but the owner elects to proceed with an independent system, the owner shall explain why this choice is in the public interest in terms of environmental protection, affordability to water users, and protection of public health.~~ (4-6-05)

~~05. Exclusion. New Class A effluent reclaimed wastewater 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, shall meet the regulatory requirements of the Idaho Public Utilities Commission (IPUC) in Chapter 1, Title 61, Idaho Code, Public Utilities Law, and IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission." Such wastewater systems shall not be required to meet any requirements of Section 602 which are in conflict with the provisions and requirements of the Idaho Public Utilities Commission.~~ (4-6-05)

## **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. ( )

**a. Disinfection Requirements.** ( )

**i. Class A recycled water shall be disinfected by either:** ( )

**(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** ( )

**(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.** ( )

**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. ( )

iii. Sampling frequency and point of compliance. ( )

(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. ( )

(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. ( )

b. Turbidity Requirements. ( )

i. Class A recycled water shall meet the following turbidity limits: ( )

(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. ( )

(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. ( )

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

c. Nitrogen, pH and BOD5 Requirements. ( )

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. ( )

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). ( )

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. ( )

**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. ( )

a. Disinfection Requirements. ( )

i. Class B recycled water shall be disinfected by either: ( )

(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 ( )

(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. ( )

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. ( )

iii. Sampling frequency and point of compliance. ( )

(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. ( )

(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. ( )

b. Turbidity Requirements. Class B recycled water shall meet the following: ( )

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. ( )

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

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

a. Disinfection Requirements. ( )

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. ( )

ii. Sampling frequency and point of compliance. ( )

(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. ( )

(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. ( )

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

**a. Disinfection Requirements.** ( )

**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 thousands three hundred (2300) organisms per one hundred (100) milliliters in any confirmed sample. ( )

**ii.** Sampling frequency and point of compliance. ( )

(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. ( )

(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. ( )

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

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

**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. ( )

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

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

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



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

( )

<b>TABLE 2 - CLASS A AND CLASS B ADDITIONAL REQUIREMENTS</b>			
<b>Classification</b>		<b>Class A</b>	<b>Class B</b>
<u>Turbidity (NTU)</u>	<u>24-hr - mean, Not to exceed</u>	<u>Granular or cloth media - 2</u> <u>Membrane filter - 0.2</u>	<u>Granular or cloth media - 5</u>
	<u>Maximum, in any sample</u>	<u>Granular or cloth media - 5</u> <u>Membrane filter - 0.5</u>	<u>Granular or cloth media - 10</u>
	<u>Monitoring frequency</u>	<u>Continuous</u>	<u>Continuous</u>
<u>Maximum Total nitrogen (mg/L)</u>		<u>Ground water recharge - 10</u> <u>Residential irrigation and other non-recharge uses - 30</u>	
		<u>or</u>	
		<u>As required based on an analysis of ground water impacts</u>	<u>May be required based on an analysis of ground water impacts</u>
<u>BOD5 (mg/L)</u>		<u>Ground water recharge - 5</u> <u>Residential irrigation and other non-recharge uses - 10</u>	
<u>Monthly arithmetic mean, from weekly composite samples not to exceed</u>			

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		

( )

**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>
<u>Residential landscape</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<b>Uses at Industrial, Commercial, or Construction Sites</b>					
<u>Dust suppression at construction sites and control on roads and streets</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Toilet flushing at industrial and commercial sites, when only trained maintenance personnel have access to plumbing for repairs</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Nonstructural fire fighting</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Cleaning roads, sidewalks and outdoor work areas</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Backfill consolidation around non-potable piping</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Soil compaction</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Commercial campus irrigation</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Fire suppression</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Snowmaking for winter parks, resorts</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Commercial laundries</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<b>Ground Water Recharge</b>					
<u>Ground water recharge through surface spreading, seepage ponds or other unlined surface water features, such as landscape impoundments</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<b>Subsurface Distribution</b>					
<u>Subsurface distribution.</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>

( )

**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.

( )

**a.** Class A distribution system identification and signage.

( )

**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.

( )

**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. ( )

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. ( )

b. Class A recycled water pumping facilities identification and signage. ( )

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. ( )

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. ( )

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. ( )

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. ( )

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. ( )

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. ( )

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. ( )

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. ( )

**604. REUSE FACILITIES - BUFFER DISTANCES.**

- 01. Buffer Distance Considerations.** Buffer distances shall be established for the following purposes: ( )
- a.** Protect public health by limiting exposure to recycled water and conditions associated with reuse facilities: ( )
- b.** Protect waters of the state, including surface water, ground water and drinking water supplies; and ( )
- c.** Help ensure that the use of recycled water is restricted to within the physical boundaries of the reuse facilities. ( )
- 02. Determining Buffer Distances.** In determining buffer distances for inclusion in a reuse permit the Department will consider the following: ( )
- a.** Characterization of the recycled water; ( )
- b.** The method of irrigation; ( )
- c.** The physical or vegetative barriers; ( )
- d.** Microbial risk assessments; ( )
- e.** Any applicable best management practices; ( )
- f.** Environmental conditions, such as wind speed and direction; and ( )
- g.** Any other information relevant to the purposes described in this section. ( )

**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. ( )

**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." ( )

**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. ( )

- 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. ( )

**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. ( )

**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. ( )

**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." ( )

**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. ( )

**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. ( )

**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. ( )

**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. ( )

**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. ( )

**02. Additional Pumping Station Requirements for Recycled Water.** ( )

**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. ( )

**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. ( )

**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. ( )

**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. ( )

**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. ( )

**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: ( )

**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). ( )

**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. ( )

**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. ( )

**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." ( )

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

**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. ( )

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

**i.** Another permitted disposal option; or ( )

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

**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. ( )

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

**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. ( )

**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. ( )

**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. ( )

**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. ( )

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

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

**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; ( )

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

**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 ( )



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

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

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 ( )

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

**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. ( )

**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." ( )

**02. Design and Construction.** ( )

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

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

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

**03. Discharge limitations.** ( )

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. ( )

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. ( )

**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. ( )

**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: ( )

**a.** The source of the water and the projected rates and volumes; and ( )

**b.** The chemical, biological, and physical characteristics of the industrial recycled water from each source. ( )

**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: ( )

**i.** The risk to public health and the environment; ( )

**ii.** The degree of public access to the site where the recycled water is used and the degree of human exposure anticipated; ( )

**iii.** Any additional measures necessary to prevent nuisance conditions; ( )

**iv.** Specific recycled water quality necessary for the intended type of reuse; and ( )

**v.** The means of application of the recycled water. ( )

~~603~~17. -- 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) of more of the following causes for modification exist: ( )

**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. ( )

**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. ( )

**c.** Compliance schedules. The Department determines good cause exists for modification of a compliance schedule or terms and conditions of a permit. ( )

**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. ( )

**e.** To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions. ( )

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

~~04~~**2. Minor Modifications.** Minor modifications are those which if granted would not result in any increased hazard to the environment or to the public health. *Such modifications shall be made by the Director.* 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: (4-1-88)( )

- a. The correction of typographical errors or formatting changes; (4-1-88)( )
- b. Transfer of ownership or operational control, or responsible official; (4-1-88)( )
- c. A change in monitoring or reporting frequency requirements, or revision of a laboratory method; (4-1-88)( )
- d. Change compliance due date in a schedule of compliance, provided the new date does not exceed six (6) months; ( )
- e. Change or add a sampling location; ( )
- f. Change to a higher level of treatment without a change in end uses; ( )
- g. Change in terminology; ( )
- h. Removal of an allowed use; ( )
- i. Correct minor technical errors, such as citations of law, and citations of construction specifications; ( )
- j. Change in a contingency plan resulting in equal or more efficient responsiveness; or ( )
- k. Removal of acreage from irrigation without an increase in loadings. ( )

**023. 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: (4-1-88)( )

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

701. -- 799. (RESERVED).

