PENDING RULES

COMMITTEE RULES
REVIEW BOOK

Submitted for Review Before

House Environment, Energy & Technology Committee

68th Idaho Legislature

Second Regular Session – 2026

Prepared by:

Office of the Administrative Rules Coordinator
Division of Financial Management

January 2026

HOUSE ENVIRONMENT, ENERGY, & TECHNOLOGY COMMITTEE

ADMINISTRATIVE RULES REVIEW

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DOCKET NO. 24-0501-2501 (FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

LINK: LSO Rules Analysis Memo and Cost/Benefit Analysis (CBA)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2406(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This pending rule would: (1) update the calculation of continuing education and limit the number of managerial units required, (2) reduce regulatory burdens by eliminating the responsible charge requirements and decrease system classifications, (3) clarify completions for apprenticeship programs, (4) streamline the process for acquiring a higher level of license, and (5) address the Board's cash balances by increasing fees.

Changes have been made to the proposed rule text in order to clarify the number of CEU hours and college credits needed when substituting for experience hours, reducing licensing and renewal fee increases, and adding minor technical corrections to the rule chapter.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, Vol. 25-10, pages 307-312.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Sections 54-2406(1) and 54-2407(1), Idaho Code, the fees in this rulemaking are increased to comply with Section 67-2608(3), Idaho Code, requiring that low fund balances be rectified.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Ryan Bernard, Legislative and Regulatory Affairs Chief, at (775) 870-7926.

DATED this 5th day of December, 2025.

Ryan Bernard
Legislative and Regulatory Affairs Chief
PO Box 83720
Boise, ID 83720-0063
Phone: (775) 870-7926
Email: ryan.bernard@dopl.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2406(1), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2025.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

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

These proposed rules changes would: (1) update the calculation of continuing education and limit the number of managerial units required, (2) reduce regulatory burdens by eliminating the responsible charge requirements and decrease system classifications, (3) clarify completions for apprenticeship programs, (4) streamline the process for acquiring a higher level of license, and (5) address the Board's cash balances by increasing fees.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

Fees are authorized by Sections 54-2406(1) and 54-2407(1), Idaho Code. Fee increase required to comply with Section 67-2608(3), Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars ($10,000) during the fiscal year resulting from this rulemaking:

No fiscal impact on the state general fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 6, 2025 Idaho Administrative Bulletin, Vol. 25-8, Pages 165-166.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October, 22, 2025.

DATED this 13th day of August, 2025.

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 24-0501-2501

Italicized red text that is *double underscored* indicates amendments to the proposed text as adopted in the pending rule.

24.05.01 – RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS

002. DEFINITIONS.

01. Very Small Public Drinking Water System. A community or non-transient non-community public *drinking* water system that serves five hundred (500) persons or ~~less~~ fewer and has no treatment other than disinfection or has only treatment which does not require any chemical treatment, process adjustment, backwashing or media regeneration by an operator (e.g. calcium carbonate filters, granular activated carbon filters, cartridge filters, ion exchangers). ~~(7-1-24)~~( )

02. Very Small *Public* Wastewater System. A public wastewater system that serves five hundred (500) connections or less and includes a collection system with a system size of six (6) points or ~~less~~ fewer on the Idaho Department of Environmental Quality (DEQ) system classification rating form and is limited to only one (1) of the following wastewater treatment processes: aerated lagoons; non-aerated lagoon(s); primary treatment; or primary treatment discharging to a large soil absorption system (LSAS). ~~(7-1-24)~~( )

03. System Classifications. All other system classifications used here are in accordance with DEQ classifications. ( )

003. -- 099. (RESERVED)

100. LICENSURE.

01. Classifications.

~~License Type~~	~~Classification~~
~~Drinking Water Distribution Operator~~ ~~Drinking Water Treatment Operator~~	~~Operator-In-Training, Very Small System, Class I Restricted, Class I, II, III, or IV~~
~~Wastewater Treatment Operator~~ ~~Wastewater Collections Operator~~	~~Operator-In-Training, Very Small System, Class I Restricted, Class I, II, III, IV, or Land Application~~
~~Wastewater Laboratory Analyst~~	~~Class I, II, III, or IV~~
~~Backflow Assembly Tester~~	

License Discipline	License Type	Classification
Drinking Water	Drinking Water Distribution Operator	Operator-In-Training, Class I Restricted, Class I, II, III, or IV
	Drinking Water Treatment Operator	Operator-In-Training, Class I Restricted, Class I, II, III, or IV
		Very Small Drinking Water Systems

License Discipline	License Type	Classification
Wastewater	Wastewater Treatment Operator	Operator-In-Training, Class I Restricted, Class I, II, III, IV, or Land Application
	Wastewater Collections Operator	Operator-In-Training, Class I Restricted, Class I, II, III, or IV
	Wastewater Laboratory Analyst	Class I, II, III, or IV
		Very Small Wastewater Systems
Backflow Assembly Tester	Backflow Assembly Tester	BAT

~~(7-1-24)~~( )

02. Examination Requirement. ~~Applicants must pass a written examination for each license type and classification~~ Applicants may apply and test for the classification level for which they have the requisite experience and education. Examination scores are valid for one (1) year from the examination date. ~~(7-1-24)~~( )

03. Education and Experience Requirements. Applicants must present proof of the following: (7-1-24)

a. Operator-In-Training. Passage of the board-approved examination or enrollment in a board-approved apprenticeship program. The Operator-In-Training license is valid for five (5) years. (7-1-24)

b. Very Small *Drinking* Water. Eighty-eight (88) hours of relevant on-site operating experience ~~at a water system~~ and twelve (12) hours of chlorination and *drinking* water distribution course(s). ~~(7-1-24)~~ ( )

c. Very Small Wastewater. Eighty-eight (88) hours of relevant on-site operating experience ~~at a wastewater collection or treatment system~~; six (6) hours of pumps and motors or collection course(s); and six (6) hours of lagoon operation and maintenance, large soil absorption system, or wastewater treatment course(s). ~~(7-1-24)~~( )

d. Class I Restricted. Two hundred sixty (260) hours of relevant on-site operating experience ~~at a Class I or higher system~~ during twelve (12) consecutive months with ~~the~~ a system and sixteen (16) hours of continuing education relevant to the license. A restricted license is limited to a specific system. ~~(7-1-24)~~( )

e. ~~Class I Operator. One thousand six hundred (1,600) hours of on-site operating experience at a Class I or higher system, or 3200 hours of experience at a Very Small Wastewater System, or successful completion of one (1) year of an approved apprenticeship program~~Class I Operator. One thousand six hundred (1,600) hours of relevant on-site operating experience, or successful completion of a board approved Class I apprenticeship program. ~~(7-1-24)~~( )

f. ~~Class II Operator. Four thousand eight hundred (4,800) hours of on-site operating experience at a Class I or higher system or successful completion of an approved apprenticeship program~~Class II Operator. Four thousand eight hundred (4,800) hours of relevant on-site operating experience or successful completion of a board approved Class II apprenticeship program. ~~(7-1-24)~~( )

g. ~~Class III Operator. Two (2) years of postsecondary education in environmental control, engineering or related science or successful completion of an approved apprenticeship program and six thousand four hundred (6,400) hours of on-site operating experience, including three thousand two hundred (3,200) hours of responsible charge of a major segment of the system, at a Class II or higher system~~Class III Operator. Two (2) years of postsecondary education in environmental control, engineering or related science or successful completion of a board approved Class III apprenticeship program; and six thousand four hundred (6,400) hours of relevant on-site operating experience. ~~(7-1-24)~~( )

h. ~~Class IV Operator. Four (4) years of postsecondary education in environmental control, engineering or related science or successful completion of an approved apprenticeship program; and six thousand~~

~~four hundred (6,400) hours of on-site operating experience, including three thousand two hundred (3,200) hours of responsible charge of a major segment of the system, at a Class III or higher system~~Class IV Operator. Four (4) years of postsecondary education in environmental control, engineering or related science or successful completion of a board approved Class IV apprenticeship program; and six thousand four hundred (6,400) hours of relevant on-site operating experience. ~~(7-1-24)~~( )

i. Wastewater Land Application. ~~A wastewater Class I or higher operation license and eight hundred (800) hours of on-site operating experience at a wastewater land application system. A wastewater land application operator who is in responsible charge must be licensed at a class equal to or greater than the wastewater system classification. The wastewater treatment license must be maintained to renew the wastewater land application~~ Operator must hold and maintain an active Wastewater Treatment Operator license. ~~(7-1-24)~~( )

j. Backflow Assembly Tester. Successful completion of a ~~B~~board-approved training program and passage of a practical examination using the University of Southern California (USC) testing procedures *or other testing procedures approved* by the board. ~~(7-1-24)~~( )

k. Class I Wastewater Laboratory Analyst. One thousand six hundred (1,600) hours of lab experience ~~at a Class I or higher system~~. ~~(7-1-24)~~( )

l. Class II Wastewater Laboratory Analyst. Four thousand eight hundred (4,800) hours of lab experience ~~at a Class I or higher system~~ *at a drinking water or wastewater laboratory*. ~~(7-1-24)~~( )

m. Class III Wastewater Laboratory Analyst. Two (2) years of postsecondary education in environmental control, engineering or related science and six thousand four hundred (6,400) hours of lab experience ~~at a Class II or higher system~~ *at a drinking water or wastewater laboratory*. ~~(7-1-24)~~( )

n. Class IV Wastewater Laboratory Analyst. Four (4) years of postsecondary education in environmental control, engineering or related science and six thousand four hundred (6,400) hours of lab experience ~~at a Class III or higher system~~ *at a drinking water or wastewater laboratory*. ~~(7-1-24)~~( )

04. Substitutions. An applicant may substitute education and experience requirements as follows: (7-1-24)

a. Completion of an apprenticeship program will be accepted in lieu of education or experience requirements as identified in Rule 100.03 if the program provides experience and education related to the operation of Class I-IV systems; is registered with the U.S. Department of Labor, Office of Apprenticeship; meets the Standards of Apprenticeship developed by the U.S. Department of Labor; and fulfills the requirements in Rules 100.03. (7-1-24)

b. Education for Experience. For Classes I, II, III and IV, postsecondary education in environmental control, engineering or related science can be substituted for up to fifty percent (50%) of the required experience, at a rate of thirty (30) college ~~semester~~ credits or ~~forty-five~~ four hundred fifty (450) hours equivalent to *forty-five (45)* CEUs of germane continuing education for one thousand six hundred (1,600) hours of experience. Education substituted for experience must be in addition to the minimum education requirement.~~.~~ For non-environmental, engineering, or science related degrees only courses germane to these disciplines will be eligible for substitution as determined by the board. ~~(7-1-24)~~( )

c. Experience for Education. One thousand six hundred (1,600) hours of on-site operating experience may be substituted for ~~*one (1) year of high school*~~ *each year of* post secondary education. ~~For Class III and IV, responsible charge experience may be substituted for postsecondary education at a rate of one thousand six hundred (1,600) hours of experience for one (1) year postsecondary education.~~ Experience substituted for education must be in addition to the minimum experience requirement. ~~(7-1-24)~~( )

d. Experience for Experience. Fifty percent (50%) of the required operating experience must be met by relevant, onsite operating experience in the license type being applied for. The following experience may be used to substitute up to fifty percent (50%) of the required operating experience: ~~(7-1-24)~~( )

i. Environmental or operations consultants, or environmental or engineering branch of federal, state, county, or local government; ( )

ii. Construction of a distribution, collections, or *drinking* water or wastewater treatment system if such experience is documented in a declaration from a system owner or licensed operator, or; ( )

iii. *Experience in the license disciplines of* Drinking Water *and* Wastewater. ( )

~~i~~**e.** Laboratory Analyst Experience for Experience. Experience as a laboratory analyst may count towards ~~one-half (1/2)~~ fifty percent (50%) of the required wastewater operating experience and experience as a wastewater operator may count towards ~~one-half (1/2)~~ fifty percent (50%) of the required laboratory analyst experience. ~~(7-1-24)~~( )

~~ii. The following experience may be substituted for one-half (1/2) of the operating experience requirement for Class I, II, III and IV: environmental or operations consultant; environmental or engineering branch of federal, state, county, or local government; wastewater collection system operator; wastewater treatment plant operator; water distribution system operator or manager; and/or waste treatment operation or maintenance. (7-1-24)~~

~~iii. The following experience may be substituted for one-half (1/2) of the operating experience requirement for Class I and II: construction of a water or wastewater distribution or collections system if such experience is documented in a declaration from a system owner or licensed operator. (7-1-24)~~

05. Board approved Backflow or Operator Examination Providers Monitored and Audited. The board or its representative may monitor and audit any board approved examination provider. ( )

0~~5~~6. Continuing Education. To renew, a licensee must complete~~, during the prior licensing period,~~ and retain proof of completion of six (6) classroom hours (0.6 CEUs) for each year of the licensing period of continuing education germane to the license ~~type~~ discipline *(Drinking Water or Wastewater)*, except that backflow assembly testers must complete an eight (8) hour refresher course every two (2) years. ~~A licensee holding both drinking water and wastewater licenses must complete six (6) classroom hours for each license type.~~ A remote or distant study course is acceptable if it is germane to the license type, except that backflow assembly testers must complete in-person and board-approved continuing education. ~~(7-1-24)~~( )

a. A licensee may carry forward up to six (6) classroom hours of unused continuing education (0.6 CEUs) per licensure discipline for up to one (1) renewal cycle. ( )

b. A licensee who is an instructor for a *drinking* water or wastewater continuing education course may be credited the same number of classroom hours as the students of the germane course for one (1) presentation of the training per year of the licensing period. ( )

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Operator-in-Training. Operators-in-training must practice under the direct supervision of an appropriately licensed operator ~~of a type, category, and classification higher than the operator-in-training. No operator-in-training can accept or perform the designated responsible charge duties at any system~~. ~~(7-1-24)~~( )

~~**02. Grandparent License**. The licensee may operate in responsible charge of the specific facility identified in the original application. The license is site specific, non-transferable, and does not grant authority for the holder to practice as an operator at any other system. The license becomes invalid when the classification of the system changes to a higher classification. (7-1-24)~~

0~~3~~2. Operators and Backflow Assembly Testers Code of Conduct. Operators and backflow assembly testers must: (7-1-24)

a. Perform duties with due care and diligence to protect the safety, health, and welfare of the public. (7-1-24)

b. Comply with all applicable local, state, and federal laws relating to their respective profession(s). (7-1-24)

c. Perform only those duties within their education, training, and experience and scope of licensure. (7-1-24)

d. Prepare reports which are accurate, objective, and include all relevant information. (7-1-24)

e. Use standard test procedures, operating procedures, methods, and equipment when conducting inspections, sampling, and field tests with calibrated equipment. (7-1-24)

f. Backflow assembly testers will observe or inspect existing installations of backflow prevention assemblies to identify whether the assembly is properly installed the assembly is adequate for the degree of hazard. (7-1-24)

g. When a backflow prevention assembly passes a field test, the *tester must submit the* report ~~*will be submitted*~~ to the consumer and relevant public water system within fifteen (15) business days of the field test. *( )*

h. When a backflow prevention assembly is defective or fails to pass the field test, the *tester must submit the* report ~~*will be submitted*~~ to the consumer and relevant public water system within two (2) business days of the field test. ~~*(7-1-24)*~~*( )*

[Proposed new Subsection 200.02.h. has been withdrawn]

201. -- 399. (RESERVED)

400. FEES.
All fees are non-refundable. Annual fees may be aggregated for biennial licensure.

TYPE	~~AMOUNT~~APPLICATION (Not to Exceed)	ANNUAL RENEWAL *(Not to Exceed)*
~~Application~~	~~$25~~	
Backflow *Assembly Tester*	$100	$*85*
Operator-In-Training	$55	*N/A*
Very Small System	$75	$*60*
Land Application	*$80*	*$65*
Class I & Restricted Class I	$80	$*65*
Class II	$90	$*75*
Class III	$100	$*85*
Class IV	$100	$*85*
Endorsement	$100	N/A
License	$~~30 annually~~75	N/A
Reinstatement Fee	$35	N/A

~~*(7-1-24)*~~*( )*

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis (IBRS)

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2026 Idaho State Legislature for final approval. Pursuant to Section 67-5224, Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105 and 39-107. This rulemaking updates federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency for approval of Idaho's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(1) of the Clean Air Act. It also updates citations to other federal regulations necessary to retain state primacy of Clean Air Act programs.

