

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 451

BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

AN ACT

RELATING TO ENVIRONMENTAL QUALITY; AMENDING SECTION 39-103, IDAHO CODE, TO  
REVISE THE DEFINITION OF "PUBLIC WATER SUPPLY" AND TO DEFINE "PUBLIC  
DRINKING WATER SYSTEM."

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-103, Idaho Code, be, and the same is hereby  
amended to read as follows:

39-103. DEFINITIONS. Whenever used or referred to in this chapter,  
unless a different meaning clearly appears from the context, the following  
terms shall have the following meanings:

(1) "Air contaminant" or "air contamination" means the presence in the  
outdoor atmosphere of any dust, fume, mist, smoke, radionuclide, vapor, gas  
or other gaseous fluid or particulate substance differing in composition  
from or exceeding in concentration the natural components of the atmosphere.

(2) "Air pollution" means the presence in the outdoor atmosphere of  
any contaminant or combination thereof in such quantity of such nature  
and duration and under such conditions as would be injurious to human  
health or welfare, to animal or plant life, or to property, or to interfere  
unreasonably with the enjoyment of life or property.

(3) "Board" means the board of environmental quality.

(4) "Cyanidation" means the method of extracting target precious  
metals from ores by treatment with cyanide solution, which is the primary  
leaching agent for extraction.

(5) "Cyanidation facility" means that portion of a new ore processing  
facility, or a material modification or a material expansion of that portion  
of an existing ore processing facility that utilizes cyanidation and is  
intended to contain, treat, or dispose of cyanide containing materials  
including spent ore, tailings, and process water.

(6) "Department" means the department of environmental quality.

(7) "Director" means the director of the department of environmental  
quality or the director's designee.

(8) "Emission" means any controlled or uncontrolled release or  
discharge into the outdoor atmosphere of any air contaminant or combination  
thereof. Emission also includes any release or discharge of any air  
contaminant from a stack, vent or other means into the outdoor atmosphere  
that originates from an emission unit.

(9) "Laboratory" means not only facilities for biological,  
serological, biophysical, cytological and pathological tests, but also  
facilities for the chemical or other examination of materials from water or  
other substances.

(10) "Medical waste combustor" means any device, incinerator, furnace,  
boiler or burner, and any and all appurtenances thereto, which burns or

1 pyrolyzes medical waste consisting of human or animal tissues, medical  
2 cultures, human blood or blood products, materials contaminated with human  
3 blood or tissues, used or unused surgical wastes, used or unused sharps,  
4 including hypodermic needles, suture needles, syringes and scalpel blades.

5 (11) "Person" means any individual, association, partnership, firm,  
6 joint stock company, trust, estate, political subdivision, public or  
7 private corporation, state or federal governmental department, agency or  
8 instrumentality, or any other legal entity which is recognized by law as the  
9 subject of rights and duties.

10 (12) ~~"Public water supply" means all mains, pipes and structures~~  
11 ~~through which water is obtained and distributed to the public, including~~  
12 ~~wells and well structures, intakes and cribs, pumping stations, treatment~~  
13 ~~plants, reservoirs, storage tanks and appurtenances, collectively or~~  
14 ~~severally, actually used or intended for use for the purpose of furnishing~~  
15 ~~water for drinking or general domestic use in incorporated municipalities,~~  
16 ~~or unincorporated communities where ten (10) or more separate premises or~~  
17 ~~households are being served or intended to be served; or any other supply~~  
18 ~~which serves water to the public and which the department declares to have~~  
19 ~~potential health significance or "public drinking water system" means a~~  
20 ~~system for the provision to the public of water for human consumption through~~  
21 ~~pipes or other constructed conveyances, if such system has at least fifteen~~  
22 ~~(15) service connections, regardless of the number of water sources or~~  
23 ~~configuration of the distribution system, or regularly serves an average~~  
24 ~~of at least twenty-five (25) individuals daily at least sixty (60) days~~  
25 ~~out of the year. Such term includes any collection, treatment, storage and~~  
26 ~~distribution facilities that are under the control of the operator of such~~  
27 ~~system and used primarily in connection with such system, and any collection~~  
28 ~~or pretreatment storage facilities not under such control that are used~~  
29 ~~primarily in connection with such system. Such term does not include any~~  
30 ~~special irrigation district.~~

31 (13) "Solid waste" means garbage, refuse, radionuclides and other  
32 discarded solid materials, including solid waste materials resulting from  
33 industrial, commercial and agricultural operations and from community  
34 activities but does not include solid or dissolved materials in domestic  
35 sewage or other significant pollutants in water resources, such as silt,  
36 dissolved or suspended solids in industrial waste water effluents,  
37 dissolved materials in irrigation return flows or other common water  
38 pollutants.

39 (14) "Solid waste disposal" means the collection, storage, treatment,  
40 utilization, processing or final disposal of solid waste.

41 (15) "State" means the state of Idaho.

42 (16) "Substantive" means that which creates, defines or regulates the  
43 rights of any person or implements, interprets or prescribes law or policy,  
44 but does not include statements concerning only the internal management of  
45 the department and not affecting private rights or procedures available to  
46 the public.

47 (17) "Water pollution" is such alteration of the physical, thermal,  
48 chemical, biological or radioactive properties of any waters of the state,  
49 or such discharge of any contaminant into the waters of the state as  
50 will or is likely to create a nuisance or render such waters harmful or

1 detrimental or injurious to public health, safety or welfare or to domestic,  
2 commercial, industrial, recreational, esthetic or other legitimate uses or  
3 to livestock, wild animals, birds, fish or other aquatic life.

4 (18) "Waters" means all accumulations of water, surface and  
5 underground, natural and artificial, public and private or parts thereof  
6 which are wholly or partially within, flow through or border upon this state  
7 except for private waters as defined in section 42-212, Idaho Code.