**800. PERMIT TRANSFERABLE.**

~~Permits shall be transferable to a new owner or operator provided that the permittee notifies the Director by requesting a minor modification of the permit before the date of transfer.~~ (4-1-88)

**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. ( )

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

- a. Legal name and address of the permittee; ( )

- b.** Legal name and address of the transferee: ( )
- c.** Location and the common name of the facility: ( )
- d.** Date of proposed transfer: ( )
- 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: ( )
- f.** A signed declaration by the transferee that the transferee has reviewed the permit and understands the terms of the permit: ( )
- 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: ( )
- 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 ( )
- i.** Any other information the director may reasonably require. ( )

**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. ( )

**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. ( )

**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. ( )

**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. ( )

**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. ( )

**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. ( )

~~8042.~~ -- 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. (4-1-88)( )

**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. ( )

(BREAK IN CONTINUITY OF SECTIONS)

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; ~~and~~ (4-11-06)( )

~~01. Effect. That the proposed loadings on the site will be di minimus in both quantity and quality;~~ (4-11-06)

~~02. Treatment Requirements. That the treatment requirements are:~~ (4-1-88)

~~a. Unreasonable with current technology; or~~ (4-1-88)

~~b. Economically prohibitive.~~ (4-1-88)

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

### **58.01.02 - WATER QUALITY STANDARDS**

#### **DOCKET NO. 58-0102-1001**

#### **NOTICE OF RULEMAKING - PROPOSED RULE**

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

**PUBLIC HEARING SCHEDULE:** No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency.

Written requests for a hearing must be received by the undersigned on or before September 17, 2010. If no such written request is received, a public hearing will not be held.

**DESCRIPTIVE SUMMARY:** The Clean Water Act requires Idaho to protect the existing uses of all state waters and to protect high quality waters from degradation that, upon public review, is not necessary and important. This is known as antidegradation. Federal law requires the state to have both an antidegradation policy and methods to implement the policy. Although Idaho has an antidegradation policy in rule, there are no procedures in the rules on how to implement the antidegradation policy.

In September 2009, the U.S. Environmental Protection Agency (EPA) was given a 60-day notice of intent to sue by the Idaho Conservation League over EPA's failure, in oversight of Idaho's water quality rules, to require Idaho to identify its antidegradation implementation procedure. If Idaho does not act, EPA may be forced to act, and this may result in a federal rule requiring antidegradation review. DEQ initiated negotiated rulemaking in an effort to forestall the pending legal action against EPA that would force EPA to take action with respect to Idaho's rule. DEQ held six rulemaking meetings in developing this proposed rule and intends to develop supporting guidance.

DEQ proposes to revise its Water Quality Standards, IDAPA 58.01.02, to include procedures for implementing efforts to limit degradation of water quality. This proposed rule addresses:

1. Activities subject to antidegradation review;
2. Definition of degradation and impairment and the information needed to determine them;
3. How it is decided where each of the three levels of protection from degradation is applied;
4. Exemptions to antidegradation review;
5. Determination of insignificant discharges not warranting analysis of their degradation to high quality water;
6. How DEQ will evaluate changes in water quality;
7. Waste treatment alternatives analysis to identify least degrading option for significant degradation of high quality water;
8. Socioeconomic analysis needed to justify degradation of high quality water; and
9. What is needed to document existing sources of pollution are meeting required controls.

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

Please note that language in proposed rule Subsection 052.10 is existing language that has been moved from Section 055, Outstanding Resource Waters, and Subsection 350.04., Restriction of Nonpoint Source Activities on Outstanding Resource Waters. With the exception of Subsection 052.10.g. and a few nonsubstantive revisions, the proposed text is the same as that found in Section 055 and Subsection 350.04 of the existing rules.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality at the November 2010 Board meeting for adoption as a pending rule. The rule is expected to be final and effective upon the adjournment of the 2011 legislative session if adopted by the Board and approved by the Legislature.

**NEGOTIATED RULEMAKING:** The text of the rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Idaho Code Section 67-5220 and IDAPA 58.01.23.810-815. On April 7, 2010, the Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, Vol. 10-4, pages 26 through 27, and a preliminary draft rule was made available for public review. Meetings were held on April 22, May 12, June 2, June 15, July 8, and July 21, 2010. Members of the public participated in this negotiated rulemaking process by attending the meetings and submitting written comments. A record of the negotiated rule drafts, written comments received, and documents distributed during the negotiated rulemaking process is available at [http://www.deq.idaho.gov/rules/water/58\\_0102\\_1001\\_proposed.cfm](http://www.deq.idaho.gov/rules/water/58_0102_1001_proposed.cfm).

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

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

**FISCAL IMPACT STATEMENT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Implementation of this rule is estimated to annually require 1.6 FTE DEQ staff time at a cost of approximately \$145,500 in current dollars. In addition, one time startup costs for staff training are estimated to be about \$16,500. The workload strategy at this time is for the DEQ regional office surface water quality staff assigned to conduct Clean Water Act Section 401 Water Quality Certifications to implement the antidegradation rules in coordination with a state office water quality standards staff person. Existing surface water quality work such as monitoring and assessments will be reduced in order to shift duties to antidegradation review and analysis.

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

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before October 1, 2010.

DATED this 30th day of July, 2010.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255  
(208)373-0418/Fax No. (208)373-0481  
paula.wilson@deq.idaho.gov

---

**THE FOLLOWING IS THE PROPOSED RULE TEXT FOR DOCKET NO. 58-0102-1001**

**010. DEFINITIONS.**

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

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

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

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

**04. Assigned Criteria.** In order to conduct an antidegradation review, it must be known what criteria are assigned to protect the water body which may be affected by the proposed activity or discharge. Assigned criteria are those associated with the designated, presumed, and any existing uses from Section 100 of these rules. ( )

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

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

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

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

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

**0910. Biological Monitoring or Biomonitoring.** The use of a biological entity as a detector and its response as a measure to determine environmental conditions. Toxicity tests and biological surveys, including habitat monitoring, are common biomonitoring methods. (8-24-94)

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

**112. Chronic.** A stimulus that persists or continues for a long period of time relative to the life span of an organism. In aquatic toxicity tests, chronic refers to continuous exposure to a concentration of a toxic substance or



effluent which results in mortality, injury, reduced growth, impaired reproduction, or other adverse effect to aquatic organisms. The test duration is long enough that sub-lethal effects can be reliably measured. When referring to human health, a chronic effect is usually measured in terms of estimated changes in rates (# of cases/ 1000 persons) of illness over a lifetime of exposure. (3-30-07)

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

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

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

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

**157. Daily Mean.** The average of at least two (2) appropriately spaced measurements, acceptable to the Department, calculated over a period of one (1) day: (3-20-97)

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

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

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

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

**18. Degradation or Lower Water Quality.** For purposes of antidegradation review, degradation or lower water quality means a change in concentration of a pollutant that is measurable and adverse to beneficial uses that may be made of the water, as calculated upon appropriate mixing of the discharge and receiving water. ( )

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

~~170.~~ **Department.** The Idaho Department of Environmental Quality. (7-1-93)

~~181.~~ **Design Flow.** The critical flow used for steady-state wasteload allocation modeling. (8-24-94)

~~192.~~ **Designated Agency.** The department of lands for timber harvest activities, oil and gas exploration and development, and mining activities; the soil conservation commission for grazing and agricultural activities; the transportation department for public road construction; the department of agriculture for aquaculture; and the

Department's division of environmental quality for all other activities. (3-20-97)

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

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

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

**236. Discharge.** When used without qualification, any spilling, leaking, emitting, escaping, leaching, or disposing of a pollutant into the waters of the state. (8-24-94)