DESCRIPTIVE SUMMARY: This rulemaking was initiated to update federal regulations incorporated by reference. A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, September 3, 2025, Vol. 25-9, pages 209–211. DEQ received no comments, and the rule has been adopted as initially proposed. The board meeting documents are available at Air Quality: Docket No. 58-0101-2501 | Idaho Department of Environmental Quality.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: 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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance with questions concerning the rulemaking, contact the undersigned.

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0165
Diane.Cutler@deq.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 Sections 39-105 and 39-107, Idaho Code. This rulemaking updates federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency (EPA) for approval of Idaho's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(l) of the Clean Air Act. It also updates citations to other federal regulations necessary to retain state primacy of Clean Air Act (CAA) programs.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, a public hearing has been scheduled and will be held as follows:

Friday, October 3, 2025, at 2:00 p.m. MT

ATTEND IN PERSON OR VIA MICROSOFT TEAMS

DEQ State Office
Conference Room A
1410 N. Hilton
Boise, ID 83706

The Teams meeting link is available at:
https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/air-quality-docket-no-58-0101-2501/

The meeting location will be accessible to persons with disabilities, and language translators will be made available upon request. Requests must be made no later than five (5) business days prior to the meeting date. For arrangements, contact the undersigned.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to ensure that the state rules remain consistent with federal regulations. The Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01, are updated annually to maintain consistency with federal regulations implementing the CAA. This proposed rule updates federal regulations incorporated by reference with the July 1, 2025 Code of Federal Regulations (CFR) effective date. The July 1, 2025 CFR is a codification of federal regulations published in the Federal Register as of July 1, 2025.

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. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2026 Idaho State Legislature, the rule will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution. DEQ will submit the final rule to EPA.

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:

Adoption of federal regulations is necessary for EPA approval of Idaho's Title V Operating Permit Program and state primacy of CAA programs. Incorporation by reference allows DEQ to keep its rules up to date with federal regulation changes and simplifies compliance for the regulated community. Information for obtaining a copy of the federal regulations is included in the rule.

In compliance with Idaho Code 67-5223(4), DEQ prepared a brief synopsis detailing the substantive differences between the previously incorporated material and the latest revised edition or version of the incorporated material being proposed for incorporation by reference. The Overview of Incorporations by Reference can be obtained at https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/air-quality-docket-no-58-0101-2501/.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. DEQ determined that negotiated rulemaking is not feasible due to the simple nature of this rulemaking and because DEQ has no discretion with respect to adopting federal regulations that are necessary for EPA approval of Idaho's Title V Operating Permit Program and state primacy of CAA programs. Whenever possible, DEQ incorporates federal regulations by reference to ensure that the state rules are consistent with federal regulations.

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

FISCAL IMPACT: 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 technical questions concerning this rulemaking, contact Aislinn Johns at Aislinn.Johns@deq.idaho.gov or (208) 373-0185.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before October 3, 2025. Submit comments to the undersigned.

Dated this 3rd day of September, 2025.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0101-2501

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

107. INCORPORATIONS BY REFERENCE.

01. Requirements for Preparation, Adoption, and Submittal of Implementation Plans. 40 CFR Part 51 revised as of July 1, ~~2024~~ 2025. All sections included in 40 CFR Part 51, Subpart P, Protection of Visibility, are excluded from incorporation except 51.301, 51.304(a), 51.307, and 51.308 are incorporated by reference into these rules. ~~(7-1-25)~~( )

02. National Primary and Secondary Ambient Air Quality Standards. 40 CFR Part 50, revised as of July 1, ~~2024~~ 2025. ~~(7-1-25)~~( )

03. Approval and Promulgation of Implementation Plans. 40 CFR Part 52, Subparts A and N and Appendices D and E, revised as of July 1, ~~2024~~ 2025. ~~(7-1-25)~~( )

04. Ambient Air Monitoring Reference and Equivalent Methods. 40 CFR Part 53, revised as of July 1, ~~2024~~ 2025. ~~(7-1-25)~~( )

05. Ambient Air Quality Surveillance. 40 CFR Part 58, revised as of July 1, ~~2024~~ 2025. ~~(7-1-25)~~( )

06. Standards of Performance for New Stationary Sources. 40 CFR Part 60, revised as of July 1, ~~2024~~ 2025. ~~(7-1-25)~~( )

07. National Emission Standards for Hazardous Air Pollutants. 40 CFR Part 61, revised as of July 1, ~~2024~~ 2025. ~~(7-1-25)~~( )

08. Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before December 1, 2008. 40 CFR Part 62, Subpart HHH, revised as of July 1, ~~2024~~ 2025. ~~(7-1-25)~~( )

09. Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014. 40 CFR Part 62, Subpart OOO, revised as of July 1, ~~2024~~ 2025. ~~(7-1-25)~~( )

10. National Emission Standards for Hazardous Air Pollutants for Source Categories. 40 CFR Part 63, revised as of July 1, ~~2024~~ 2025. ~~(7-1-25)~~( )

11. Compliance Assurance Monitoring. 40 CFR Part 64, revised as of July 1, ~~2024~~ 2025. ~~(7-1-25)~~( )

12. State Operating Permit Programs. 40 CFR Part 70, revised as of July 1, ~~2024~~ 2025. ~~(7-1-25)~~( )

13. Permits. 40 CFR Part 72, revised as of July 1, ~~2024~~ 2025. ~~(7-1-25)~~( )

14. Sulfur Dioxide Allowance System. 40 CFR Part 73, revised as of July 1, ~~2024~~ 2025. ~~(7-1-25)~~( )

15. Protection of Stratospheric Ozone. 40 CFR Part 82, revised as of July 1, ~~2024~~ 2025. ~~(7-1-25)~~( )

16. Clean Air Act. 42 U.S.C. Sections 7401 through 7671g (1997). (7-1-24)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 – WATER QUALITY STANDARDS

DOCKET NO. 58-0102-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

LINK: LSO Rules Analysis Memo

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2026 Idaho State Legislature for final approval. Pursuant to Section 67-5224, Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105, 39-107, and Chapter 36, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: This rulemaking was initiated to include revisions for consistency with final actions taken by EPA under the Clean Water Act and deletes arsenic from the Factors for Calculating Hardness Dependent Metals Criteria Table as the calculations no longer apply for arsenic. A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, July 2, 2025, Vol. 25-7, pages 130–148. DEQ received no public comments, and the rule has been adopted as initially proposed. The board meeting documents are available at Water Quality: Docket No. 58-0102-2501 | Idaho Department of Environmental Quality.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

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:

Not applicable.

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

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0165
Diane.Cutler@deq.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 Chapter 36, 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 July 18, 2025. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: This rulemaking has been initiated to make administrative revisions. The proposed rule:

1. Deletes arsenic from the table in IDAPA 58.01.02.210.02, Factors for Calculating Hardness Dependent Metals Criteria, as the calculations no longer apply for arsenic.
2. Includes revisions for consistency with the final actions taken by the U.S. Environmental Protection Agency (EPA) on the rule dockets listed below. These dockets were promulgated by DEQ and submitted to EPA for review under the Clean Water Act (CWA). Pursuant to 40 CFR 131.21, water quality standards adopted and submitted to EPA are not effective for federal CWA purposes until EPA approves them. Notation boxes that had been inserted to explain the status of effectiveness for CWA purposes are no longer necessary and will be deleted.

- Docket No. 58-0102-1101: Removal of statewide thermal treatment numeric limits on induced variation for point source wastewater dischargers, submitted to EPA on August 7, 2012. EPA Action Letter and Technical Support Document (12/19/24). EPA disapproved the removal of IDAPA 58.01.02.401.01.c. – e., statewide thermal treatment numeric limits on induced variation for point source wastewater dischargers. This proposed rule reinstates 401.01.c. – e. as currently published in the 2011 Idaho Administrative Code.
- Docket No. 58-0102-1803: Addition of a de minimis temperature allowance of up to 0.3 degrees Celsius above applicable temperature criteria, submitted to EPA on April 15, 2019. EPA Action Letter and Technical Support Document (12/19/24). EPA disapproved this docket except that the non-substantive revision in current rule 401.01.c., "above the natural background conditions" was approved. In this proposed rule, the remaining version of current rule 401.01.c. now takes the place of deleted 401.01.c., and current rule 401.01.d. is deleted.
- Docket No. 58-0102-2201 (Negotiated under Docket No. 58-0102-1801): Revisions to Idaho's Surface Water Quality Standards for Arsenic Human Health Criteria, submitted to EPA on July 6, 2023. EPA Action Letter and Technical Support Document (9/29/23). EPA approved this docket except that the provision, in IDAPA 58.01.02.210.03.e.v.(4), to calculate bioaccumulation factors using "… other scientifically defensible method for deriving protective BAF" was disapproved. This proposed rule deletes the disapproved phrase.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to remove is struck out. It is these additions and deletions to which public comment should be addressed. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2026 Idaho State Legislature, the rule will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

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

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. DEQ determined that negotiated rulemaking is not feasible due to the simple nature of this rulemaking. This rulemaking makes the necessary administrative revisions to IDAPA 58.01.02, Water Quality Standards, for consistency with EPA actions on previously adopted water quality standards submitted to EPA for review.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Not applicable.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed rulemaking, contact Elizabeth Spelsberg at elizabeth.spelsberg@deq.idaho.gov or (208) 373-0158.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before August 1, 2025. Submit written comments to:

Elizabeth Spelsberg
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
elizabeth.spelsberg@deq.idaho.gov

Dated this 2nd day of July, 2025.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0102-2501

58.01.02 – WATER QUALITY STANDARDS

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

01. Criteria for Toxic Substances. The criteria of Section 210 apply to surface waters of the state as provided in Tables 1 and 2. Criteria for metals (arsenic through zinc) listed in Tables 1 and 2 are expressed as a dissolved fraction (i.e., passes through a forty-five hundredths (0.45) micron filter) unless otherwise noted. (4-6-23)

a. Table 1 contains criteria to protect aquatic life. (4-6-23)

Table 1. Criteria for Protection of Aquatic Life					
Compound	**[a] CAS Number**	**[b] CMC (µg/L)**		**[b] CCC (µg/L)**	
Inorganic Compounds/Metals					
Arsenic	7440382	340	c	150	c
Cadmium	7440439	1.3	f	0.6	f
Chromium III	16065831	570	f	74	f
Chromium VI	18540299	16	c	11	c
Copper	7440508	12.3	k	7.6	k
Lead	7439921	65	f	2.5	f
Mercury	7439976		e		e
Note: In 2005, Idaho adopted EPA's recommended methylmercury fish tissue criterion for protection of human health (docket 58-0102-0302). The decision was made to remove the old tissue-based aquatic life criteria and rely on the fish tissue criterion to provide protection for aquatic life as well as human health. Thus, current Idaho water quality standards do not have mercury water column criteria for the protection of aquatic life. While EPA approved Idaho's adoption of the fish tissue criterion in September 2005, it had withheld judgment on Idaho's removal of aquatic life criteria. On December 12, 2008, EPA disapproved Idaho's removal of the old aquatic life criteria. The water column criteria for total recoverable mercury published in 2004 Idaho Administrative Code continue to apply and are effective for CWA purposes. For more information go to http://www.deq.idaho.gov/epa-actions-on-proposed-standards.					
Nickel	7440020	470	f	52	f
Selenium	7782492	m		l	
Silver	7440224	3.4	f		
Zinc	7440666	120	f	120	f
Inorganic Compounds/Non-Metals					
Chlorine		19	h	11	h
Cyanide	57125	22	g	5.2	g
Organic Compounds					
Acrolein	107028	--[1] ---------- 3[2]		--[1] ---------- 3[2]	
[1]Effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved. [2]Not effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved.					
Aldrin	39002	3			
gamma-BHC (Lindane)	58899	2		0.08	

Table 1. Criteria for Protection of Aquatic Life					
Compound	**[a] CAS Number**	**[b] CMC (µg/L)**		**[b] CCC (µg/L)**	
Carbaryl	63252	--[1] ---------- 2.1[2]		--[1] ---------- 2.1[2]	
[1]Effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved. [2]Not effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved.					
Chlordane	57749	2.4		0.0043	
4,4'-DDT	50293	1.1		0.001	
Diazinon	333415	--[1] ---------- 0.17[2]		--[1] ---------- 0.17[2]	
[1]Effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved. [2]Not effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved.					
Dieldrin	60571	2.5		0.0019	
alpha-Endosulfan	959988	0.22		0.056	
beta-Endosulfan	33213659	0.22		0.056	
Endrin	72208	0.18		0.0023	
Heptachlor	76448	0.52		0.0038	
Heptachlor Epoxide	1024573	0.52		0.0038	
Pentachlorophenol	87865	20	i	13	i
Polychlorinated Biphenyls PCBs	j			0.014	j
Toxaphene	8001352	0.73		0.0002	
Footnotes for Table 1. Criteria for Protection of Aquatic Life					
a. Chemical Abstracts Service (CAS) registry numbers which provide a unique identification for each chemical.					
b. See definitions of Acute Criteria (CMC) and Chronic Criteria (CCC), Section 010 of these rules.					
c. Criteria for these metals are expressed as a function of the water effect ratio, WER, as defined in Subsection 210.03.c.iii. CMC = CMC column value X WER. CCC = CCC column value X WER.					
d. Criterion expressed as total recoverable (unfiltered) concentrations.					
e. No aquatic life criterion is adopted for inorganic mercury. However, the narrative criteria for toxics in Section 200 of these rules applies. The Department believes application of the human health criterion for methylmercury will be protective of aquatic life in most situations.					

