

Idaho Water Quality Standard Rule
Allows Point Sources to Add Small Amounts (de minimus) of Heat to Surface Waters
Docket No. 58-0102-1803
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1. Why was this rulemaking necessary?

- The purpose of this rulemaking is to allow point source discharges to add small amounts (de minimus) of heat (0.3°C) to surface waters, when the surface water exceeds the applicable temperature criteria. This rule recognizes a permitting practice employed by EPA that Idaho IPDES program would like to implement. This rule should benefit point source dischargers to surface waters. (Page 234)
- The 0.3°C allowance is a recommendation from EPA. “A State might choose to include a de minimus increase allowance as a way for accounting for monitoring measurement error and tolerating negligible human impacts.” (EPA 2003 R10 guidance for PNW states Temperature Water Quality Standards). Additionally, 0.3°C is within the acceptable National Institute of Standards and Technology (NIST) uncertainty range for thermometers in water.

2. What opportunities did we provide for public involvement?

- The draft Rule was published in the July 2018 Administrative Bulletin and was negotiated on July 20, 2018.
- DEQ provided a 30 day public comment period after publication of the proposed rule in the administrative bulletin September 5, 2018.
- DEQ’s Board approved the rule at the November Board meeting.

3. What is going to be the estimated cost to the regulated community, etc?

- No additional costs to the regulated community.

4. What are the controversial issues or contentious elements of the rule?

- There are no controversial issues with this rule.

5. Stringency issue?

- This pending rule regulates an activity currently regulated by the federal government; the pending rule is not broader in scope nor more stringent than federal regulations.

DEQ requests the Committee recommend approval of the rule docket 58-0102-1803. This concludes my presentation. I’ll stand for questions.