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

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

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

**2730. E. coli (Escherichia coli).** A common fecal and intestinal organism of the coliform group of bacteria found in warm-blooded animals. (4-5-00)

**2831. Effluent.** Any wastewater discharged from a treatment facility. (7-1-93)

**2932. Effluent Biomonitoring.** The measurement of the biological effects of effluents (e.g., toxicity, biostimulation, bioaccumulation, etc.). (8-24-94)

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

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

**35. Existing Activity or Discharge.** An activity or discharge that has been previously authorized. ( )

**326. Existing Beneficial Use Or Existing Use.** Those beneficial uses actually attained in waters on or after November 28, 1975, whether or not they are designated for those waters in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, "Water Quality Standards." (4-11-06)

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

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

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

**3640. Full Protection, Full Support, or Full Maintenance of Designated Beneficial Uses of Water.** Compliance with those levels of water quality criteria listed in Sections 200, 210, 250, 251, 252, 253, and 275 (if applicable) or where no major biological group such as fish, macroinvertebrates, or algae has been modified by human activities significantly beyond the natural range of the reference streams or conditions approved by the Director in consultation with the appropriate basin advisory group. (3-15-02)

**3741. Geometric Mean.** The geometric mean of “n” quantities is the “nth” root of the product of the quantities. (7-1-93)

**3842. Ground Water.** Any water of the state which occurs beneath the surface of the earth in a saturated geological formation of rock or soil. (3-30-07)

**3943. Harmonic Mean Flow.** The number of daily flow measurements divided by the sum of the reciprocals of the flows (i.e., the reciprocal of the mean of reciprocals). (8-24-94)

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

**45. Highest Statutory and Regulatory Requirements for Point Sources.** All applicable effluent limits required by the Clean Water Act and other permit conditions. It also includes any compliance schedules or consent orders. ( )

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

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

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

**49. Impairment.** ( )

**a.** For the purpose of determining the appropriate level of antidegradation protection, impairment means: ( )

**i.** For aquatic life uses, that two or more major biological groups such as fish, macroinvertebrates, or algae have been modified by human activities significantly beyond the natural range of the reference streams or conditions approved by the Director in consultation with the appropriate basin advisory group; and ( )

**ii.** For recreational uses, non-compliance with those levels of water quality criteria listed in Sections 200, 210, 251, and 275 (where applicable). ( )

**b.** The Department shall utilize the current version of the “Water Body Assessment Guidance,” as published by the Idaho Department of Environmental Quality, as a guide to assist in making impairment decisions. ( )

**50. Integrated Report.** Refers to the consolidated listing and reporting of the state’s water quality status pursuant to Sections 303(d), 305(b), and 314 of the Clean Water Act. ( )

**4451. Inter-Departmental Coordination.** Consultation with those agencies responsible for enforcing or administering the practices listed as approved best management practices in Subsection 350.03. (7-1-93)

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

**4653. LC-50.** The toxicant concentration killing fifty percent (50%) of exposed organisms at a specific time of observation (e.g., ninety-six (96) hours). (3-20-97)

**4754. Load Allocation (LA).** The portion of a receiving water's loading capacity that is attributed either to one (1) of its existing or future nonpoint sources of pollution or to natural background sources. (8-24-94)

**4855. Loading Capacity.** The greatest amount of pollutant loading that a water can receive without violating water quality standards. (8-24-94)

~~**49. Lower Water Quality.** A measurable and adverse anthropogenic change in a chemical, physical, or biological parameter of water relevant to a beneficial use, and which can be expressed numerically. Measurable change may be determined by a statistically significant difference using standard methods for analysis and statistical interpretation appropriate to the parameter. Statistical significance is defined as the ninety-five percent (95%) confidence limit when significance is not otherwise defined for the parameter in standard methods or practices. (3-30-07)~~

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

**547. Man-Made Waterways.** Canals, flumes, ditches, wasteways, drains, laterals, and/or associated features, constructed for the purpose of water conveyance. This may include channels modified for such purposes prior to November 28, 1975. These waterways may have uniform and rectangular cross-sections, straight channels, follow rather than cross topographic contours, be lined to reduce water loss, and be operated or maintained to promote water conveyance. (3-30-07)

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

**59. Measurable.** Refers to the practical ability to detect change in water quality taking into account limitations in analytical technique and sampling variability. Because analytical techniques change and repeated sampling and application of statistics can enable detection of progressively smaller changes, the Department will generally consider measurable changes to be those that can be determined with ninety-five percent (95%) confidence based on detection limits and precisions of standard methods of analysis. Because the Department recognizes that in some cases smaller changes may be significant to human health or aquatic life protection, the Department will in those cases consider calculated changes to be measurable. ( )

**5360. Milligrams Per Liter (mg/l).** Milligrams of solute per liter of solution, equivalent to parts per million, assuming unit density. (7-1-93)

**5461. Mixing Zone.** A defined area or volume of the receiving water surrounding or adjacent to a wastewater discharge where the receiving water, as a result of the discharge, may not meet all applicable water quality criteria or standards. It is considered a place where wastewater mixes with receiving water and not as a place where effluents are treated. (7-1-93)

**5562. National Pollutant Discharge Elimination System (NPDES).** Point source permitting program

established pursuant to Section 402 of the federal Clean Water Act. (8-24-94)

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

**5764. Nephelometric Turbidity Units (NTU).** A measure of turbidity based on a comparison of the intensity of the light scattered by the sample under defined conditions with the intensity of the light scattered by a standard reference suspension under the same conditions. (8-24-94)

**65. New Activity or Discharge.** An activity or discharge that has not been previously authorized. Existing activities or discharges not currently permitted or licensed will be presumed to be new unless the Director determines to the contrary based on review of available evidence. ( )

**5866. Nonpoint Source Activities.** Activities on a geographical area on which pollutants are deposited or dissolved or suspended in water applied to or incident on that area, the resultant mixture being discharged into the waters of the state. Nonpoint source activities on ORWs do not include issuance of water rights permits or licenses, allocation of water rights, operation of diversions, or impoundments. Nonpoint sources activities include, but are not limited to: (3-20-97)

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

**5967. Nuisance.** Anything which is injurious to the public health or an obstruction to the free use, in the customary manner, of any waters of the state. (7-1-93)

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

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

**6270. One Hour Average.** The mean of at least two (2) appropriately spaced measurements, as determined by the Department, calculated over a period of one (1) hour. When three (3) or more measurements have been taken, and if any measurement is greater or less than five-tenths (0.5) times the mean, additional measurements over the one-hour period may be needed to obtain a more representative mean. (3-20-97)

**6371. Operator.** For purposes of Sections 851 and 852, any person presently or who was at any time during a release in control of, or having responsibility for, the daily operation of the petroleum storage tank (PST) system. (4-2-03)

**6472. Outstanding Resource Water (ORW).** A high quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational or ecological significance, which has been designated by the legislature and subsequently listed in this chapter. ORW constitutes an outstanding national or state resource that requires protection from point and nonpoint source activities that may lower water quality. (3-20-97)

**6573. Outstanding Resource Water Mixing Zone.** An area or volume of an ORW where pollutants are allowed to mix with the ORW receiving water at a location distinct from the sampling point where compliance with ORW quality standards is measured. An ORW mixing zone will be downstream from the discharge of a tributary or a segment immediately upstream which contains man caused pollutants as a result of nonpoint source activities occurring on that tributary or segment. As a result of the discharge, the mixing zone may not meet all water quality standards applicable to the ORW, but shall still be protected for existing beneficial uses. The Department, after consideration of input from interested parties, will determine the size, configuration and location of mixing zones which are necessary to meet the requirements of this chapter. (7-1-93)

**6674. Owner.** For purposes of Sections 851 and 852, any person who owns or owned a petroleum storage tank (PST) system any time during a release and the current owner of the property where the PST system is or was located. (4-2-03)