Table 1. Criteria for Protection of Aquatic Life					
Compound	**[a] CAS Number**	**[b] CMC (µg/L)**	**[b] CCC (µg/L)**		
f. Aquatic life criteria for these metals are a function of total hardness (mg/L as calcium carbonate), the pollutant's water effect ratio (WER) as defined in Subsection 210.03.c.iii. and multiplied by an appropriate dissolved conversion factor as defined in Subsection 210.02. For comparative purposes only, the example values displayed in this table are shown as dissolved metal and correspond to a total hardness of one hundred (100) mg/L and a water effect ratio of one (1.0).					
g. Criteria are expressed as weak acid dissociable (WAD) cyanide.					
h. Total chlorine residual concentrations.					
i. Aquatic life criteria for pentachlorophenol are expressed as a function of pH, and are calculated as follows. Values displayed above in the table correspond to a pH of seven and eight tenths (7.8). CMC = exp(1.005(pH)-4.830) CCC = exp(1.005(pH)-5.290)					
j. PCBs are a class of chemicals which include Aroclors, 1242, 1254, 1221, 1232, 1248, 1260, and 1016, CAS numbers 53469219, 11097691, 11104282, 11141165, 12672296, 11096825 and 12674112 respectively. The aquatic life criteria apply to this set of PCBs.					
k. Aquatic life criteria for copper shall be derived in accordance with Subsection 210.03.c.v. For comparative purposes only, the example values displayed in this table correspond to the Biotic Ligand Model output based on the following inputs: temperature = 14.9°C, pH = 8.16, dissolved organic carbon = 1.4 mg/L, humic acid fraction = 10%, calcium = 44.6 mg/L, magnesium = 11.0 mg/L, sodium = 11.7 mg/L, potassium = 2.12 mg/L, sulfate = 46.2 mg/L, chloride = 12.7 mg/L, alkalinity = 123 mg/L CaCO3, and sulfide = 1.00 x 10^{-8} mg/L.					
l. Chronic					**Short-term**
Egg-Ovary (mg/kg dw)	**Fish Tissue (mg/kg dw)**		**Water Column (µg/L)**		**Water Column (µg/L)**
Egg-Ovary	Whole-Body	Muscle	Water Lentic	Water Lotic	Water
15.1[1]	8.5[2]	11.3[2]	1.5 (30 day average)[3]	3.1 (30 day average)[3]	Intermittent Exposure Equation[3,4]
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter					
1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element. 2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole body or muscle data to determine compliance with this criterion element. 3. Water column values are based on dissolved total selenium in water and are derived from fish tissue values via bioaccumulation modeling. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, selenium concentrations in fish from the nearest downstream waters may be used to assess compliance using methods provided in Aquatic Life Ambient Water Quality Criterion for Selenium – Freshwater, EPA-822-R-16-006, Appendix K: Translation of a Selenium Fish Tissue Criterion Element to a Site-Specific Water Column Value (June 2016).					

Table 1. Criteria for Protection of Aquatic Life			
Compound	**[a] CAS Number**	**[b] CMC (µg/L)**	**[b] CCC (µg/L)**
4. Intermittent Exposure Equation= $\frac{WQC - C_{bkgrnd}(1 - f_{int})}{f_{int}}$ where WQC is the applicable water column element, for either lentic or lotic waters; C_{bkgrnd} is the average background selenium concentration, and f_{int} is the fraction of any 30-day period during which elevated selenium concentrations occur, with f_{int} assigned a value ≥ 0.033 (corresponding to one day).			
m. There is no specific acute criterion for aquatic life; however, the aquatic life criterion is based on chronic effects of the selenium on aquatic life and is expected to adequately protect against acute effects.			

(3-31-22)

b. Table 2 contains criteria to protect human health. The Water & Fish criteria apply to waters designated for domestic water supply use. The Fish Only criteria apply to waters designated for primary or secondary contact recreation use. (4-6-23)

Table 2. Criteria for Protection of Human Health (based on consumption of:)						
Compound	**[a] CAS Number**	**Carcinogen?**	**Water & Fish (µg/L unless otherwise specified)**		**Fish Only (µg/L unless otherwise specified)**	
Inorganic Compounds/Metals						
Antimony	7440360		5.2	b	190	b
Arsenic	7440382	Y	10	cdj	4.3; 8.0 µg/kg fish tissue	ck
Beryllium	7440417			e		e
Cadmium	7440439			e		e
Chromium III	16065831			e		e
Chromium VI	18540299			e		e
Copper	7440508		1300	j		
Lead	7439921			e		e
Methylmercury	22967926				0.3mg/kg	i
Nickel	7440020		58	b	100	b
Selenium	7782492		29	b	250	b
Thallium	7440280		0.017	b	0.023	b
Zinc	7440666		870	b	1,500	b

Table 2. Criteria for Protection of Human Health (based on consumption of:)						
Compound	**[a] CAS Number**	**Carcinogen?**	**Water & Fish (µg/L unless otherwise specified)**		**Fish Only (µg/L unless otherwise specified)**	
Inorganic Compounds/Non-Metals						
Cyanide	57125		3.9	b	140	b
Asbestos	1332214		7,000,000 Fibers/L	j		
Organic Compounds						
Acenaphthene	83329		26	b	28	b
Acenaphthylene	208968			e		e
Acrolein	107028		3.2	b	120	b
Acrylonitrile	107131	Y	0.60	bf	22	bf
Aldrin	309002	Y	2.5E-06	bf	2.5E-06	bf
Anthracene	120127		110	b	120	b
alpha-BHC	319846	Y	0.0012	bf	0.0013	bf
beta-BHC	319857	Y	0.036	bf	0.045	bf
gamma-BHC (Lindane)	58899		1.4	b	1.4	b
delta-BHC	319868			e		e
Benzene	71432		3.0	bf	28	b
Benzidine	92875	Y	0.0014	bf	0.033	bf
Benzo(a)Anthracene	56553	Y	0.0042	bf	0.0042	bf
Benzo(b)Fluoranthene	205992	Y	0.0042	bf	0.0042	bf
Benzo(k)Fluoranthene	207089	Y	0.042	bf	0.042	bf
Benzo(ghi)Perylene	191242			e		e
Benzo(a)Pyrene	50328	Y	0.00042	bf	0.00042	bf
Bis(2-Chloroethoxy) Methane	111911			e		e
Bis(2-Chloroethyl) Ether	111444	Y	0.29	bf	6.8	bf
Bis(2-Chloroisopropyl) Ether	108601		220	b	1,200	b
Bis(Chloromethyl) Ether	542881	Y	0.0015	bf	0.055	bf
Bis(2-Ethylhexyl) Phthalate	117817	Y	1.2	bf	1.2	bf
Bromoform	75252	Y	62	bf	380	bf

Table 2. Criteria for Protection of Human Health (based on consumption of:)						
Compound	[a] CAS Number	Carcinogen?	Water & Fish (µg/L unless otherwise specified)		Fish Only (µg/L unless otherwise specified)	
4-Bromophenyl Phenyl Ether	101553			e		e
Butylbenzyl Phthalate	85687		0.33	b	0.33	b
Carbon Tetrachloride	56235	Y	3.6	bf	15	bf
Chlorobenzene	108907		89	b	270	b
Chlordane	57749	Y	0.0010	bf	0.0010	bf
Chlorodibromomethane	124481	Y	7.4	bf	67	bf
Chloroethane	75003			e		e
2-Chloroethylvinyl Ether	110758			e		e
Chloroform	67663		61	b	730	b
2-Chloronaphthalene	91587		330	b	380	b
2-Chlorophenol	95578		30	b	260	b
Chlorophenoxy Herbicide (2,4-D)	94757		1,000	b	3,900	b
Chlorophenoxy Herbicide (2,4,5-TP) [Silvex]	93721		82	b	130	b
4-Chlorophenyl Phenyl Ether	7005723			e		e
Chrysene	218019	Y	0.42	bf	0.42	bf
4,4'-DDD	72548	Y	0.00042	bf	0.00042	bf
4,4'-DDE	72559	Y	5.5E-05	bf	5.5E-05	bf
4,4'-DDT	50293	Y	9.8E-05	bf	9.8E-05	bf
Di-n-Butyl Phthalate	84742		8.2	b	8.3	b
Di-n-Octyl Phthalate	117840			e		e
Dibenzo (a,h) Anthracene	53703	Y	0.00042	bf	0.00042	bf
1,2-Dichlorobenzene	95501		700	b	1,100	b
1,3-Dichlorobenzene	541731		3.5	b	4.8	b
1,4-Dichlorobenzene	106467		180	b	300	b
3,3'-Dichlorobenzidine	91941	Y	0.29	bf	0.48	bf
Dichlorobromomethane	75274	Y	8.8	bf	86	bf
1,1-Dichloroethane	75343			e		e

Table 2. Criteria for Protection of Human Health (based on consumption of:)						
Compound	[a] CAS Number	Carcinogen?	Water & Fish (µg/L unless otherwise specified)		Fish Only (µg/L unless otherwise specified)	
1,2-Dichloroethane	107062	Y	96	bf	2,000	bf
1,1-Dichloroethylene	75354		310	b	5,200	b
2,4-Dichlorophenol	120832		9.6	b	19	b
1,2-Dichloropropane	78875	Y	8.5	bf	98	bf
1,3-Dichloropropene	542756	Y	2.5	bf	38	bf
Dieldrin	60571	Y	4.2E-06	bf	4.2E-06	bf
Diethyl Phthalate	84662		200	b	210	b
2,4-Dimethylphenol	105679		110	b	820	b
Dimethyl Phthalate	131113		600	b	600	b
Dinitrophenols	25550587		13	b	320	b
2,4-Dinitrophenol	51285		12	b	110	b
2,4-Dinitrotoluene	121142	Y	0.46	bf	5.5	bf
2,6-Dinitrotoluene	606202			e		e
1,2-Diphenylhydrazine	122667	Y	0.25	bf	0.65	bf
2, 3, 7, 8-TCDD Dioxin	1746016	Y	1.8E-08	bf	1.9E-08	bf
alpha-Endosulfan	959988		7.0	b	8.5	b
beta-Endosulfan	33213659		11	b	14	b
Endosulfan Sulfate	1031078		9.9	b	13	b
Endrin	72208		0.011	b	0.011	b
Endrin Aldehyde	7421934		0.38	b	0.40	b
Ethylbenzene	100414		32	b	41	b
Fluoranthene	206440		6.3	b	6.4	b
Fluorene	86737		21	b	22	b
Heptachlor	76448	Y	2.0E-05	bf	2.0E-05	bf
Heptachlor Epoxide	1024573	Y	0.00010	bf	0.00010	bf
Hexachlorobenzene	118741	Y	0.00026	bf	0.00026	bf
Hexachlorobutadiene	87683	Y	0.031	bf	0.031	bf
Hexachlorocyclohexane (HCH)-Technical	608731	Y	0.027	bf	0.032	bf
Hexachloro-cyclopentadiene	77474		1.3	b	1.3	b
Hexachloroethane	67721		0.23	b	0.24	b

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

Table 2. Criteria for Protection of Human Health (based on consumption of:)						
Compound	**[a] CAS Number**	**Carcinogen?**	**Water & Fish (µg/L unless otherwise specified)**		**Fish Only (µg/L unless otherwise specified)**	
1,2,4-Trichlorobenzene	120821		0.24	b	0.24	b
1,1,1-Trichloroethane	71556		11,000	b	56,000	b
1,1,2-Trichloroethane	79005	Y	4.9	bf	29	bf
Trichloroethylene	79016		2.6	b	11	b
2,4,5-Trichlorophenol	95954		140	b	190	b
2,4,6-Trichlorophenol	88062		1.5	b	2.0	b
Vinyl Chloride	75014	Y	0.21	bf	5.0	bf

Footnotes for Table 2. Criteria for Protection of Human Health

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

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

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

and criteria for carcinogens are calculated using the formula:

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

Where:
AWQC = Ambient water quality criterion (mg/L)

BW = Human Body Weight (kg), 80 is used in these criteria
DI = Drinking Water Intake, (L/day), 2.4 is used in these criteria
FI = Fish Intake, (kg/day), 0.0665 is used in these criteria

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

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

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

c. Inorganic forms only.

Table 2. Criteria for Protection of Human Health (based on consumption of:)				
Compound	**[a] CAS Number**	**Carcinogen?**	**Water & Fish (µg/L unless otherwise specified)**	**Fish Only (µg/L unless otherwise specified)**

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

e. No numeric human health criteria has been established for this contaminant. However, permit authorities should address this contaminant in NPDES permit actions using the narrative criteria for toxics from Section 200 of these rules.

f. EPA guidance allows states to choose from a range of 10^{-4} to 10^{-6} for the incremental increase in cancer risk used in human health criteria calculation. Idaho has chosen to base this criterion on carcinogenicity of 10^{-5} risk.

g. PCBs are a class of chemicals which include Aroclors, 1242, 1254, 1221, 1232, 1248, 1260, and 1016, CAS numbers 53469219, 11097691, 11104282, 11141165, 12672296, 11096825 and 12674112 respectively. The aquatic life criteria apply to this set of PCBs.

h. This criterion applies to total PCBs, (e.g. the sum of all congener, isomer, or Aroclor analyses).

i. This fish tissue residue criterion (TRC) for methylmercury is based on a human health reference dose (RfD) of 0.0001 mg/kg body weight-day; a relative source contribution (RSC) estimated to be 27% of the RfD; a human body weight (BW) of 70 kg (for adults); and a total fish consumption rate of 0.0175 kg/day for the general population, summed from trophic level (TL) breakdown of TL2 = 0.0038 kg fish/day + TL3 = 0.0080 kg fish/day + TL4 = 0.0057 kg fish/day. This is a criterion that is protective of the general population. A site-specific criterion or a criterion for a particular subpopulation may be calculated by using local or regional data, rather than the above default values, in the formula: TRC = [BW x {RfD – (RSCxRfD)}] / Σ TL. In waters inhabited by species listed as threatened or endangered under the Endangered Species Act or designated as their critical habitat, the Department will apply the human health fish tissue residue criterion for methylmercury to the highest trophic level available for sampling and analysis.

j. This criterion is based on the drinking water Maximum Contaminant Level (MCL).

k. For Fish Only exposure to inorganic arsenic, the human health criterion is:

Fish Tissue (µg/kg wet-weight)	Water Column (µg/L)
8.0[1]	4.3[2]

[1]Fish tissue element is based on total recoverable inorganic arsenic in muscle or fillet. The fish tissue element supersedes the water column element provided at least ninety (90) days have passed since any new activity or discharge has occurred within the water body. Fish tissue element will be applied in accordance with Subsection 210.03.e.

[2]Water column element is based on dissolved inorganic arsenic in water.

(4-6-23)

02. Factors for Calculating Hardness Dependent Metals Criteria. Hardness dependent metals criteria are calculated using values from the following table in the equations: (3-31-22)

a. CMC=WER exp{mA[ln(hardness)]+bA} X Acute Conversion Factor. (3-31-22)

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

Metal	mA	bA	mc	bc	aAcute Conversion Factor	aChronic Conversion Factor
~~Arsenic~~	~~b~~	~~b~~	~~b~~	~~b~~	~~1.0~~	~~1.0~~
Cadmium	0.8367	-3.560	0.6247	-3.344	0.944 see footnote a	0.909
Chromium (III)	0.819	3.7256	0.8190	0.6848	0.316	0.860
Chromium (VI)	b	b	b	b	0.982	0.962
Lead	1.273	-1.460	1.273	-4.705	0.791	0.791
Mercury	b	b	b	b	0.85	0.85
Nickel	0.846	2.255	0.8460	0.0584	0.998	0.997
Silver	1.72	-6.52	c	c	0.85	c
Zinc	0.8473	0.884	0.8473	0.884	0.978	0.986

Note to table: The term "exp" represents the base e exponential function.

Footnotes to table:

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

Cadmium

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

Chronic: CF=1.101672–[(ln hardness)(0.041838)]

Lead (Acute and Chronic): CF=1.46203–[(ln hardness)(0.145712)

b. Not applicable

c. No chronic criteria are available for silver.

~~(3-31-22)~~( )

03. Applicability. The criteria established in Section 210 are subject to the general rules of applicability in the same way and to the same extent as are the other numeric chemical criteria when applied to the same use classifications. Mixing zones may be applied to toxic substance criteria subject to the limitations set forth in Section 060 and set out below. (3-31-22)

a. For all waters for which the Department has determined mixing zones to be applicable, the toxic substance criteria apply at the boundary of the mixing zone(s) and beyond. Absent an authorized mixing zone, the toxic substance criteria apply throughout the waterbody including at the end of any discharge pipe, canal or other discharge point. (3-31-22)

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

Aquatic Life Human Health

CMC ("acute" criteria)	1Q10 or 1B3	Non-carcinogens	Harmonic mean flow
CCC ("chronic" criteria)	7Q10 or 4B3	Carcinogens	Harmonic mean flow

(3-31-22)

i. Where "1Q10" is the lowest one-day flow with an average recurrence frequency of once in ten (10) years determined hydrologically; (3-31-22)

ii. Where "1B3" is biologically based and indicates an allowable exceedance of once every three (3) years. It may be determined by EPA's computerized method (DFLOW model); (3-31-22)

iii. Where "7Q10" is the lowest average seven (7) consecutive day low flow with an average recurrence frequency of once in ten (10) years determined hydrologically; (3-31-22)

iv. Where "4B3" is biologically based and indicates an allowable exceedance for four (4) consecutive days once every three (3) years. It may be determined by EPA's computerized method (DFLOW model); (3-31-22)

v. Where the harmonic mean flow is a long term mean flow value calculated by dividing the number of daily flows analyzed by the sum of the reciprocals of those daily flows. (3-31-22)

c. Application of aquatic life metals criteria. (3-31-22)

i. For metals other than cadmium, for purposes of calculating hardness dependent aquatic life criteria from the equations in Subsection 210.02, the minimum hardness allowed for use in those equations shall not be less than twenty-five (25) mg/l, as calcium carbonate, even if the actual ambient hardness is less than twenty-five (25) mg/l as calcium carbonate. For cadmium, the minimum hardness for use in those equations shall not be less than ten (10) mg/l, as calcium carbonate. The maximum hardness allowed for use in those equations shall not be greater than four hundred (400) mg/l, as calcium carbonate, except as specified in Subsections 210.03.c.ii. and 210.03.c.iii., even if the actual ambient hardness is greater than four hundred (400) mg/l as calcium carbonate. (3-31-22)

ii. The hardness values used for calculating aquatic life criteria for metals at design discharge conditions shall be representative of the ambient hardnesses for a receiving water that occur at the design discharge conditions given in Subsection 210.03.b. (3-31-22)

iii. Except as otherwise noted, the aquatic life criteria for metals (arsenic through zinc in Table 1 in Subsection 210.01) are expressed as dissolved metal concentrations. Unless otherwise specified by the Department, dissolved concentrations are considered to be concentrations recovered from a sample which has passed through a forty-five hundredths (0.45) micron filter. For the purposes of calculating aquatic life criteria for metals from the equations in footnotes c. and f. in Table 1 in Subsection 210.01, the water effect ratio is computed as a specific pollutant's acute or chronic toxicity values measured in water from the site covered by the standard, divided by the respective acute or chronic toxicity value in laboratory dilution water. The water-effect ratio shall be assigned a value of one (1.0), except where the Department assigns a different value that protects the designated uses of the water body from the toxic effects of the pollutant, and is derived from suitable tests on sampled water representative of conditions in the affected water body, consistent with the design discharge conditions established in Subsection 210.03.b. For purposes of calculating water effects ratios, the term acute toxicity value is the toxicity test results, such as the concentration lethal one-half (1/2) of the test organisms (i.e., LC5O) after ninety-six (96) hours of exposure (e.g., fish toxicity tests) or the effect concentration to one-half of the test organisms, (i.e., EC5O) after forty-eight (48) hours of exposure (e.g., daphnia toxicity tests). For purposes of calculating water effects ratios, the term chronic value is the result from appropriate hypothesis testing or regression analysis of measurements of growth, reproduction, or survival from life cycle, partial life cycle, or early life stage tests. The determination of acute and chronic values shall be according to current standard protocols (e.g., those published by the American Society for Testing and Materials (ASTM)) or other comparable methods. For calculation of criteria using site-specific values for both the hardness and the water effect ratio, the hardness used in the equations in Subsection 210.02 shall be as required in Subsection 210.03.c.ii. Water hardness shall be calculated from the measured calcium and magnesium ions present, and the ratio of calcium to magnesium shall be approximately the same in laboratory toxicity testing water as in the site water, or

be similar to average ratios of laboratory waters used to derive the criteria. (3-31-22)

iv. Implementation Guidance for the Idaho Mercury Water Quality Criteria. (3-31-22)

(1) The "Implementation Guidance for the Idaho Mercury Water Quality Criteria" describes in detail suggested methods for discharge related monitoring requirements, calculation of reasonable potential to exceed (RPTE) water quality criteria in determining need for mercury effluent limits, and use of fish tissue mercury data in calculating mercury load reductions. This guidance, or its updates, will provide assistance to the Department and the public when implementing the methylmercury criterion. The "Implementation Guidance for the Idaho Mercury Water Quality Criteria" also provides basic background information on mercury in the environment, the novelty of a fish tissue criterion for water quality, the connection between human health and aquatic life protection, and the relation of environmental programs outside of Clean Water Act programs to reducing mercury contamination of the environment. The "Implementation Guidance for the Idaho Mercury Water Quality Criteria" is available at the Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706, and on the DEQ website at https://www.deq.idaho.gov. (3-31-22)

(2) The implementation of a fish tissue criterion in NPDES permits and TMDLs requires a non-traditional approach, as the basic criterion is not a concentration in water. In applying the methylmercury fish tissue criterion in the context of NPDES effluent limits and TMDL load reductions, the Department will assume change in fish tissue concentrations of methylmercury are proportional to change in water body loading of total mercury. Reasonable potential to exceed (RPTE) the fish tissue criterion for existing NPDES sources will be based on measured fish tissue concentrations potentially affected by the discharge exceeding a specified threshold value, based on uncertainty due to measurement variability. This threshold value is also used for TMDL decisions. Because measured fish tissue concentrations do not reflect the effect of proposed new or increased discharge of mercury, RPTE in these cases will be based upon an estimated fish tissue methylmercury concentration, using projected changes in waterbody loading of total mercury and a proportional response in fish tissue mercury. For the above purposes, mercury will be measured in the skinless filets of sport fish using techniques capable of detecting tissue concentrations down to point zero five (0.05) mg/kg. Total mercury analysis may be used, but will be assumed to be all methylmercury for purposes of implementing the criterion. (3-31-22)

v. Copper Criteria for Aquatic Life. (3-31-22)

(1) Aquatic life criteria for copper shall be derived using: (3-31-22)

(a) Biotic Ligand Model (BLM) software that calculates criteria consistent with the "Aquatic Life Ambient Freshwater Quality Criteria – Copper": EPA-822-R-07-001 (February 2007); or (3-31-22)

(b) An estimate derived from BLM outputs that is based on a scientifically sound method and protective of the designated aquatic life use. (3-31-22)

(2) To calculate copper criteria using the BLM, the following parameters from each site shall be used: temperature, pH, dissolved organic carbon (DOC), calcium, magnesium, sodium, potassium, sulfate, chloride, and alkalinity. The BLM inputs for humic acid (HA) as a proportion of DOC and sulfide shall be based on either measured values or the following default values: 10% HA as a proportion of DOC, 1.00×10^{-8} mg/L sulfide. Measured values shall supersede any estimate or default input. (3-31-22)

(3) BLM input measurements shall be planned to capture the most bioavailable conditions for copper. (3-31-22)

(4) A criterion derived under Subsection 210.03.c.v.(1)(a) shall supersede any criterion derived under Subsection 210.03.c.v.(1)(b). Acceptable BLM software includes the "US EPA WQC Calculation" for copper in BLM Version 3.1.2.37 (October 2015). (3-31-22)

(5) Implementation Guidance for the Idaho Copper Criteria for Aquatic Life. The "Implementation Guidance for the Idaho Copper Criteria for Aquatic Life: Using the Biotic Ligand Model" describes in detail methods for implementing the aquatic life criteria for copper using the BLM. This guidance, or its updates, will provide assistance to the Department and the public for determining minimum data requirements for BLM inputs and how to

estimate criteria when data are incomplete or unavailable. The "Implementation Guidance for the Idaho Copper Criteria for Aquatic Life: Using the Biotic Ligand Model" is available at the Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706, and on the DEQ website at https://www.deq.idaho.gov. (3-31-22)

d. Application of toxics criteria. (3-31-22)

i. Frequency and duration for aquatic life toxics criteria. CMC column criteria in Table 1 in Subsection 210.01 are concentrations not to be exceeded for a one-hour average more than once in three (3) years unless otherwise specified. CCC column criteria in Table 1 in Subsection 210.01 are concentrations not to be exceeded for a four-day average more than once in three (3) years unless otherwise specified. (3-31-22)

ii. Frequency and duration for human health toxics criteria. Criteria in Table 2, Subsection 210.01, are not to be exceeded based on an annual arithmetic mean concentration. (4-6-23)

e. Application of the fish tissue element of the arsenic criterion for human health. (4-6-23)

i. The fish tissue element for total recoverable inorganic arsenic is based on a single measurement using sufficiently sensitive methods. (4-6-23)

ii. The single measurement must be made on a sample that is an average or composite of a minimum of five (5) individual fish of the same species collected from the same water body within the same calendar year. When available, game fish species representative of the size and species that may be legally harvested within the waterbody are preferred. Results from multiple sample events may be averaged or composited provided they represent the same species collected from the same water body within the same calendar year. (4-6-23)

iii. Not to be exceeded; the Department will evaluate all representative fish tissue data to determine compliance with this criterion element. (4-6-23)

iv. For purposes of determining water column targets for the development of effluent limits, TMDL targets, or water column targets for fishless waters, the fish tissue element may be translated to a water column value using a site-specific bioaccumulation factor (BAF) based on the ratio of total recoverable inorganic arsenic in fish muscle or fillet tissue to dissolved inorganic arsenic in the water column using the following equation:

$$WC_T\ (\mu g/L) = \frac{8.00\ \mu g/kg}{BAF_{SS}\ L/kg}$$

Where:

WC_T (µg/L) is the translated water column value; and

BAF_{SS} L/kg is the site specific BAF calculated consistent with 210.03.e.v.

In fishless waters, surface water and fish tissue from the immediate downstream waters may be used for bioaccumulation modeling. In the absence of sufficient fish tissue data, the water column element is the applicable criterion element in fishless waters. (4-6-23)

v. When translating the fish tissue element to a water column value, the following procedures will be followed. (4-6-23)

(1) Data used to translate the fish tissue element must be based on current conditions and consistent with Subsections 210.03.e.i. and ii. (4-6-23)

(2) Whenever practical, fish tissue samples must be representative of the game fish species present within the waterbody and include game fish of legally harvestable size. In the absence of suitable game fish species, other resident fish species may be used. (4-6-23)

(3) Water column samples must be representative of the annual average concentration of dissolved inorganic arsenic at the site. (4-6-23)

(4) BAFs are calculated as a trophic-level weighted BAF ~~or other scientifically defensible method for~~

~~deriving protective BAF~~. ~~(4-6-23)~~( )

~~EPA approved Docket No. 58-0102-2201 with exception of disapproving the provision, in IDAPA 58.01.02.210.03.e.v.(4), to calculate bioaccumulation factors using "… other scientifically defensible method for deriving protective BAF." The EPA Action Letter and Technical Support Document were received on September 29, 2023. The remainder of IDAPA 58.01.02.210.03.e.v.(4) was approved by EPA and is effective for CWA purposes: "BAFs are calculated as a trophic level weighted BAF."~~

04. National Pollutant Discharge Elimination System Permitting. For the purposes of NPDES permitting, interpretation and implementation of metals criteria listed in Subsection 210.02 should be governed by the following standards, that are hereby incorporated by reference, in addition to other scientifically defensible methods deemed appropriate by the Department; provided, however, any identified conversion factors within these documents are not incorporated by reference. Metals criteria conversion factors are identified in Subsection 210.02 of this rule. (3-31-22)

a. "Guidance Document on Dissolved Criteria -- Expression of Aquatic Life Criteria," EPA, October 1993. (3-31-22)

b. "Guidance Document on Dynamic Modeling and Translators," EPA, August 1993. (3-31-22)

c. "Guidance Document on Clean Analytical Techniques and Monitoring," EPA, October 1993. (3-31-22)

d. "Interim Guidance on Determination and Use of Water-Effect Ratios for Metals," EPA, February 1994. (3-31-22)

e. "Technical Support Document for Water Quality-Based Toxics Control." EPA, March 1991. (3-31-22)

05. Development of Toxic Substance Criteria. (3-31-22)

a. Aquatic Life Communities Criteria. Numeric criteria for the protection of aquatic life uses not identified in these rules for toxic substances, may be derived by the Department from the following information: (3-31-22)

i. Site-specific criteria developed pursuant to Section 275; (3-31-22)

ii. Effluent biomonitoring, toxicity testing and whole-effluent toxicity determinations; (3-31-22)

iii. The most recent recommended criteria defined in EPA's ECOTOX database. When using EPA recommended criteria to derive water quality criteria to protect aquatic life uses, the lowest observed effect concentrations (LOECs) shall be considered; or (3-31-22)

iv. Scientific studies including, but not limited to, instream benthic assessment or rapid bioassessment. (3-31-22)

b. Human Health Criteria. (3-31-22)

i. When numeric criteria for the protection of human health are not identified in these rules for toxic substances, quantifiable criteria may be derived by the Department using best available science on toxicity thresholds (i.e. reference dose or cancer slope factor), such as defined in EPA's Integrated Risk Information System (IRIS) or other peer-reviewed source acceptable to the Department. (3-31-22)

ii. When using toxicity thresholds to derive water quality criteria to protect human health, a fish consumption rate representative of the population to be protected, a mean adult body weight, an adult 90th percentile water ingestion rate, a trophic level weighted BAF or BCF, and a hazard quotient of one (1) for non-carcinogens or a

cancer risk level of 10^{-5} for carcinogens will be utilized for any compound not listed in Subsection 210.05.b.iii. (4-6-23)

iii. Subsection 210.05.b.ii. does not apply to the fish tissue element for inorganic arsenic. (4-6-23)

(BREAK IN CONTINUITY OF SECTIONS)

401. POINT SOURCE WASTEWATER TREATMENT REQUIREMENTS.
Unless more stringent limitations are necessary to meet the applicable requirements of Sections 200 through 300, or unless specific exemptions are made pursuant to Subsection 080.02, wastewaters discharged into surface waters of the state must have the following characteristics: (3-31-22)

01. Temperature. The wastewater must not affect the receiving water outside the mixing zone so that: (3-31-22)

a. The temperature of the receiving water or of downstream waters will interfere with designated beneficial uses. (3-31-22)

b. Daily and seasonal temperature cycles characteristic of the water body are not maintained. (3-31-22)

~~**c.** If temperature criteria for the designated aquatic life use are exceeded in the receiving waters upstream of the discharge due to natural background conditions, then wastewater must not raise the receiving water temperatures by more than three tenths (0.3) degrees C.~~ ~~(3-31-22)~~

~~**Note:** Submitted to EPA as a temporary rule on July 20, 2011, and as a final rule on August 7, 2012 (docket 58-0102-1101). This revision removed the numeric limits on point source induced changes in receiving water temperature. Until EPA approves this revision, the previous treatment requirements published in 2011 Idaho Administrative Code continue to apply and are effective for CWA purposes. For more information, go to http://www.deq.idaho.gov/epa-actions-on-proposed-standards.~~

~~The previous treatment requirements published in 2011 Idaho Administrative Code are effective for CWA purposes until the date EPA issues written notification that the revisions in Docket Nos. 58-0102-1101 or 58-0102-1803 have been approved.~~

c. If the water is designated for warm water aquatic life, the induced variation is more than plus two (+2) degrees C. ( )

d. If the water is designated for cold water aquatic life, seasonal cold water aquatic life, or salmonid spawning, the induced variation is more than plus one (+1) degree C. ( )

~~**e.**~~**c.** If temperature criteria for the designated aquatic life use are exceeded in the receiving waters upstream of the discharge due to natural background conditions, then Subsections 401.01.c. and 401.01.d. do not apply and instead wastewater must not raise the receiving water temperatures by more than three tenths (0.3) degrees C above the natural background conditions. ~~(3-31-22)~~( )

~~Not effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1803 have been approved.~~

~~**d.** If temperature criteria for the designated aquatic life use are exceeded in the receiving waters~~

~~upstream of the discharge, then wastewater must not raise the receiving water temperatures by more than three tenths (0.3) degrees C above applicable numeric criteria.~~ ~~(3-31-22)~~

~~Not effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1803 have been approved.~~

02. **Turbidity**. The wastewater must not increase the turbidity of the receiving water outside the mixing zone by: (3-31-22)

a. More than five (5) NTU (Nephelometric Turbidity Units) over background turbidity, when background turbidity is fifty (50) NTU or less; or (3-31-22)

b. More than ten percent (10%) increase in turbidity when background turbidity is more than fifty (50) NTU, not to exceed a maximum increase of twenty-five (25) NTU. (3-31-22)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.05 – RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis (IBRS)

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2026 Idaho State Legislature for final approval. Pursuant to Section 67-5224, Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1, 44, and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e)(1) and Section 39-4404, Idaho Code, require DEQ to adopt amendments to federal law as proposed under this docket.