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

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

**6877. Petroleum Products.** Products derived from petroleum through various refining processes. (7-1-93)

**6978. Petroleum Storage Tank (PST) System.** Any one (1) or combination of storage tanks or other containers, including pipes connected thereto, dispensing equipment, and other connected ancillary equipment, and stationary or mobile equipment, that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. (7-1-93)

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

**7180. Pollutant.** Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, unitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, silt, cellar dirt; and industrial, municipal and agricultural waste, gases entrained in water; or other materials which, when discharged to water in excessive quantities, cause or contribute to water pollution. Provided however, biological materials shall not include live or occasional dead fish that may accidentally escape into the waters of the state from aquaculture facilities. (3-20-97)

**7281. Project Plans.** Documents which describe actions to be taken under a proposed activity. These documents include environmental impact statements, environmental assessments, and other land use or resource management plans. (7-1-93)

**7382. Public Swimming Beaches.** Areas indicated by features such as signs, swimming docks, diving boards, slides, or the like, boater exclusion zones, map legends, collection of a fee for beach use, or any other unambiguous invitation to public swimming. Privately owned swimming docks or the like which are not open to the general public are not included in this definition. (4-11-06)

**7483. Receiving Waters.** Those waters which receive pollutants from point or nonpoint sources. (7-1-93)

**7584. Reference Stream or Condition.** A water body which represents the minimum conditions necessary to fully support the applicable designated beneficial uses as further specified in these rules, or natural conditions with few impacts from human activities and which are representative of the highest level of support attainable in the basin. In highly mineralized areas or in the absence of such reference streams or water bodies, the Director, in consultation with the basin advisory group and the technical advisors to it, may define appropriate hypothetical reference conditions or may use monitoring data specific to the site in question to determine conditions in which the beneficial uses are fully supported. (3-20-97)

**7685. Release.** Any unauthorized spilling, leaking, emitting, discharging, escaping, leaching, or disposing into soil, ground water, or surface water. (8-24-94)

**7786. Resident Species.** Those species that commonly occur in a site including those that occur only seasonally or intermittently. This includes the species, genera, families, orders, classes, and phyla that: (8-24-94)

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

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

- a. By any acts or omissions, caused, contributed to or exacerbated an unauthorized release of hazardous materials; (8-24-94)
- b. Owns or owned the facility from which the unauthorized release occurred and the current owner of the property where the facility is or was located; or (8-24-94)
- c. Presently or who was at any time during an unauthorized release in control of, or had responsibility for, the daily operation of the facility from which an unauthorized release occurred. (8-24-94)

**7988. Sediment.** Undissolved inorganic matter. (3-30-07)

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

**8190. Sewage.** The water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present. (8-24-94)

**8291. Short-Term or Temporary Activity.** An activity which is as short as possible but lasts for no more than one (1) year, is limited in scope and is expected to have only minimal impact on water quality as determined by the Director. Short-term or temporary activities include, but are not limited to, those activities described in Subsection

080.02. (3-30-07)

~~8392.~~ **Silviculture.** Those activities associated with the regeneration, growing and harvesting of trees and timber including, but not limited to, disposal of logging slash, preparing sites for new stands of trees to be either planted or allowed to regenerate through natural means, road construction and road maintenance, drainage of surface water which inhibits tree growth or logging operations, fertilization, application of herbicides or pesticides, all logging operations, and all forest management techniques employed to enhance the growth of stands of trees or timber. (3-20-97)

~~8493.~~ **Sludge.** The semi-liquid mass produced by partial dewatering of potable or spent process waters or wastewater. (7-1-93)

~~8594.~~ **Special Resource Water.** Those specific segments or bodies of water which are recognized as needing intensive protection: (7-1-93)

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

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

~~8695.~~ **Specialized Best Management Practices.** Those practices designed with consideration of geology, land type, soil type, erosion hazard, climate and cumulative effects in order to fully protect the beneficial uses of water, and to prevent or reduce the pollution generated by nonpoint sources. (3-3-87)

~~8796.~~ **State.** The state of Idaho. (7-1-93)

~~8897.~~ **State Water Quality Management Plan.** The state management plan developed and updated by the Department in accordance with Sections 205, 208, and 303 of the Clean Water Act. (3-20-97)

~~898.~~ **Suspended Sediment.** The undissolved inorganic fraction of matter suspended in surface water. (3-30-07)

~~909.~~ **Suspended Solids.** The undissolved organic and inorganic matter suspended in surface water. (3-30-07)

~~9100.~~ **Technology-Based Effluent Limitation.** Treatment requirements under Section 301(b) of the Clean Water Act that represent the minimum level of control that must be imposed in a permit issued under Section 402 of the Clean Water Act. (8-24-94)

~~92101.~~ **Total Maximum Daily Load (TMDL).** The sum of the individual wasteload allocations (WLAs) for point sources, load allocations (LAs) for nonpoint sources, and natural background. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality. (8-24-94)

~~93102.~~ **Toxicity Test.** A procedure used to determine the toxicity of a chemical or an effluent using living organisms. A toxicity test measures the degree of response of an exposed test organism to a specific chemical or effluent. (8-24-94)

~~94103.~~ **Toxic Substance.** Any substance, material or disease-causing agent, or a combination thereof, which after discharge to waters of the State and upon exposure, ingestion, inhalation or assimilation into any organism (including humans), either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, malignancy, genetic mutation, physiological abnormalities (including malfunctions in reproduction) or physical deformations in affected organisms or their offspring. Toxic substances include, but are not limited to, the one hundred twenty-six (126) priority pollutants identified by EPA pursuant to Section 307(a) of the federal Clean Water Act. (8-24-94)

~~90104.~~ **Treatment.** A process or activity conducted for the purpose of removing pollutants from



wastewater. (7-1-93)

**96105. Treatment System.** Any physical facility or land area for the purpose of collecting, treating, neutralizing or stabilizing pollutants including treatment by disposal plants, the necessary intercepting, outfall and outlet sewers, pumping stations integral to such plants or sewers, equipment and furnishing thereof and their appurtenances. A treatment system may also be known as a treatment facility. (4-11-06)

**97106. Twenty-Four Hour Average.** The mean of at least two (2) appropriately spaced measurements, as determined by the Department, calculated over a period of twenty-four (24) consecutive hours. When three (3) or more measurements have been taken, and if any measurement is greater or less than five-tenths (0.5) times the mean, additional measurements over the twenty-four (24)-hour period may be needed to obtain a more representative mean. (3-20-97)

**98107. Unique Ecological Significance.** The attribute of any stream or water body which is inhabited or supports an endangered or threatened species of plant or animal or a species of special concern identified by the Idaho Department of Fish and Game, which provides anadromous fish passage, or which provides spawning or rearing habitat for anadromous or desirable species of lake dwelling fishes. (8-24-94)

**99108. Wasteload Allocation (WLA).** The portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. (8-24-94)

**1009. Wastewater.** Unless otherwise specified, sewage, industrial waste, agricultural waste, and associated solids or combinations of these, whether treated or untreated, together with such water as is present. (7-1-93)

**1010. Water Body Unit.** Includes all named and unnamed tributaries within a drainage and is considered a single unit unless designated otherwise. (4-5-00)

**10211. Water Pollution.** Any alteration of the physical, thermal, chemical, biological, or radioactive properties of any waters of the state, or the discharge of any pollutant into the waters of the state, which will or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to fish and wildlife, or to domestic, commercial, industrial, recreational, aesthetic, or other beneficial uses. (8-24-94)

**10312. Water Quality-Based Effluent Limitation.** An effluent limitation that refers to specific levels of water quality that are expected to render a body of water suitable for its designated or existing beneficial uses. (8-24-94)