DESCRIPTIVE SUMMARY: This rulemaking was initiated to update federal regulations incorporated by reference. A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 6, 2025, Vol. 25-8, pages 231–232. DEQ received no public comments, and the rule has been adopted as initially proposed. The board meeting documents are available at Hazardous Waste: Docket No. 58-0105-2501 | Idaho Department of Environmental Quality.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

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:

Not applicable.

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

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0165
Diane.Cutler@deq.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 Chapters 1, 44, and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e)(1) and Section 39-4404, Idaho Code, require DEQ to adopt amendments to federal law as proposed under this docket.

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 August 20, 2025. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: The purpose of this rulemaking is to ensure that the state rules remain consistent with federal regulations. Idaho's Rules and Standards for Hazardous Waste, IDAPA 58.01.05, are updated annually to maintain consistency with the federal regulations implementing the Resource Conservation and Recovery Act (RCRA) as directed by the Idaho Hazardous Waste Management Act (HWMA). This proposed rule updates federal regulations incorporated by reference with the July 1, 2025 Code of Federal Regulations (CFR) effective date. The July 1, 2025 CFR is a codification of federal regulations published in the Federal Register as of July 1, 2025.

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. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2026 Idaho Legislature, the rule will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

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

Not applicable.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Adoption of federal regulations is necessary to maintain program primacy, allows DEQ to keep its rules up to date with federal regulation changes and simplifies compliance for the regulated community. Information for obtaining a copy of the federal regulations is included in the rule.

In compliance with Idaho Code 67-5223(4), DEQ prepared a brief synopsis detailing the substantive differences between the previously incorporated material and the latest revised edition or version of the incorporated material being proposed for incorporation by reference. The Overview of Incorporations by Reference is available at https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/hazardous-waste-docket-no-58-0105-2501/.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. DEQ determined that negotiated rulemaking is not feasible due to the simple nature of this rulemaking and because DEQ has no discretion with respect to adopting EPA's federal regulations implementing the Resource Conservation and Recovery Act (RCRA) as directed by the Idaho Hazardous Waste Management Act (HWMA). Whenever possible, DEQ incorporates federal regulations by reference to ensure that the state rules are consistent with federal regulations.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed rulemaking, contact Albert Crawshaw at albert.crawshaw@deq.idaho.gov or (208) 373-0554.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before September 3, 2025. Submit written comments to:

Albert Crawshaw
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
albert.crawshaw@deq.idaho.gov

Dated this 6th day of August, 2025.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0105-2501

002. INCORPORATION BY REFERENCE.

01. Federal Regulations Incorporated by Reference. 40 CFR Parts 124, 260 - 268, 270, 271, 273, 278, and 279 revised as of July 1, ~~2024~~ 2025, are incorporated by reference into these rules. ~~(7-1-25)~~( )

02. Exceptions. Nothing in 40 CFR Parts 260 - 268, 270, 273, 278, 279 or Part 124 as pertains to permits for Underground Injection Control (U.I.C.) under the Safe Drinking Water Act, the Dredge or Fill Program under Section 404 of the Clean Water Act, the National Pollution Discharge Elimination System (NPDES) under the Clean Water Act or Prevention of Significant Deterioration Program (PSD) under the Clean Air Act is adopted or included by reference herein. (3-24-22)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.06 – SOLID WASTE MANAGEMENT RULES

DOCKET NO. 58-0106-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

LINK: LSO Rules Analysis Memo

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2026 Idaho State Legislature for final approval. Pursuant to Section 67-5224, Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105, 39-107, and 39-7408C, Idaho Code.

DESCRIPTIVE SUMMARY: Rulemaking was initiated in compliance with Executive Order No. 2020-01, Zero-Based Regulation (EO 2020-01), issued by Governor Brad Little on January 16, 2020. A detailed summary of the reason for adopting the rule is set forth in the proposed rule published in the Idaho Administrative Bulletin, August 6, 2025, Vol. 25-8, pages 233–267. DEQ received no public comments, and the rule has been adopted as initially proposed. The board meeting documents are available at Solid Waste Management: Docket No. 58-0106-2501 | Idaho Department of Environmental Quality.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance with questions concerning the rulemaking, contact the undersigned.

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0165
Diane.Cutler@deq.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 39-7408C, 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 August 20, 2025. If no such written request is received, a public hearing will not be held. One public scoping meeting was held before initiation of negotiated rulemaking, and two public meetings were held during the negotiated rulemaking process.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking in compliance with Executive Order No. 2020-01, Zero-Based Regulation (EO 2020-01), issued by Governor Little on January 16, 2020. Pursuant to EO 2020-01, each rule chapter effective on June 30, 2020, shall be reviewed by the agency that promulgated the rule. The review will be conducted according to a schedule established by the Division of Financial Management, Office of the Governor (DFM), posted at https://adminrules.idaho.gov/forms_menu.html. This is one of the DEQ rule chapters up for review in 2025. The goal of the rulemaking is to perform a critical and comprehensive review of the entire chapter in an attempt to reduce overall regulatory burden, streamline various provisions, and increase clarity and ease of use.

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. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2026 Idaho State Legislature, the rule will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

FEE SUMMARY: This rulemaking does not impose or increase a fee beyond what was previously submitted to and reviewed by the Idaho Legislature in prior rules. Fees included in this rule chapter are authorized by Idaho Code §39-7408(C).

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 resulting from this rulemaking: Not applicable.

NEGOTIATED RULEMAKING: Negotiated rulemaking was conducted pursuant to Section 67-5220, Idaho Code. On March 5, 2025, the Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking was published in the Idaho Administrative Bulletin. At the conclusion of the negotiated rulemaking process, DEQ submitted the draft rule to the Division of Financial Management for review. DEQ formatted the draft for publication as a proposed rule and is now seeking public comment. The negotiated rulemaking record, which includes the negotiated rule drafts, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/solid-waste-management-docket-no-58-0106-2501/.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule.

Incorporation by reference allows DEQ to keep its rules up to date with federal regulations and simplifies compliance for the regulated community. An electronic link to the incorporated material is available in the rule. This rulemaking does not propose to adopt amendments to materials previously incorporated by reference. There are no substantive differences between previously incorporated material and the latest version being proposed for incorporation by reference.

For 40 CFR 257.24(a), Detection Monitoring Program, and 40 CFR 257.9, Wetlands, the "revised as of dates" have been updated to July 1, 2025, even though these sections have not been substantially revised since incorporation by reference in 2001. The purpose of this update is to simplify compliance by making the incorporated CFR more accessible to the public.

40 CFR 260.10, Definitions, and 40 CFR 257.2, Definitions, are proposed for incorporation by reference into IDAPA 58.01.06 for the first time.

IDAHO CODE SECTION 39-107D STATEMENT: IDAPA 58.01.06, Solid Waste Management Rules, are part of the requirements for Idaho's EPA approved Solid Waste Program. These rules regulate activities that are not specifically regulated by the federal government and are broader in scope than federal regulations. The federal government does provide specific criteria for municipal solid waste landfills; however, the federal regulations do not regulate certain non-municipal solid waste landfills in Idaho. These rules address non-municipal solid waste facilities. The revisions in this proposed rule are administrative in nature and do not set a standard based on science.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rulemaking, contact Amanda Henderson at amanda.henderson@deq.idaho.gov or (208) 236-6160.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before September 3, 2025. Submit written comments to:

Amanda Henderson
Department of Environmental Quality
444 Hospital Way, Suite 300, Pocatello, ID 83201
amanda.henderson@deq.idaho.gov

Dated this 6th day of August, 2025

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 58-0106-2501

58.01.06 – SOLID WASTE MANAGEMENT RULES

000. LEGAL AUTHORITY.
Sections 39-105 ~~and~~, 39-107, and 39-7408C Idaho Code~~, authorize the Board of Environmental Quality to adopt rules and administer programs to protect surface water quality, ground water quality and air quality, and to regulate solid waste treatment or disposal and the licensure and certification requirements pertinent thereto. Section 39-7408C, Idaho Code, authorizes the Board of Environmental Quality to establish by rule municipal solid waste commercial siting license fees~~. ~~(3-24-22)~~( )

001. ~~TITLE AND~~ SCOPE.

~~**01. Title**. These rules are titled IDAPA 58.01.06, "Solid Waste Management Rules." (3-24-22)~~

~~**02. Scope**.~~ These rules establish requirements applicable to all solid waste and solid waste management facilities in Idaho, except as specifically provided in Subsections 001.0~~3~~1 and 001.04~~2~~. ~~(3-24-22)~~( )

031. Wastes Not Regulated Under These Rules. (3-24-22)

a. These rules do not apply to the following solid wastes: (3-24-22)

i. Liquid wastes when the discharge or potential discharge of the liquid waste is regulated under a federal, state or local water pollution discharge or wastewater land application permit, including management of any solids if management of the solids are addressed in a permit term or condition; (3-24-22)

ii. Hazardous wastes regulated by the Hazardous Waste Management Act of 1983, Chapter 44, Title 39, Idaho Code, (HWMA) and the rules adopted thereunder; (3-24-22)( )

iii. Polychlorinated biphenyl (PCB) waste regulated under the Toxic Substances Control Act, as amended, 15 U.S.C. 2601, et seq., and these rules apply to PCB waste authorized by federal law to be disposed of at a nonhazardous waste landfill that is permitted, licensed, or registered under Idaho Law is regulated under these rules; (3-24-22)( )

iv. Slash or slashing areas resulting from the harvesting of timber and the disposal of which is managed pursuant to the Idaho Forestry Act, Chapter 1, Title 38, Idaho Code or log landings or sorting sites; (3-24-22)( )

v. Wastes used, managed, stored and disposed of in accordance with The Wood and Mill Yard Debris Technical Guidance Manual, as amended, published by the Department and developed pursuant to Sections 39-171 through 39-174, Idaho Code; (3-24-22)( )

vi. Clean soils and clean dredge spoils as regulated under Section 404 of the federal Clean Water Act provided that they are not hazardous wastes regulated by the Hazardous Waste Management Act, Chapter 44, Title 39, Idaho Code (HWMA) and the rules adopted thereunder; (3-24-22)( )

vii. Septage taken to a sewage treatment plant permitted by either the U.S. Environmental Protection Agency or the Department pursuant to IDAPA 58.01.1503, "Individual/Subsurface Sewage Disposal Rules and Rules Governing the for Cleaning of Septic Tanks"; (3-24-22)( )

viii. All radioactive waste and radioactive materials regulated pursuant to Section 39-4405(9), Idaho Code and rules adopted thereunder, and radioactive waste and materials regulated under the authority of the Atomic Energy Act of 1954, as amended; (3-24-22)( )

ix. Petroleum Contaminated Soils (PCS) from a leaking petroleum storage tank system managed as a one (1) time remediation pursuant to IDAPA 58.01.02, "Water Quality Standards" IDAPA 58.01.24, "Rules for Petroleum Release Corrective Action"; (3-24-22)( )

x. Asbestos as regulated by the Toxic Substances Control Act, as amended, 15 U.S.C. Sections 2601, et seq., or asbestos as regulated by the Clean Air Act, as amended, 42 U.S.C. Section 7412; (3-24-22)( )

xi. Nonhazardous wastes disposed of in a permitted hazardous waste treatment, storage and disposal unit regulated by the Hazardous Waste Management Act, Chapter 44, Title 39, Idaho Code, HWMA and rules adopted thereunder; or (3-24-22)( )

xii. Waste otherwise regulated under Department authorities. (3-24-22)

b. These rules do not apply to the following solid waste unless these wastes are mixed with more than incidental quantities of regulated waste;: (3-24-22)( )

i. Inert wastes; (3-24-22)

ii. Manures and crop (plant) residues ultimately returned to the soils at agronomic rates; (3-24-22)

iii. Any agricultural solid waste which is managed and regulated pursuant to rules adopted by the

Idaho Department of Agriculture. The Department reserves the right to use existing authorities to regulate agricultural waste that impacts human health or the environment; (3-24-22)

iv. Overburden, waste dumps, low-grade stockpiles, tailings and other materials uniquely associated with mineral extraction, beneficiation or processing operations; (3-24-22)

v. Slag from the production of elemental phosphorus; (3-24-22)

vi. Phospho-gypsum from the production of phosphate fertilizers, which includes the production of phosphoric acid; and (3-24-22)

vii. Wood waste used for ornamental, animal bedding, mulch and plant bedding, or road building purposes. (3-24-22)

042. Solid Waste Management Facilities Not Regulated Under These Rules. These ~~R~~rules do not apply to the following solid waste management facilities: ~~(3-24-22)~~( )

a. Solid waste management facilities accepting only solid waste excluded by Subsection 001.0~~3~~1; ~~(3-24-22)~~( )

b. Recycling centers; or (3-24-22)

c. Backyard composting sites. (3-24-22)

002. (RESERVED)

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal agency actions authorized under this chapter pursuant to IDAPA 58.01.23, "Contested Case Rules and Rules for Protection and Disclosure of Records." (3-24-22)

004. APPLICABILITY.
These rules apply to all solid waste unless excluded by Subsection 001.03 and to all solid waste management sites in Idaho unless excluded by Subsection 001.042. Compliance with these rules does not relieve owners and operators from the obligation to comply with other applicable state or federal laws, including but not limited to the IDAPA 58.01.02, "Water Quality Standards," IDAPA 58.01.11, "~~Ground Water~~Groundwater Quality Rule," and IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho." ~~(3-24-22)~~( )

01. Solid Waste Facility Other Than Municipal Solid Waste Landfills (MSWLF) Applicability. Sections 000 through ~~060 and Section 999~~ 032 apply to all solid waste facilities other than MSWLF, as specified therein. ~~(3-24-22)~~( )

02. Municipal Solid Waste Landfill Applicability. Sections 000 through ~~007~~ 005, and Sections 994 through ~~999~~ 995 apply to all MSWLFs, as specified therein. ~~(3-24-22)~~( )

005. DEFINITIONS.
The terms "Department," "Director," "Person," and "Solid Waste" are defined in Section 39-103, Idaho Code. The term "Ground water" (Groundwater) is defined in Section 39-121, Idaho Code. The terms "Land Application Unit," "Leachate," "Surface Impoundment or Impoundment," and "Waste Pile or Pile" are defined in 40 CFR 257.2. The term "Very Small Quantity Generator" (VSQG) is defined in 40 CFR 260.10. ( )

01. Active Portion. That part of a unit where waste had been, or may be, disposed of, treated, or otherwise managed, and that has not been closed in accordance with applicable rules. (3-24-22)

02. Backyard Composting. Composting operations used only by the owner or person in control of a residential dwelling unit to process garbage and yard waste generated at that dwelling unit. (3-24-22)

03. Beneficial Use. Various uses of ground water in Idaho including, but not limited to, domestic water

supplies, industrial water supplies and agricultural water supplies. A beneficial use is defined as actual current and projected future uses of ground water. (3-24-22)

04. Commercial Solid Waste Facility. A MSWLF owned and operated as an enterprise conducted with the intent of making a profit by any individual, association, firm, or partnership for the disposal of solid waste, but excluding a MSWLF owned or operated by a political subdivision, state or federal agency or, municipality or a MSWLF owned or operated by any individual, association, firm, or partnership exclusively for the disposal of solid waste generated by such individual, association, firm, or partnership. (3-24-22)

05. Composting Facility. See definition of Processing Facility. (3-24-22)

~~**06. Very Small Quantity Generator (VSQG) Hazardous Waste**. As defined in 40 CFR Part 260.10. (3-24-22)~~

~~**07. Very Small Quantity Generator (VSQG) Management Facility**. A facility or portion thereof where household hazardous waste or VSQG wastes are transferred from a vehicle or container and subsequently transported to another facility. A VSQG management facility does not include temporary drop off locations or other facilities where individuals or businesses are authorized to store waste for ultimate collection and disposal. (3-24-22)~~

0~~8~~6. **Contamination**. The introduction of a substance into the surface or ~~ground water~~ groundwater causing: ~~(3-24-22)~~( )

a. At or beyond the point of compliance, the concentration of that substance in ~~ground water to result~~ groundwater resulting in significant degradation, as determined ~~pursuant to Subsection 400.02.b of IDAPA 58.01.11, "Ground Water~~ by "Groundwater Quality Rule," or in an exceedance of the maximum contamination level (MCL) specified in the ~~Ground Water~~ Groundwater Quality Rule; ~~(3-24-22)~~( )

b. The concentration of that substance in surface water exceeds a numerical criteria or fails to protect designated beneficial uses specified in ~~the "Water Quality Standards," IDAPA 58.01.02~~, "Water Quality Standards"; ~~(3-24-22)~~( )

c. A statistically significant increase in the concentration of that substance in the ~~ground water~~ groundwater at or beyond the point of compliance, or in surface water, where the existing concentration of that substance exceeds the contamination level specified in Subsections 005.08.a. or 005.08.b. of this rule; or ~~(3-24-22)~~( )

d. A statistically significant increase in the concentration of that substance in ~~ground water~~ groundwater at the point of compliance, or in surface water, above background of a substance which; ~~(3-24-22)~~( )

i. Is not specified in Subsections 005.08.a. or 005.08.b. ~~of this rule; and~~ ~~(3-24-22)~~( )

ii. Is a result of the disposal of solid waste; and (3-24-22)

iii. Has been determined by the department to present a substantial risk to human health or the environment in the concentrations found in the ~~ground water~~ groundwater at the point of compliance, or in surface water. ~~(3-24-22)~~( )

07. Decontamination. As used in Subsections 010.01, 011.01, 012.03, and 013.03, "decontamination" is the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal. ( )

0~~9~~8. **Degradation**. The lowering of ~~ground water~~ groundwater quality as measured in a statistically significant and reproducible manner. ~~(3-24-22)~~( )

~~**10. Department**. The Idaho Department of Environmental Quality.~~ ~~(3-24-22)~~

~~11. **Director**. The Director of the Idaho Department of Environmental Quality.~~ ~~(3-24-22)~~

~~12~~09. **Disposal**. Discharge, deposit, injection, dumping, spilling, leaking, leaching, migration or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ~~ground water~~ groundwater. ~~(3-24-22)~~( )

1~~3~~0. **Facility**. Any area used for any solid waste management activity, including, but not limited to, storage, transfer, processing, separation, incineration, treatment, salvaging, or disposal of solid waste. (3-24-22)

141. **Garbage**. Any waste consisting of putrescible animal and vegetable materials resulting from the handling, preparation, cooking and consumption of food, including waste~~s~~ materials from households, markets, storage facilities, handling and sale of produce and other food products. ~~(3-24-22)~~( )

~~15. **Ground Water**. Any water of the state that occurs beneath the surface of the earth in a saturated geological formation of rock or soil.~~ ~~(3-24-22)~~

162. **Household Waste**. Any solid waste, including kitchen wastes, trash and sanitary waste in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day use recreation areas. (3-24-22)

1~~7~~3. **Incinerator**. Any source consisting of a furnace and all appurtenances thereto designed for the destruction of solid waste by burning. "Open Burning" is not considered incineration. (3-24-22)

184. **Inert Waste**. Noncombustible, nonhazardous, and non-putrescible solid wastes that are likely to retain their physical and chemical structure and have a de minimis potential to generate leachate under expected conditions of disposal, which includes resistance to biological attack. "Inert waste" includes, but is not limited to, rock, concrete, cured asphaltic concrete, masonry block, brick, gravel, dirt, inert coal combustion by-products, inert precipitated calcium carbonate and inert component mixture of wood or mill yard debris. (3-24-22)

~~19. **Landfill**. An area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well or waste pile, as those terms are defined under 40 CFR 257.2.~~ ~~(3-24-22)~~

~~20. **Leachate**. A liquid that has passed through or emerged from waste and contains soluble, suspended, or miscible materials removed from such waste.~~ ~~(3-24-22)~~

~~21~~15. **Lift**. A vertical rise of compacted solid waste that is complete when it is no longer practical to add additional height without the addition of a cover layer to provide structural stability. (3-24-22)

~~22~~16. **Modification**. Any change in the physical characteristics, waste types managed, method of operation, or lateral expansion beyond the boundaries of a site. The following is not considered a modification: (3-24-22)

a. Repair and replacement of existing equipment; (3-24-22)

b. Increase in production rate that does not exceed the Tier level criteria or approved facility capacity; (3-24-22)

c. An increase in hours of operation if more restrictive hours of operation are not specified in an approved operating plan; ~~and~~ or ~~(3-24-22)~~( )

d. Acquisition of property that is not to be used for the processing or disposal of solid waste. (3-24-22)

~~23~~17. **Municipal Solid Waste Landfill Unit (MSWLF)**. As regulated under Chapter 74, Title 39, Idaho

Code, a discrete area of land or an excavation that receives household waste, and that is not a land application unit, surface impoundment, ~~injection well,~~ or waste pile, as those terms are defined ~~under~~ in 40 CFR 257.2. A MSWLF unit also may receive other types of Resource Conservation and Recovery Act (RCRA) subtitle D wastes, such as commercial solid waste, nonhazardous sludge, very small quantity generator (VSQG) waste and industrial solid waste. Such a landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral expansion. ~~(3-24-22)~~( )

~~24~~18. **Non-Municipal Solid Waste (NMSW)**. A solid waste that is: (3-24-22)

a. Not mixed with household waste; or (3-24-22)

b. Not excluded from these rules by Subsection 001.0~~3~~1. ~~(3-24-22)~~( )

~~25~~19. **Non-Municipal Solid Waste Landfill (NMSWLF)**. A landfill that accepts only non-municipal solid waste. (3-24-22)

2~~6~~0. **Open Burning**. The combustion of solid waste without: (3-24-22)

a. Control of combustion air to maintain adequate temperature for efficient combustion; (3-24-22)

b. Containment of the combustion reaction in an enclosed device so as to provide sufficient residence time and mixing for complete combustion; and (3-24-22)

c. Control of the emission of the combustion products. (3-24-22)

2~~7~~1. **Operator**. The person(s) responsible for the overall operation of all or part of a site or facility. (3-24-22)

2~~8~~2. **Owner**. The person(s) who owns land or a portion of the land on which a site or facility is located. (3-24-22)

~~29. Person. Any individual, association, partnership, firm, joint stock company, trust, political subdivision, public or private corporation, state or federal government department, agency, or instrumentality, municipality, industry, or any other legal entity which is recognized by law as the subject of rights and duties. (3-24-22)~~

~~30~~23. **Point of Compliance**. A vertical surface located no more than one hundred fifty (150) yards hydraulically down gradient from the active portion of a facility or site, located at the facility boundary down gradient of the land area, or located at the point of diversion of an identified beneficial use within the site, whichever is the smallest distance from the active portion. (3-24-22)

~~31~~24. **Processing Facility**. A facility that uses biological or chemical decomposition to prepare solid waste for reuse, including compost facilities excluding waste handling at transfer stations or recycling centers. ~~(3-24-22)~~( )

~~32~~25. **Projected Waste Volume**. The total actual or potential solid waste volume measured in tons per day, cubic yards per day, or an equivalent measurement, proposed to be received or processed at a solid waste facility. (3-24-22)

~~33~~26. **Pumpable Waste**. Wastes, including non-domestic septage, sludge, wastewater and non-municipal solid wastes, which are pumped from a holding area or container into a watertight tank truck or equivalent and transported for processing or disposal. (3-24-22)

~~34~~27. **Qualified Professional**. Qualified professional means a licensed professional geologist or licensed professional engineer, as appropriate, holding current professional registration in good standing and in compliance with applicable provisions of Chapter 12, Title 54, Idaho Code. (3-24-22)

~~35~~28. **Recyclables**. Used, end, or waste products with useful properties that can be reused. (3-24-22)

~~36~~29. **Recycling**. The reclamation of solid waste and its subsequent introduction into an industrial process by which the materials are transformed into a new product in such a manner that the original identity as a product is lost. (3-24-22)

3~~7~~0. **Recycling Center**. A materials recovery facility that receives recyclables, then sorts, bales, loads, or physically alters the material and transports the commodities to markets. (3-24-22)

31. **Regulated Waste**. As used in Subsections 010.01, 011.01, 012.03, and 013.03, "regulated waste" is liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials. ( )

3~~8~~2. **Salvage**. The reclamation of solid waste at a disposal site. (3-24-22)

3~~9~~3. **Scavenge**. The unauthorized removal of materials from a facility. (3-24-22)

~~40~~34. **Septage**. A semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system. (3-24-22)

~~41~~35. **Site**. Any contiguous geographic area with one (1) or more facilities owned or operated by the same person used for any solid waste management activity, including, but not limited to, storage, transfer, processing, separation, incineration, treatment, salvaging, or disposal of solid waste. (3-24-22)

~~42~~36. **Site Size**. The sum in acres of all proposed or existing facilities. (3-24-22)

~~43. **Solid Waste**. Any garbage or refuse, sludge from a waste water treatment plant, water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923). (3-24-22)~~

~~44~~37. **Speculative Accumulation**. ~~Stock piles~~ Stockpiles of materials or recyclables to be processed for reuse or disposal when fifty percent (50%) of the material is not reused or disposed by the end of the following calendar year after the date of first receipt by the facility, and which may create a nuisance or public health impact. ~~(3-24-22)~~( )

~~45~~38. **Storm Water**. Accumulation of water from natural precipitation, including snow melt. (3-24-22)

~~46~~39. **Surface Water**. All surface accumulations of water, natural or artificial, public or private, or parts thereof which are wholly or partially within, which flow through or border upon the state, unless such waters are an integral part of the facility's operation for storm water control and or leachate management. (3-24-22)

4~~7~~0. **Tipping Floor**. An area at a transfer station, processing facility, VSQG management facility or incinerator that receives and contains all waste materials. (3-24-22)

4~~8~~1. **Toxic Leachate or Gas**. Concentrations of leachate or gas that will cause contamination, as defined by these rules, or that will exceed standards in ~~the~~ IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho." ~~(3-24-22)~~( )

4~~9~~2. **Transfer Station**. A facility or portion thereof where solid wastes are transferred from a vehicle or

container and subsequently transported off-site to another facility. A transfer station does not include an authorized rural drop-box or other facilities where persons are authorized to store individual waste for ultimate collection and disposal, or any other facility that stores solid waste generated at the facility for collection and disposal off-site. (3-24-22)

~~50~~43. **Wood or Mill Yard Debris Facility**. A facility that manages exclusively, solid wood, bark, or wood fiber generated from the process of manufacturing wood products that may include ash from the burning of wood waste in amounts and in conformity with the ~~requirements~~ provisions of the Wood & Mill Yard Technical Guidance Manual, components of soil, rock, or moisture. ~~(3-24-22)~~( )

~~51~~44. **Yard Waste**. Weeds, straw, leaves, grass clippings, brush, wood, and other natural, organic, materials typically derived from general landscape maintenance activities. (3-24-22)

45. **Very Small Quantity Generator (VSQG) Management Facility**. A facility or portion thereof where household hazardous waste or VSQG wastes are transferred from a vehicle or container and subsequently transported to another facility. A VSQG management facility does not include temporary drop off locations or other facilities where individuals or businesses are authorized to store waste for ultimate collection and disposal. ( )

006. ~~ABBREVIATIONS~~(RESERVED)

~~01. BRC. Below Regulatory Concern.~~ ~~(3-24-22)~~

~~02. CFR. Code of Federal Regulations.~~ ~~(3-24-22)~~

~~03. EPA. Environmental Protection Agency.~~ ~~(3-24-22)~~

~~04. ISWFA. Idaho Solid Waste Facilities Act, Chapter 74, Title 39, Idaho Code.~~ ~~(3-24-22)~~

~~05. MSWLF. Municipal Solid Waste Land Fill.~~ ~~(3-24-22)~~

~~06. NMSW. Non-Municipal Solid Waste.~~ ~~(3-24-22)~~

~~07. NMSWLF. Non-Municipal Solid Waste Land Fill.~~ ~~(3-24-22)~~

~~08. PCS. Petroleum Contaminated Soils.~~ ~~(3-24-22)~~

~~09. RCRA. Resource Conservation and Recovery Act.~~ ~~(3-24-22)~~

~~10. U.S.C. United States Code.~~ ~~(3-24-22)~~

007. INCORPORATION BY REFERENCE.

~~01. General. Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 007.02 shall constitute the full adoption by reference, including any notes and appendices therein. The term "documents" includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association.~~ ~~(3-24-22)~~

~~02. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules:~~ ~~(3-24-22)~~

~~a~~01. Detection Monitoring Program. 40 CFR 257.24(a), revised as of July 1, 20~~01~~25. ~~(3-24-22)~~( )