**10413. Water Quality Limited Water Body.** After monitoring, evaluation of required pollution controls, and consultation with the appropriate basin and watershed advisory groups, a water body identified by the Department, which does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards after the application of required pollution controls. A water body identified as water quality limited shall require the development of a TMDL or other equivalent process in accordance with Section 303 of the Clean Water Act and Sections 39-3601 et seq., Idaho Code. (3-20-97)

**10514. Waters and Waters Of The State.** All the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state. (7-1-93)

**10615. Watershed.** The land area from which water flows into a stream or other body of water which drains the area. (3-20-97)

**10716. Watershed Advisory Group.** An advisory group appointed by the Director, with the advice of the appropriate Basin Advisory Group, which will recommend to the Department those specific actions needed to control point and nonpoint sources of pollution affecting water quality limited water bodies within the watershed. Members of each watershed advisory group shall be representative of the industries and interests affected by the management of that watershed, along with representatives of local government and the land managing or regulatory agencies with

an interest in the management of that watershed and the quality of the water bodies within it. (3-20-97)

**10817. Whole-Effluent Toxicity.** The aggregate toxic effect of an effluent measured directly with a toxicity test. (8-24-94)

**10918. Zone of Initial Dilution (ZID).** An area within a Department authorized mixing zone where acute criteria may be exceeded. This area should be as small as practicable and assure that drifting organisms are not exposed to acute concentrations for more than one (1) hour more than once in three (3) years. The actual size of the ZID will be determined by the Department for a discharge on a case-by-case basis, taking into consideration mixing zone modeling and associated size recommendations and any other pertinent chemical, physical, and biological data available. (4-11-06)

**(BREAK IN CONTINUITY OF SECTIONS)**

**051. ANTIDegradation Policy.**

**01. Maintenance of Existing Uses for All Waters (Tier I Protection).** The existing in stream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected. (7-1-93)( )

**02. High Quality Waters (Tier II Protection).** Where the quality of the waters exceeds levels necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the Department finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the Department's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the Department shall assure water quality adequate to protect existing uses fully. Further, the Department shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and cost-effective and reasonable best management practices for nonpoint source control. In providing such assurance, the Department may enter together into an agreement with other state of Idaho or federal agencies in accordance with Sections 67-2326 through 67-2333, Idaho Code. (7-1-93)( )

**03. Outstanding Resource Waters (Tier III Protection).** Where high quality waters designated by the legislature constitute an outstanding national resource, such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected from the impacts of point and nonpoint source activities. (3-20-97)( )

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

**05. Waters Subject to the Antidegradation Policy.** Idaho's antidegradation policy only applies to waters subject to the jurisdiction of the Clean Water Act. ( )

**052. IMPLEMENTATION.**

The antidegradation policy shall be implemented as follows: ( )

**01. List of Waters Protected.** All waters receive Tier I protection. Waters receiving Tier II protection will be identified using a water body by water body approach during the antidegradation review. The Department will not maintain a list of Tier I or II waters. Waters given Tier III protection are designated in law. ( )

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

**03. Emergency Actions.** Nothing in the antidegradation policy is intended to apply to emergency response actions taken to protect human life or property, irrespective of any temporary or permanent change in water quality. ( )

**04. General Permits.** For general permits issued on or after July 1, 2011, the Department will conduct antidegradation review, including a Tier II analysis, at the time at which general permits are certified. For general permits that adequately address antidegradation, review of individual applications for coverage will not be required unless it is required by the general permit. For general permits that do not adequately address antidegradation, the Department may conclude that other conditions, such as the submittal of additional information or individual certification at the time an application is submitted for coverage under a general permit, may be necessary in the general permit to provide reasonable assurance of compliance with the antidegradation policy. ( )

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

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

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

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

**c.** Water bodies identified in the Integrated Report as not supporting an assessed use will receive protection as follows: ( )

**i.** For aquatic life uses, if biological data show: ( )

(1) Impairment, then the water body shall receive Tier I protection for aquatic life; or ( )

(2) No impairment, then the water body shall receive Tier II protection for aquatic life; or ( )

(3) If biological data are insufficient to determine impairment, then the water body will be provided an appropriate level of protection on a case-by-case basis using information available at the time of a proposal for a new or reissued permit or license. ( )

**ii.** For recreational uses, if water quality data show impairment, then the water body shall receive Tier I protection for recreational uses. ( )

**07. Tier I Review.** Tier I review will be performed for all new or reissued permits or licenses. Existing uses and the water quality necessary to protect the existing uses must always be maintained and protected. No degradation of water quality may be allowed that would cause or contribute to violation of water quality criteria. ( )

**a.** If a receiving water does not meet assigned criteria, then the Department shall ensure that an activity or discharge authorized by a new or reissued permit or license meets criteria adopted to protect and maintain existing beneficial uses and shall ensure that the activity or discharge complies with the provisions of Section 055 of these rules. In making this determination, the Department shall rely upon the presumption that, if the numeric criteria established to protect specific uses are met, then the existing beneficial uses they were designed to protect are protected. ( )

b. If a receiving water meets or surpasses assigned criteria, then no change to an existing activity or discharge or commencement of a new activity or discharge may be allowed that would degrade ambient water quality so that it violates criteria established to protect beneficial uses. ( )

**08. Evaluation of Effect of an Activity or Discharge on Water Quality.** The Department will evaluate the effect on water quality for each parameter of concern. The Department will determine whether an activity or discharge results in an improvement, no change, or degradation of water quality. ( )

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

i. Current Discharge Quality. For parameters of concern that are currently limited, current discharge quality shall be based on limits in the current permit or license. For parameters of concern not currently limited, current discharge quality shall be based on available discharge quality data collected within five years of the application for a permit or license. ( )

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

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

iv. Proposed Quality for a New Discharge. Future discharge quality shall be based on proposed permit limits. For parameters of concern not limited in the proposed permit or license, future discharge quality will be based on information provided by the applicant or other relevant information. ( )

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

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

d. Measurable change. If a calculated change is not measurable, then it will be evaluated as no change. ( )

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

forth below. ( )

**a. Insignificant Discharge.** The Department shall consider the size and character of a discharge or the magnitude of its effect on the receiving stream and may determine that it is insignificant. If a discharge is determined to be insignificant, then no further Tier II analysis, as set forth in Subsections 052.09.b., 052.09.c., and 052.09.d., shall be required. ( )

**i.** In no case will the Department determine insignificance when the proposed change in discharge, from conditions as of July 1, 2011, will: ( )

(1) Increase ambient concentrations by more than ten percent (10%); or ( )

(2) Cumulatively decrease assimilative capacity by more than ten percent (10%). ( )

**ii.** The Department reserves the right to request additional information from the applicant in making a determination a proposed change in discharge is insignificant. ( )

**b. Other Source Controls.** In allowing any degradation of high water quality, the Department must assure that there shall be achieved in the watershed the highest statutory and regulatory requirements for all new and existing point sources and cost-effective and reasonable best management practices for nonpoint source controls. In providing such assurance, the Department may enter together into an agreement with other State of Idaho or federal agencies in accordance with Sections 67-2326 through 67-2333, Idaho Code. ( )

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

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

**ii.** Alternatives that must be evaluated include (where appropriate), but are not limited to: ( )

(1) Relocation or configuration of outfall or diffuser; ( )

(2) Process changes/improved efficiency that reduces pollutant discharge; ( )

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

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

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

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

**iv.** In selecting the preferred alternative the applicant shall: ( )

(1) Rank all technologically feasible treatment alternatives by their cost effectiveness at pollutant reduction; ( )

(2) Consider the environmental costs and benefits across media and between pollutants; and ( )

(3) Select the least degrading option or show that a more degrading alternative is environmentally or economically justified. ( )

d. Socioeconomic Justification. Degradation of water quality deemed necessary must also be determined by the Department to accommodate important economic or social development. Therefore, the applicant seeking authorization to degrade water quality must at a minimum identify the important economic or social development for which lowering water quality is necessary and should use the following steps to demonstrate this: ( )

i. Identify the affected community: ( )

ii. Describe the important social or economic development associated with the activity: ( )