~~b~~02. Wetlands. 40 CFR 257.9, revised as of July 1, 20~~01~~25. ~~(3-24-22)~~( )

~~03. Availability of Referenced Material. Copies of the documents incorporated by reference into these rules are available at the following locations:~~ ~~(3-24-22)~~

~~a. Department of Environmental Quality, 1410 N. Hilton, Boise ID 83706-1255.~~ (3-24-22)

~~b. Idaho State Law Library, 451 W. State Street, P.O. Box 83720, Boise ID 83720-0051.~~ (3-24-22)

~~c. U.S. Government Printing Office, Superintendent of Documents, Washington, D.C. 20402, or U.S. Government Bookstore, Room 194 Federal Bldg., 915 Second Ave., Seattle, WA 98174, www.ecfr.gov.~~ (3-24-22)

03. Definitions. 40 CFR 260.10, revised as of July 1, 2025. All definitions included in 40 CFR 260.10 are excluded from incorporation except the definition of "Very Small Quantity Generator" is incorporated by reference in these rules. ( )

04. Definitions. 40 CFR 257.2, revised as of July 1, 2025. All definitions included in 40 CFR 257.2 are excluded from incorporation except the definitions of "Land Application Unit," "Leachate," "Surface Impoundment or Impoundment," and "Waste Pile or Pile" are incorporated by reference into these rules. ( )

008. (RESERVED)

009. SOLID WASTE MANAGEMENT FACILITY CLASSIFICATION.

01. Below Regulatory Concern (BRC) Facilities. A facility is ~~below regulatory concern (~~BRC~~)~~ provided it is a processing facility that does not manage PCS or pumpable waste, and the cumulative volume of solid waste at the facility at any one (1) time is less than or equal to three hundred (300) cubic yards. ~~(3-24-22)~~( )

02. Tier I Facilities. Tier I facilities ~~shall~~ must comply with the requirements identified in Section 011. A facility ~~shall~~ will be classified as a Tier I facility if the Department determines the facility is: ~~(3-24-22)~~( )

a. A landfill that only accepts, for disposal, materials that are not likely to produce leachate including, but not limited to, glass, plastic, cardboard, wood, composition roofing material, roofing paper, or ceramics, and which has a total disposal capacity of less than or equal to two thousand (2000) cubic yards~~.~~; ~~(3-24-22)~~( )

b. A processing facility that only processes wastes including, but not limited to, untreated or unpainted wood, yard waste, sheet rock, clean paper products, animal manures, plant or crop residues, or garbage without meats or animal fats, and the cumulative volume of wastes at the facility at any one time is less than or equal to six hundred (600) cubic yards~~.~~; ~~(3-24-22)~~( )

c. A processing facility that only manages PCS not excluded under Subsection 001.0~~3~~1.a.ix. or pumpable wastes and the cumulative volume of material at the facility at any one (1) time is less than or equal to two hundred (200) cubic yards; or ~~(3-24-22)~~( )

d. An emergency solid waste management facility that only accepts debris resulting from a natural disaster. (3-24-22)

03. Tier II Facility. Tier II facilities ~~shall~~ must comply with the Tier II general siting, operational and closure requirements and any applicable Tier II facility specific requirements. Tier II facilities are not required to install ~~ground water~~ groundwater monitoring wells, leachate collection systems or liners. Facilities ~~shall~~ will be classified as a Tier II facility if the Department determines the facility is not: (1) landfilling or disposing of VSQG hazardous waste; (2) landfilling or disposing of materials with a high human pathogenic potential; (3) managing solid waste in a manner or volume that will form toxic leachate or gas; or (4) managing solid waste in a manner or volume that is likely to pose a substantial risk to human health or the environment. A Tier II facility is one that meets the four (4) above criteria and is identified below: ~~(3-24-22)~~( )

a. A NMSW landfill which has a total disposal capacity greater than two thousand (2000) cubic yards; ~~or~~ ~~(3-24-22)~~( )

b. A processing facility or incinerator that has a cumulative volume of wastes at the facility at any one time that is greater than six hundred (600) cubic yards; ~~or~~ ~~(3-24-22)~~( )

c. A processing facility that only manages PCS not excluded under Subsection 001.0~~3~~1.a.ix or pumpable wastes and the cumulative volume of material at the facility at any one (1) time is greater than two hundred (200) cubic yards; or ~~(3-24-22)~~( )

d. A transfer station or VSQG waste management facility. (3-24-22)

04. Tier III Facility. Tier III facilities ~~shall~~ must comply with the Tier III general siting, operating and closure requirements, ~~ground water~~ groundwater monitoring requirements, install leachate collection systems, liners, air contaminant control systems and any applicable Tier III facility specific requirements. Facilities ~~shall~~ will be classified as a Tier III facility if the Department determines the facility is: (1) a facility landfilling or disposing of VSQG hazardous waste; (2) a facility landfilling or disposing of materials with a high human pathogenic potential; (3) a facility managing solid waste in a manner or volume that will form toxic leachate or gas; or (4) a facility managing solid waste in a manner or volume that is likely to pose a substantial risk to human health or the environment. ~~(3-24-22)~~( )

05. Wood or Mill Yard Debris Facilities. All Wood and Mill Yard Debris Facilities that are not exempt from these ~~R~~rules as provided in Section 001.0~~3~~1 ~~shall~~ must be regulated as Tier I Facilities unless, based on site-specific criteria including but not limited to site geology, site soils, groundwater characteristics, distance to surface waters, and site climatic data, the Department determines the facility is more appropriately regulated under a different tier classification. Facilities not regulated as a Tier I Facility ~~shall~~ will be regulated as a Tier II Facility unless the Department determines the facility manages waste in a manner that will form toxic leachate or gas. ~~(3-24-22)~~( )

06. Site Specific Classification. An owner or operator of a facility classified as a Tier I, Tier II or Tier III facility may request to be regulated pursuant to the requirements of a lower classification. An owner or operator requesting site specific classification must submit information demonstrating to the Department that, when in compliance with the requirements of a lower classification, the facility would not cause contamination, toxic leachate or gas, or concentrations of a substance that exceed standards in the IDAPA 58.01.01 "Rules for the Control of Air Pollution in Idaho." The information included in any request under this subsection ~~shall~~ must include: ~~(3-24-22)~~( )

a. Characterization of waste and expected quantities of waste; (3-24-22)

b. Site characterization including; (3-24-22)

i. Site geology report; (3-24-22)

ii. Site soils report; (3-24-22)

iii. ~~Ground water~~Groundwater report; ~~(3-24-22)~~( )

iv. Site climatic data; (3-24-22)

c. Facility ~~D~~design ~~P~~plan; ~~(3-24-22)~~( )

d. Operating ~~P~~plan; and ~~(3-24-22)~~( )

e. Closure ~~P~~plan. ~~(3-24-22)~~( )

07. General and Site Specific Classification Process. The Department's review of a request for a site specific classification ~~shall~~ will be conducted pursuant to the process set forth in Section 032. ~~(3-24-22)~~( )

010. ~~BELOW REGULATORY CONCERN~~ BRC FACILITIES.

01. Applicable Requirements. The owner and operator of a BRC facility ~~shall~~ must comply with the following ~~requirements~~ prior to accepting waste. ~~(3-24-22)~~( )

a. ~~Prohibited Activities.~~ The following activities are prohibited: ~~(3-24-22)~~( )

i. Disposal in a landfill of regulated waste from any business that provides health care, support to health care businesses, or medical diagnostic services ~~that has not been decontaminated. "Regulated waste" and "decontaminated" for the purpose of Section 010 will have the same meaning as defined at 29 CFR 1910.1030~~ without having gone through the decontamination process; ~~(3-24-22)~~( )

ii. Speculative accumulation, unless otherwise approved by the Department in writing; and (3-24-22)

iii. Disposal of radioactive waste except in a facility regulated pursuant to Section 39-4405(9), Idaho Code, and rules adopted thereunder, or a facility regulated under the authority of ~~T~~the Atomic Energy Act of 1954, as amended. ~~(3-24-22)~~( )

b. ~~Nuisance Control.~~ The owner and operator ~~shall~~ will control nuisances, including but not limited to: ~~(3-24-22)~~( )

i. ~~Disease or discomfort.~~ Operations at any facility ~~shall~~ will not provide sustenance to rodents or insects that cause human disease or discomfort; ~~(3-24-22)~~( )

ii. ~~Vector.~~ Vector control procedures ~~shall~~ will prevent or control vectors that may cause health hazards or nuisances; ~~(3-24-22)~~( )

iii. ~~Odor.~~ The facility ~~shall~~ will be operated to control odors and malodorous gases; and ~~(3-24-22)~~( )

iv. ~~Litter.~~ Effective measures ~~shall~~ will be taken to minimize the loss of debris from the facility. Debris blown from or within the facility ~~shall~~ will be collected and properly disposed to prevent objectionable accumulations. ~~(3-24-22)~~( )

c. ~~Bird Hazards to Aircraft.~~ No facility may handle putrescible wastes in such a manner that may attract birds and increase the likelihood of bird/aircraft collisions. Facilities that are located within ten thousand (10,000) feet of any airport runway used by turbojet aircraft, or within five thousand (5,000) feet of any airport used by only piston-type aircraft ~~shall~~ will operate the facility in such a manner that birds are not a hazard to aircraft~~; and~~. ~~(3-24-22)~~( )

d. ~~Open Burning and Fires.~~ Open burning ~~is~~ and fires are prohibited at facilities except as authorized by Section 061. ~~(3-24-22)~~( )

02. Application Content, Review and Approval ~~Requirements~~. The owner and operator of a BRC facility are not required to ~~submit an application~~ apply. ~~(3-24-22)~~( )

03. Documentation ~~Requirements~~. The owner and operator ~~shall~~ must maintain on site documentation, such as a daily log of the quantity and type of waste received or managed, that verifies the facility's BRC status. ~~(3-24-22)~~( )

011. APPLICABLE REQUIREMENTS FOR TIER I FACILITIES.

01. Applicable Requirements. The owner and operator of a Tier I facility ~~shall~~ must comply with the following ~~requirements~~ prior to accepting waste. ~~(3-24-22)~~( )

a. ~~Prohibited Activities.~~ The following activities are prohibited: ~~(3-24-22)~~( )

i. Disposal in a landfill of regulated waste from any business that provides health care, support to health care businesses, or medical diagnostic services ~~that has not been decontaminated. "Regulated waste" and "decontaminated" for the purpose of Section 011 will have the same meaning as defined at 29 CFR 1910.1030~~ without having gone through the decontamination process; ~~(3-24-22)~~( )

ii. Speculative accumulation, unless otherwise approved by the Department in writing; and (3-24-22)

iii. Disposal of radioactive waste except in a facility regulated pursuant to Section 39-4405(9), Idaho Code, and rules adopted thereunder or a facility regulated under the authority of ~~T~~the Atomic Energy Act of 1954, as amended. ~~(3-24-22)~~( )

b. ~~Signs.~~ Facilities open to the ~~general~~ public ~~shall~~ will clearly post visible and legible signs at each entrance to the facility. The signs ~~shall~~ will specify at a minimum the name of the facility, the hours of operation, the waste accepted at the facility and an emergency phone number. ~~(3-24-22)~~( )

c. ~~Nuisance Control.~~ The owner and operator ~~shall~~ will control nuisances, including but not limited to: ~~(3-24-22)~~( )

i. ~~Disease or Discomfort.~~ Operations at any facility ~~shall~~ will not provide sustenance to rodents or insects that cause human disease or discomfort; ~~(3-24-22)~~( )

ii. ~~Vector.~~ Vector control procedures ~~shall~~ will prevent or control vectors that may cause health hazards or nuisances; ~~(3-24-22)~~( )

iii. ~~Odor.~~ The facility ~~shall~~ will be operated to control odors and malodorous gases; and ~~(3-24-22)~~( )

iv. ~~Litter.~~ Effective measures ~~shall~~ will be taken to minimize the loss of debris from the facility. Debris blown from or within the facility ~~shall~~ will be collected and properly disposed to prevent objectionable accumulations. ~~(3-24-22)~~( )

d. ~~Facility Access.~~ Unauthorized vehicles and persons ~~shall~~ will be prohibited access to the facility. A facility open to the public ~~shall~~ will accept waste only when an attendant is on duty. The facility ~~shall~~ will be fenced or otherwise blocked to access when an attendant is not on duty. The owner and operator ~~shall~~ will maintain the fencing or other access controls for a period of ten (10) years after closure, or another timeframe approved in writing by the Department. ~~(3-24-22)~~( )

e. ~~Bird Hazards to Aircraft.~~ No facility may handle putrescible wastes in such a manner that may attract birds and increase the likelihood of bird/aircraft collisions. Facilities that are located within ten thousand (10,000) feet of any airport runway used by turbojet aircraft, or within five thousand (5,000) feet of any airport used by only piston-type aircraft ~~shall~~ will operate the facility in such a manner that birds are not a hazard to aircraft. ~~(3-24-22)~~( )

f. ~~Open Burning and Fires.~~ Open burning ~~is~~ and fires are prohibited at facilities except as authorized by Section 061. ~~(3-24-22)~~( )

g. ~~Storm Water Run-On/Run-Off Controls.~~ Implement sufficient storm water management provisions, which may incorporate a National Pollution Discharge Elimination System (NPDES) storm water pollution prevention plan, to prevent contamination of surface or ~~ground water~~ groundwater and prevent the spread and impact of contamination beyond the boundary of the facility. ~~(3-24-22)~~( )

h. ~~Variance Request.~~ An owner and operator may submit a written variance request for a variance from the requirements listed in Section 011. The owner and operator must demonstrate to the Department that the variance is at least as protective of human health and the environment as the requirements listed in Section 011. ~~(3-24-22)~~( )

02. Application Content, Review and Approval ~~Requirements~~. The owner and operator of a Tier I facility ~~shall~~ must submit notification to the Department prior to operating. The notice ~~shall~~ must include; the owners name, operators name, physical location of site, mailing address, facility phone number and type of solid waste management facility. ~~(3-24-22)~~( )

03. Documentation ~~Requirements~~. The owner and operator ~~shall~~ must maintain on site

documentation, such as a daily log of the quantity and type of waste received, that verifies the facility's Tier I status. ~~(3-24-22)~~( )

012. APPLICABLE REQUIREMENTS FOR TIER II FACILITIES.
The owner and operator of a Tier II facility ~~shall~~ must establish compliance with the requirements of Section 012 by obtaining Department approval of the applications required in Subsection 012.02 before beginning construction and Subsection 012.04 prior to accepting waste. The owner and operator of a Tier II facility ~~shall~~ must meet the requirements of Subsection 012.05 prior to facility closure. ~~(3-24-22)~~( )