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

(1) Economic benefits to the community such as changes in employment, household incomes and tax base: ( )

(2) Provision of necessary services to the community: ( )

(3) Potential health impacts related to the proposed activity: ( )

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

(5) Retention of assimilative capacity for future activities or discharges. ( )

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

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

e. Process. ( )

i. Analysis. The Department in cooperation with State of Idaho designated management agencies and/or federal agencies will collect information regarding the other source controls specified in Subsection 052.09.b. The applicant for a new or reissued permit or license is responsible for providing information pertinent to determining significance/insignificance of proposed changes in water quality and completing an alternatives analysis and socioeconomic justification as appropriate and submitting them to the Department for review. ( )

ii. Departmental review. The Department shall review all pertinent information and, after intergovernmental coordination, public notice and input, make a determination as to whether there is assurance that the other source controls specified in Subsection 052.09.b. shall be achieved, and whether degradation of water quality is necessary to accommodate important economic or social development. ( )

iii. Public Involvement. The Department will satisfy the public participation provisions of Idaho's continuing planning process and, to the extent possible, public notice and review of antidegradation will be coordinated with existing 401 certification notices for public review. ( )

**10. Tier III - Outstanding Resource Waters (ORWs).** ORWs are designated by the legislature. Subsection 052.10 describes the nomination, public notice and comment, public hearing, and board review process for directing the Department to develop legislation designating ORWs. Only the legislature may designate ORWs. Once designated by the legislature, the ORWs are listed in these rules. ( )

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

legislature, whichever is later, for consideration during the next regular session of the legislature. All nominations shall be addressed to:

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

The nomination shall include the following information: ( )

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

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

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

- i. One (1) or more requests contain supporting documentation and valid reasons for designation; ( )
- ii. A stream segment is generally recognized as constituting an outstanding national resource, such as waters of national and state parks, and wildlife refuges; ( )
- iii. A stream segment is generally recognized as waters of exceptional recreational or ecological significance; ( )
- iv. The board shall give special consideration to holding a hearing and to recommending for designation by the legislature, waters which meet criteria found in Subsections 052.10.c.ii. and 052.10.c.iii.; ( )
- v. Requests for a hearing will be given due consideration by the board. Public hearings may be held at the board's discretion. ( )

**d.** Board Review. The board shall review the stream segments nominated for ORW designation and based on the hearing or other written record, determine the segments to recommend as ORWs to the legislature. The board shall submit a report for each stream segment it recommends for ORW designation. The report shall contain the information specified in Subsection 052.10.a. and information from the hearing record or other written record concerning the impacts the designation would have on socioeconomic conditions; fish, wildlife and recreational values; and other beneficial uses. The Department shall then prepare legislation for each segment that will be

recommended to the legislature as an ORW. The legislation shall provide for the listing of designated segments in these rules without the need for formal rulemaking procedures, pursuant to Sections 67-5201, et seq., Idaho Code. ( )

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

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

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

ii. After the legislature has designated a stream segment as an outstanding resource water as outlined in Subsection 052.10.e., existing nonpoint source activities may continue and shall be conducted in a manner that maintains and protects the current water quality of an ORW. The provisions of this section shall not affect short term or temporary activities that do not alter the essential character or special uses of a segment, allocation of water rights, or operations of water diversions or impoundments, provided that such activities shall be conducted in conformance with applicable laws and regulations. ( )

g. Restriction of Point Source Discharges to ORWs and Their Tributaries. The water quality of ORWs shall be maintained and protected. Point source discharges that may cause degradation to ORWs may be allowed only if they are offset by reductions in other discharges per Subsection 052.08.c. ( )

**0523. PUBLIC PARTICIPATION.**

In providing general coordination of water quality programs within each basin, in carrying out the duties of the Basin Advisory Groups as assigned, and in carrying out the provisions of Sections 39-3601, et seq., Idaho Code, the Director and the Basin Advisory Groups shall employ all means of public involvement deemed necessary, including the public involvement required under Section 67-2340 through Section 67-2347, Idaho Code, Section 051 of this rule or required in Chapter 52, Title 67, Idaho Code, and shall cooperate fully with the public involvement or planning processes of other appropriate public agencies. (3-20-97)

**0534. BENEFICIAL USE SUPPORT STATUS.**

In determining whether a water body fully supports designated and existing beneficial uses, the Department shall determine whether all of the applicable water quality standards are being achieved, including any criteria developed pursuant to these rules, and whether a healthy, balanced biological community is present. The Department shall utilize biological and aquatic habitat parameters listed below and in the current version of the "Water Body Assessment Guidance," as published by the Idaho Department of Environmental Quality, as a guide to assist in the assessment of beneficial use status. Revisions to this guidance will be made after notice and an opportunity for public comment. These parameters are not to be considered or treated as individual water quality criteria or otherwise interpreted or applied as water quality standards. The Department shall employ a weight of evidence approach in evaluating a combination of water quality data types (including, but not limited to, aquatic habitat and biological parameters), when such a combination of data are available, in making its final use support determination. (3-30-07)

**01. Aquatic Habitat Parameters.** These parameters may include, but are not limited to, stream width, stream depth, stream shade, measurements of sediment impacts, bank stability, water flows, and other physical characteristics of the stream that affect habitat for fish, macroinvertebrates or other aquatic life. (3-30-07)

**02. Biological Parameters.** These parameters may include, but are not limited to, evaluation of aquatic



macroinvertebrates including Ephemeroptera, Plecoptera and Trichoptera (EPT), Hilsenhoff Biotic Index, measures of functional feeding groups, and the variety and number of fish or other aquatic life to determine biological community diversity and functionality. (3-20-97)

**03. Use of Data Regarding pH, Turbidity, Dissolved Oxygen, and Temperature.** In making use support determinations, the Department may give less weight to departures from criteria in Section 250 for pH, turbidity, dissolved oxygen, and temperature that are infrequent, brief, and small if aquatic habitat and biological data indicate to the assessor that aquatic life beneficial uses are otherwise supported. Unless otherwise determined by the Department, "infrequent" means less than ten percent (10%) of valid, applicable, representative measurements when continuous data are available; "brief" means two (2) hours or less; and "small" means conditions that avoid acute effects. Subsection 05~~34~~.03 only applies to use of this data for determination of beneficial use support status. Subsection 05~~34~~.03 does not apply to or affect the application of criteria for any other regulatory purpose including, but not limited to, determining whether a particular discharge or activity violates water quality standards. (~~3-30-07~~)(    )

**04. Natural Conditions.** There is no impairment of beneficial uses or violation of water quality standards where natural background conditions exceed any applicable water quality criteria as determined by the Department, and such natural background conditions shall not, alone, be the basis for placing a water body on the list of water quality limited water bodies described in Section 05~~45~~. (~~3-15-02~~)(    )

**05. Rigor, Quality and Relevance of Data.** In making any use support determination, the Department shall consider the scientific rigor associated with the collection of samples or data (e.g., the scientific methods used to collect samples or data); the quality of measurements and/or analysis of the samples (e.g., methodology, instrumentation, accuracy, precision, and limits of detection where applicable); and the relevance of the data (e.g., the relationship to a water quality standard, beneficial use or cause of impairment, and how representative the samples or data are of the water body in question). (3-30-07)

**05~~45~~. WATER QUALITY LIMITED WATERS AND TMDLS.**

**01. After Determining That Water Body Does Not Support Use.** After determining that a water body does not fully support designated or existing beneficial uses in accordance with Section 05~~34~~, the Department, in consultation with the applicable basin and watershed advisory groups, shall evaluate whether the application of required pollution controls to sources of pollution affecting the impaired water body would restore the water body to full support status. This evaluation may include the following: (~~3-20-97~~)(    )

**a.** Identification of significant sources of pollution affecting the water body by past and present activities; (3-20-97)

**b.** Determination of whether the application of required or cost-effective interim pollution control strategies to the identified sources of pollution would restore the water body to full support status within a reasonable period of time; (3-20-97)

**c.** Consultation with appropriate basin and watershed advisory groups, designated agencies and landowners to determine the feasibility of, and assurance that required or cost-effective interim pollution control strategies can be effectively applied to the sources of pollution to achieve full support status within a reasonable period of time; (3-20-97)

**d.** If pollution control strategies are applied as set forth in this Section, the Department shall subsequently monitor the water body to determine whether application of such pollution controls were successful in restoring the water body to full support status. (3-20-97)

**02. Water Bodies Not Fully Supporting Beneficial Uses.** After following the process identified in Subsection 05~~45~~.01, water bodies not fully supporting designated or existing beneficial uses and not meeting applicable water quality standards despite the application of required pollution controls shall be identified by the Department as water quality limited water bodies, and shall require the development of TMDLs or other equivalent processes, as described under Section 303(d)(1) of the Clean Water Act. A list of water quality limited water bodies shall be published periodically by the Department in accordance with Section 303(d) of the Clean Water Act and be

subject to public review prior to submission to EPA for approval. Informational TMDLs may be developed for water bodies fully supporting beneficial uses as described under Section 303(d)(3) of the Clean Water Act, however, they will not be subject to the provisions of this Section. (3-20-97)(\_\_\_\_)

**03. Priority of TMDL Development.** The priority of TMDL development for water quality limited water bodies identified in Subsection 0545.02 shall be determined by the Director in consultation with the Basin Advisory Groups as described in Sections 39-3601, et seq., Idaho Code, depending upon the severity of pollution and the uses of the water body, including those of unique ecological significance. Water bodies identified as a high priority through this process will be the first to be targeted for development of a TMDL or equivalent process. (3-20-97)(\_\_\_\_)

**04. High Priority Provisions.** Until a TMDL or equivalent process is completed for a high priority water quality limited water body, new or increased discharge of pollutants which have caused the water quality limited listing may be allowed if interim changes, such as pollutant trading, or some other approach for the pollutant(s) of concern are implemented and the total load remains constant or decreases within the watershed. Interim changes shall maximize the use of cost effective measures to cap or decrease controllable human-caused discharges from point and nonpoint sources. Once the TMDL or equivalent process is completed, any new or increased discharge of causative pollutants will be allowed only if consistent with the approved TMDL. Nothing in this section shall be interpreted as requiring best management practices for agricultural operations which are not adopted on a voluntary basis. (3-20-97)

**05. Medium and Low Priority Provisions.** Until TMDLs or equivalent processes are developed for water quality limited water bodies identified as medium or low priority, the Department shall require interim changes in permitted discharges from point sources and best management practices for nonpoint sources deemed necessary to prohibit further impairment of the designated or existing beneficial uses. Nothing in this section shall be interpreted as requiring best management practices for agricultural operations which are not adopted on a voluntary basis. (3-20-97)

**a.** In determining the necessity for interim changes to existing activities and limitations upon proposed activities, the Department, in consultation with basin and watershed advisory groups, shall evaluate the water quality impacts caused by past regulated and unregulated activities in the affected watershed. (3-20-97)

**b.** Consideration of interim changes shall maximize the use of cost-effective and timely measures to ensure no further impairment of designated or existing uses. (3-20-97)

**06. Pollutant Trading.** Development of TMDLs or equivalent processes or interim changes under these rules may include pollutant trading with the goal of restoring water quality limited water bodies to compliance with water quality standards. (3-20-97)

**07. Idaho Agriculture Pollution Abatement Plan.** Use of best management practices by agricultural activities is strongly encouraged in high, medium and low priority watersheds. The Idaho Agriculture Pollution Abatement Plan is the source for best management practices for the control of nonpoint sources of pollution for agriculture. (3-20-97)

**~~055. OUTSTANDING RESOURCE WATERS (ORW).~~**

**~~01- Nominations for Outstanding Resource Water Designation.~~** *Any person may request, in writing to the Board, that a stream segment be considered for designation as an outstanding resource water. To be considered for ORW designation, nominations must be received by the Board by April 1 or ten (10) days after the adjournment sine die of that year's regular session of the legislature, whichever is later, for consideration during the next regular session of the legislature. All nominations shall be addressed to:*

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

*The nomination shall include the following information:* (3-23-98)

- ~~a. The name, description and location of the stream segment;~~ (7-1-93)
- ~~b. The boundaries upstream and downstream of the stream segment;~~ (7-1-93)
- ~~c. An explanation of what makes the segment a candidate for the designation;~~ (7-1-93)
- ~~d. A description of the existing water quality and any technical data upon which the description is based as can be found in the most current basin status reports;~~ (7-1-93)
- ~~e. A discussion of the types of nonpoint source activities currently being conducted that may lower water quality, together with those activities that are anticipated during the next two (2) years, as described in the most current basin status reports; and~~ (7-1-93)
- ~~f. Any additional evidence to substantiate such a designation.~~ (7-1-93)

~~02. **Public Notice and Public Comment.** The Board will give public notice that one (1) or more stream segments are being considered for recommendation to the legislature as outstanding resource waters. Public notice will also be given if a public hearing is being held. Public comments regarding possible designation will be accepted by the Board for a period of at least forty-five (45) days. Public comments may include, but are not limited to, discussion of socio-economic considerations; fish, wildlife or recreational values; and other beneficial uses.~~ (7-1-93)

~~03. **Public Hearing.** A public hearing(s) may be held at the Board's discretion on any stream segment nominated for ORW designation. Public notice will be given if a hearing is held. The decision to hold a hearing may be based on the following criteria:~~ (7-1-93)

- ~~a. One (1) or more requests contain supporting documentation and valid reasons for designation;~~ (7-1-93)
- ~~b. A stream segment is generally recognized as constituting an outstanding national resource, such as waters of national and state parks, and wildlife refuges;~~ (7-1-93)
- ~~c. A stream segment is generally recognized as waters of exceptional recreational or ecological significance;~~ (7-1-93)
- ~~d. The Board shall give special consideration to holding a hearing and to recommending for designation by the legislature, waters which meet criteria found in Subsection 055.03.b. and 055.03.c.;~~ (3-20-97)
- ~~e. Requests for a hearing will be given due consideration by the Board. Public hearings may be held at the Board's discretion.~~ (7-1-93)

~~04. **Board Review.** The Board shall review the stream segments nominated for ORW designation and based on the hearing or other written record, determine the segments to recommend as ORWs to the legislature. The Board shall submit a report for each stream segment it recommends for ORW designation. The report shall contain the information specified in Subsection 055.01 and information from the hearing record or other written record concerning the impacts the designation would have on socio-economic conditions; fish, wildlife and recreational values; and other beneficial uses. The Department shall then prepare legislation for each segment that will be recommended to the legislature as an ORW. The legislation shall provide for the listing of designated segments in these regulations without the need for formal rule-making procedures, pursuant to Sections 67-5200, et seq., Idaho Code.~~ (3-20-97)

~~05. **Designated Waters.** Those stream segments designated by the legislature as ORWs are listed in Sections 110 through 160.~~ (7-1-93)

~~06. **Restriction of Nonpoint Source Activities on Outstanding Resource Waters.** Nonpoint source~~

~~activities on ORWs shall be restricted as specified in Subsection 350.04.~~

~~(7-1-93)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**350. RULES GOVERNING NONPOINT SOURCE ACTIVITIES.**

**01. Implementation Policy.**

(7-1-93)

**a.** Nonpoint sources are the result of activities essential to the economic and social welfare of the state. The a real extent of most nonpoint source activities prevents the practical application of conventional wastewater treatment technologies. Nonpoint source pollution management, including best management practices, is a process for protecting the designated beneficial uses and ambient water quality. Best management practices should be designed, implemented and maintained to provide full protection or maintenance of beneficial uses. Violations of water quality standards which occur in spite of implementation of best management practices will not be subject to enforcement action. However, if subsequent water quality monitoring and surveillance by the Department, based on the criteria listed in Sections 200, 210, 250, 251, 252, and 253, indicate water quality standards are not met due to nonpoint source impacts, even with the use of current best management practices, the practices will be evaluated and modified as necessary by the appropriate agencies in accordance with the provisions of the Administrative Procedure Act. If necessary, injunctive or other judicial relief may be initiated against the operator of a nonpoint source activity in accordance with the Director's authorities provided in Section 39-108, Idaho Code. In certain cases, revision of the water quality standards may be appropriate. (4-5-00)

**b.** As provided in Subsections 350.01.a. and 350.02.a. for nonpoint source activities, failure to meet general or specific water quality criteria, or failure to fully protect a beneficial use, shall not be considered a violation of the water quality standards for the purpose of enforcement. Instead, water quality monitoring and surveillance of nonpoint source activities will be used to evaluate the effectiveness of best management practices in protecting beneficial uses as stated in Subsections 350.01.a. and 350.02.b. (12-31-91)

**02. Limitation to Nonpoint Source Restrictions.** Nonpoint source activities will be subject to the following: (7-1-93)

**a.** Except as provided in Subsections 350.02.b. and 350.02.c., so long as a nonpoint source activity is being conducted in accordance with applicable rules, regulations and best management practices as referenced in Subsection 350.03, or in the absence of referenced applicable best management practices, conducted in a manner that demonstrates a knowledgeable and reasonable effort to minimize resulting adverse water quality impacts, the activity will not be subject to conditions or legal actions based on Subsections 400.01.b. or 080.01. In all cases, if it is determined by the Director that imminent and substantial danger to the public health or environment is occurring, or may occur as a result of a nonpoint source by itself or in combination with other point or nonpoint source activities, then the Director may seek immediate injunctive relief to stop or prevent that danger as provided in Section 39-108, Idaho Code. (7-1-93)

**b.** If the Director determines through water quality monitoring and surveillance that water quality criteria are not being met, or that beneficial uses are being impaired as a result of a nonpoint source activity by itself or in combination with other point and nonpoint source activities then: (3-3-87)

**i.** For an activity occurring in a manner not in accordance with approved best management practices, or in a manner which does not demonstrate a knowledgeable and reasonable effort to minimize resulting adverse water quality impacts, the Director may with appropriate inter-Departmental coordination. (3-3-87)

(1) Prepare a compliance schedule as provided in Section 39-116, Idaho Code; and/or (2-2-83)

(2) Institute administrative or civil proceedings including injunctive relief under Section 39-108, Idaho Code. (3-3-87)

ii. For activities conducted in compliance with approved best management practices, or conducted in a manner which demonstrates knowledgeable and reasonable effort to minimize resulting adverse water quality impacts, the Director may, with appropriate inter-Departmental coordination: (3-3-87)

(1) For those activities with approved best management practices as listed in Subsection 350.03 formally request that the responsible agency conduct a timely evaluation and modification of the practices to insure full protection of beneficial uses. (12-31-91)

(2) For all other nonpoint source activities which do not have approved best management practices as listed in Subsection 350.03, develop and recommend to the operator control measures necessary to fully protect the beneficial uses. Such control measures may be implemented on a voluntary basis, or where necessary, through appropriate administrative or civil proceedings. (12-31-91)

(3) If, in a reasonable and timely manner the approved best management practices are not evaluated or modified by the responsible agency, or if the appropriate control measures are not implemented by the operator, then the Director may seek injunctive relief to prevent or stop imminent and substantial danger to the public health or environment as provided in Section 39-108, Idaho Code. (3-3-87)

c. The Director may review for compliance project plans for proposed nonpoint source activities, based on whether or not the proposed activity will fully maintain or protect beneficial uses as listed in Sections 200, 250, 251, 252, and 253. In the absence of relevant criteria in those Sections, the review for compliance will be based on whether or not the proposed activity: (4-5-00)

i. Will comply with approved or specialized best management practices; and (3-3-87)

ii. Provides a monitoring plan which, when implemented, will provide information to the Director adequate to determine the effectiveness of the approved or specialized best management practices in protecting the beneficial uses of water; and (3-3-87)

iii. Provides a process for modifying the approved or site-specific best management practices in order to protect beneficial uses of water. (3-3-87)

d. For projects determined not to comply with those requirements, the plan may be revised and resubmitted for additional review by the Department. Any person aggrieved by a final determination of the Director may, within thirty (30) days, file a written request for a hearing before the Board in accordance with the Idaho Administrative Procedures Act. In all cases, implementation of projects detailed in a plan shall be conducted in a manner which will not result in imminent and substantial danger to the public health or environment. (3-3-87)

**03. Approved Best Management Practices.** The following are approved best management practices for the purpose of Subsection 350.02: (12-31-91)

a. "Rules Pertaining to the Idaho Forest Practices Act," IDAPA 20.02.01, as adopted by Board of Land Commissioners; (12-31-91)

b. Idaho Department of Environmental Quality Rules, IDAPA 58.01.06, "Solid Waste Management Rules and Standards"; (7-1-93)

c. Idaho Department of Environmental Quality Rules, IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules"; (7-1-93)

d. "Stream Channel Alteration Rules," IDAPA 37.03.07, as adopted by the Board of Water Resources; (7-1-93)

e. For the Spokane Valley Rathdrum Prairie Aquifer, "Rathdrum Prairie Sewage Disposal Regulations," as adopted by the Panhandle District Health Department Board of Health and approved by the Idaho Board of Environmental Quality; (7-1-93)

**f.** “Rules Governing Exploration, Surface Mining, and Closure of Cyanidation Facilities,” IDAPA 20.03.02, as adopted by the Board of Land Commissioners; and (7-1-93)

**g.** “Dredge and Placer Mining Operations in Idaho,” IDAPA 20.03.01, as adopted by the Board of Land Commissioners. (7-1-93)

**h.** “Rules Governing Dairy Waste,” IDAPA 02.04.14, as adopted by the Department of Agriculture. (3-20-97)

~~**04. Restriction of Nonpoint Source Activities on Outstanding Resource Waters.** (12-31-91)~~

~~**a.** *The water quality of ORWs shall be maintained and protected. After the legislature has designated a stream segment as an outstanding resource water, no person shall conduct a new or substantially modify an existing nonpoint source activity that can reasonably be expected to lower the water quality of that ORW, except for conducting short term or temporary nonpoint source activities which do not alter the essential character or special uses of a segment, allocation of water rights, or operation of water diversions or impoundments. Stream segments not designated as ORWs that discharge directly into an ORW shall not be subject to the same restrictions as an ORW, nor shall the ORW mixing zone be subject to the same restrictions as an ORW. A person may conduct a new or substantially modify an existing nonpoint source activity that can reasonably be expected to lower the water quality of a tributary or stream segment, which discharges directly into an ORW or an ORW mixing zone, provided that the water quality of that ORW below the mixing zone shall not be lowered.* (12-31-91)~~

~~**b.** *After the legislature has designated a stream segment as an outstanding resource water as outlined in Subsection 055.05, existing nonpoint source activities may continue and shall be conducted in a manner that maintains and protects the current water quality of an ORW. The provisions of this section shall not affect short term or temporary activities that do not alter the essential character or special uses of a segment, allocation of water rights, or operations of water diversions or impoundments, provided that such activities shall be conducted in conformance with applicable laws and regulations.* (3-20-97)~~