01. General Siting Requirements. The owner and operator of a Tier II facility ~~shall~~ must comply with the following ~~siting requirements~~: ~~(3-24-22)~~( )

a. ~~Flood Plain Restriction.~~ A facility ~~shall~~ will not be located within a one hundred (100) year flood plain if the facility will restrict the flow of the one hundred (100) year flood, reduce the temporary water storage capacity of the flood plain, or result in a washout of solid waste so as to pose a hazard to human health and the environment. ~~(3-24-22)~~( )

b. ~~Endangered or Threatened Species Restriction.~~ The facility ~~shall~~ will not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife or result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR Part 17. ~~(3-24-22)~~( )

c. ~~Surface Water Restriction.~~ The active portion of a facility ~~shall~~ will be located such that the facility ~~shall~~ will not cause contamination of surface waters, unless such surface waters are an integral part of the non-municipal solid waste management facility's operation for storm water and~~/or~~ leachate management. ~~(3-24-22)~~( )

d. ~~Park, Scenic or Natural Use Restriction.~~ The active portion of a facility ~~shall~~ will not be located closer than one thousand (1,000) feet from the boundary of any state or national park, or land reserved or withdrawn for scenic or natural use including, but not limited to, wild and scenic areas, national monuments, wilderness areas, historic sites, recreation areas, preserves and scenic trails. ~~(3-24-22)~~( )

e. ~~Variance from Siting Requirement.~~ An owner or operator of a facility that cannot meet the siting requirements of Section 012 may apply for a variance from the Department. The Department ~~shall~~ will approve a written request for a variance provided the owner and operator demonstrate to the Department that the variance is at least as protective of public health and the environment as the siting requirements in Section 012. ~~(3-24-22)~~( )

02. Siting Application. Documentation ~~shall~~ must be submitted to the Department demonstrating compliance with the ~~siting~~ requirements and restrictions specified in Subsection 012.01 within the time frames specified in Section 012. If the documentation has been certified by a qualified professional, the Director ~~shall~~ will approve the siting application unless the Director finds the evidence supports a contrary opinion. A map indicating the following ~~shall~~ must also be submitted to the Department as part of a ~~S~~siting ~~A~~application: ~~(3-24-22)~~( )

a. Highways, roads, and adjacent communities; (3-24-22)

b. Property boundaries; (3-24-22)

c. Total acreage of the site; (3-24-22)

d. Off-site and on-site access roads and service roads; (3-24-22)

e. Type(s) of land use adjacent to the facility and a description of all facilities on the site; (3-24-22)

f. All water courses, ponds, lakes, reservoirs, canals, irrigation systems, and existing water supplies, within one-quarter (1/4) mile of the proposed facility property lines; (3-24-22)

g. High tension power line rights-of-way, fuel transmission pipeline rights-of-way, and proposed and existing utilities; (3-24-22)

h. Proposed or existing fencing; (3-24-22)

i. Proposed and existing structures at the facility and within five hundred (500) feet of the facility boundary. This ~~shall~~ includes location of employee buildings, and scales (if provided); and ~~(3-24-22)~~( )

j. Direction of prevailing winds. (3-24-22)

03. General Operating Requirements. The owner and operator of a Tier II facility ~~shall~~ must comply with the following ~~operating requirements~~: ~~(3-24-22)~~( )

a. ~~Prohibited Activities.~~ The following activities are prohibited: ~~(3-24-22)~~( )

i. Disposal in a landfill of regulated waste from any business that provides health care, support to health care businesses, or medical diagnostic services ~~that has not been decontaminated. "Regulated waste" and "decontaminated" for the purpose of Section 012 have the same meaning as defined at 29 CFR 1910.1030~~ without having gone through the decontamination process; ~~(3-24-22)~~( )

ii. Speculative accumulation, unless otherwise approved in an operating plan; and (3-24-22)

iii. Disposal of radioactive waste except in a facility regulated pursuant to Section 39-4405(9), Idaho Code, and rules adopted thereunder or a facility regulated under the authority of ~~T~~the Atomic Energy Act of 1954, as amended. ~~(3-24-22)~~( )

b. ~~Signs.~~ Facilities open to the ~~general~~ public ~~shall~~ will clearly post visible and legible signs at each entrance to the facility specifying, at a minimum, the name of the facility, the hours of operation, the waste accepted at the facility and an emergency phone number. ~~(3-24-22)~~( )

c. ~~Waste Types.~~ Only the solid waste types listed in the approved operating plan may be accepted for disposal or processing. ~~(3-24-22)~~( )

d. ~~Waste Monitoring and Measurement.~~ Provisions ~~shall~~ will be made for monitoring or measuring all ~~s~~Solid ~~w~~Waste delivered to a facility. The waste monitoring program ~~shall~~ will include: ~~(3-24-22)~~( )

i. A daily written log listing the types and quantities of wastes received; (3-24-22)

ii. A plan for monitoring and handling receipt of unauthorized wastes; (3-24-22)

iii. Routine characterization of the wastes received; and (3-24-22)

iv. Other measures included in an approved ~~O~~operating ~~P~~plan. ~~(3-24-22)~~( )

e. ~~Communication.~~ Communication devices ~~shall~~ will be available or reasonably accessible at the site. ~~(3-24-22)~~( )

f. ~~Fire Prevention and Control.~~ Adequate provisions ~~shall~~ will be made for preventing and controlling or managing fires at the site. ~~(3-24-22)~~( )

g. ~~Facility Access.~~ Unauthorized vehicles and persons ~~shall~~ will be prohibited access to the facility. A facility open to the public ~~shall~~ will accept waste only when an attendant is on duty. The facility ~~shall~~ will be fenced or otherwise blocked to access when an attendant is not on duty. ~~(3-24-22)~~( )

h. ~~Scavenging and Salvaging.~~ Scavenging by the public at a facility is prohibited; however, salvaging may be conducted in accordance with a written ~~operations~~ operating plan and only by the owner, operator or an authorized agent. ~~(3-24-22)~~( )

i. ~~Nuisance Control.~~ The owner and operator ~~shall~~ will control nuisances, including but not limited

to: ~~(3-24-22)~~( )

i. ~~Disease or Discomfort.~~ Operations at any facility ~~shall~~ will not provide sustenance to rodents or insects that cause human disease or discomfort; ~~(3-24-22)~~( )

ii. ~~Vector.~~ Vector control procedures ~~shall~~ will prevent or control vectors that may cause health hazards or nuisances; ~~(3-24-22)~~( )

iii. ~~Odor.~~ The facility ~~shall~~ will be operated to control odor and malodorous gases; and ~~(3-24-22)~~( )

iv. ~~Litter.~~ Effective measures ~~shall~~ will be taken to minimize the loss of debris from the facility. Debris blown from or within the facility ~~shall~~ will be collected and properly disposed to prevent objectionable accumulations. ~~(3-24-22)~~( )

j. ~~Bird Hazards to Aircraft.~~ No facility may handle putrescible wastes in such a manner that may attract birds and increase the likelihood of bird/aircraft collisions. Facilities that are located within ten thousand (10,000) feet of any airport runway used by turbojet aircraft, or within five thousand (5,000) feet of any airport used by only piston-type aircraft ~~shall~~ will operate the facility in such a manner that birds are not a hazard to aircraft. ~~(3-24-22)~~( )

k. ~~Open Burning and Fires.~~ Open burning ~~is~~ and fires are prohibited at facilities except as authorized by Section 061. ~~(3-24-22)~~( )

l. ~~Storm Water Run-On/Run-Off Controls.~~ The operating plan ~~shall~~ will include sufficient storm water management provisions, which may incorporate a NPDES storm water pollution prevention plan, to prevent contamination of surface and ~~ground water~~ groundwater and prevent the spread and impact of contamination beyond the boundary of the facility. ~~(3-24-22)~~( )

m. ~~Variance Request.~~ An owner and operator of a facility may submit to the Department a written ~~variance~~ request for a variance from the operating requirements listed in Section 012. The Department ~~shall~~ will approve a written request for a variance provided the owner and operator demonstrate to the Department that the variance is at least as protective of human health and the environment as the requirements listed in Section 012. ~~(3-24-22)~~( )

04. Operating Plan. The owner and operator of a Tier II facility ~~shall~~ must submit to the Department an ~~O~~operating ~~P~~plan containing ~~that~~ the information ~~required by~~ specified in Subsection 012.03, within the time frames stated in Section 012. An ~~O~~operating ~~P~~plan ~~shall~~ must include a description of the wastes to be accepted, the methods for maintaining compliance with each of the applicable general operating requirements of Subsection 012.03, and complies with any applicable facility specific requirements ~~found~~ in Subsections 012.09 through 012.11. ~~(3-24-22)~~( )

05. Closure ~~Requirement~~. The owner and operator of a Tier II facility ~~shall~~ must comply with the following closure and post-closure care requirements: ~~(3-24-22)~~( )

a. ~~Public Notice.~~ For a facility open to the public, the owner and operator ~~shall provide public notice~~ will publish a public notice of the facility's closure ~~by publishing a notice~~ in the local newspaper and post~~ing~~ signs at the facility's entrance~~. This notice shall be published and the signs posted;~~: ~~(3-24-22)~~( )

i. At least thirty (30) days and no more than ninety (90) days prior to the date of last receipt of waste for a facility that has reached disposal capacity; or (3-24-22)

ii. If the facility has remaining capacity and there is a reasonable likelihood that the facility will receive additional waste, a notice ~~shall~~ will be published and signs posted at least thirty (30) days and no more than ninety (90) days prior to closure. ~~(3-24-22)~~( )

b. ~~Facility Closure.~~ Unless the Department establishes ~~an alternate closure time period~~ otherwise, the owner and operator ~~shall~~ will close the facility within six (6) months of the Department's approval of the ~~C~~closure

~~P~~plan. The facility ~~shall~~ will be closed in accordance with the approved ~~C~~closure ~~P~~plan. ~~(3-24-22)~~(____)

c. ~~Clean Site/Access Control.~~ The owner and operator ~~shall~~ will close the facility by managing or removing all solid waste to prevent impact to human health or the environment and install~~ing~~ a gate or other device to prevent public access after the last receipt of waste~~; and~~. ~~(3-24-22)~~(____)

d. ~~Drainage and Erosion Control.~~ The owner and operator ~~shall~~ will install appropriate measures to control erosion and install appropriate measures to control the run-on and runoff from a twenty-five (25) year, twenty-four (24) hour storm event and to provide for the diversion of other surface waters from the closed facility. ~~(3-24-22)~~(____)

e. ~~Closure Plan Certification.~~ Within thirty (30) days of closure, the owner and operator ~~shall~~ will notify the Department in writing that the facility was closed in accordance with the approved ~~C~~closure ~~P~~plan. If closure of the facility is different from the approved ~~C~~closure ~~P~~plan, the owner and operator ~~shall~~ will submit for Department review and approval documents, such ~~as "a~~as-built" plans, showing the final conditions of the facility. ~~(3-24-22)~~(____)

06. Closure Plan Application. Except as specified in Subsection 012.10, the owner and operator of a Tier II facility ~~shall~~ must submit to the Department a ~~C~~closure ~~P~~plan ~~A~~application containing the following information no later than ninety (90) days before the date on which the facility receives the known final receipt of wastes or, if the facility has remaining capacity and there is a reasonable likelihood that the facility will receive additional wastes, no later than one (1) year after the most recent receipt of wastes: ~~(3-24-22)~~(____)

a. A complete and accurate legal description of the facility; (3-24-22)

b. A map of the facility, showing pertinent facility features, including: (3-24-22)

i. Facility boundaries, drainage patterns, location of fill areas, and location of access control measures; (3-24-22)

ii. All water courses, ponds, lakes, reservoirs, canals, irrigation systems, and existing water supplies, within one-quarter (1/4) mile of the facility boundary; (3-24-22)

iii. Location of disposal trenches and description of waste disposed; and (3-24-22)

iv. Proposed final contours of the closed facility, drawn to a reasonable scale with five (5) foot intervals for the operational area, and ten (10) foot intervals for the remainder of the facility; (3-24-22)

c. Estimated date of last receipt of waste; (3-24-22)

d. A description of how public access to the closed facility will be controlled; (3-24-22)

e. Estimated total cubic yards, or tons, of waste in place; (3-24-22)

f. Total acreage of the facility and acres containing waste; (3-24-22)

g. Closure equipment and procedures to be used; (3-24-22)

h. Texture, depth and permeability of final cover material; (3-24-22)

i. Design and construction plan for any necessary final cover; (3-24-22)

j. Placement, design, and management of run-on and run-off storm water controls; (3-24-22)

k. Types of vegetation and planting procedures to be used for establishing vegetative cover; and ~~(3-24-22)~~(____)

l. Other closure information the Department determines is necessary to protect human health and the environment. (3-24-22)

07. Documentation ~~Requirements~~. The owner and operator of a Tier II facility ~~shall~~ must maintain on site a copy of each Department-approved ~~A~~application and ~~P~~plan required by Section 012. ~~(3-24-22)~~( )

08. Modification Application. The owner and operator ~~shall~~ must submit to the Department for review and approval a ~~M~~modification ~~A~~application describing any proposed modification. The owner and operator of a Tier II facility ~~shall~~ must not implement the modification prior to Department approval. If a proposed modification alters the classification of a facility, the owner and operator ~~shall~~ must comply with the application content, review and approval requirements for the new classification. ~~(3-24-22)~~( )

09. Tier II Processing Facilities. In addition to the ~~requirements~~ provisions listed in Subsections 012.01 through 012.08, the owner and operator of a Tier II processing facility ~~shall~~ must also comply with the following ~~requirements~~: ~~(3-24-22)~~( )

a. Siting Requirements: (3-24-22)

i. ~~Ground Water.~~ The active portion of a facility ~~shall~~ will be located, designed and constructed such that the facility ~~shall~~ will not cause contamination to a drinking water source or cause contamination of the ~~ground water~~ groundwater. ~~(3-24-22)~~( )

ii. ~~Geologic Restrictions.~~ No facility may be located on land that would threaten the integrity of the design. ~~(3-24-22)~~( )

iii. ~~Property Line Restriction.~~ The active portion of a facility ~~shall~~ will not be located closer than one hundred (100) feet to the property line. ~~(3-24-22)~~( )

b. ~~Siting Application.~~ The owner and operator ~~shall~~ will provide in the Siting Application documentation that demonstrates compliance with the siting requirements specified in Subsections 012.01 and 012.09.a. ~~(3-24-22)~~( )

c. Operating Requirements: (3-24-22)

i. ~~Odor Management Plan.~~ The owner and operator of a Tier II processing facility ~~shall~~ will implement a Department approved ~~O~~odor ~~M~~management ~~P~~plan designed to minimize malodorous gases. An ~~O~~odor ~~M~~management ~~P~~plan ~~shall~~ will include specific operating criteria for oxygen, moisture and temperature levels appropriate for the wastes to be processed and processing technologies to be employed, methods used to maintain the specific operating criteria and a monitoring strategy that includes the frequency and parameters for monitoring the specific operating criteria. ~~(3-24-22)~~( )

ii. ~~Documentation requirement.~~ The owner and operator of a processing facility ~~shall~~ will maintain documentation of compliance with Section 012, including an operational log of the methods used to maintain the operating criteria and sampling results. ~~(3-24-22)~~( )

d. ~~Operating Plan.~~ The operating plan required in Subsection 012.04 ~~shall~~ will identify methods used for maintaining compliance with each applicable operating requirement of Subsections 012.03 and ~~Subsection~~ 012.09.c. ~~(3-24-22)~~( )

10. Tier II Incinerators, VSQG Management Facility and Transfer Stations. In addition to the ~~requirements~~ provisions listed in Subsections 012.01 through 012.04 ~~and Subsections~~, 012.07, and 012.08, the owner and operator of a Tier II incinerator, VSQG management facility or transfer station ~~shall~~ must comply with the following ~~requirements~~: ~~(3-24-22)~~( )

a. ~~Design Requirements.~~ The owner and operator ~~shall~~ will comply with the following design requirements: ~~(3-24-22)~~( )

i. A tipping floor design constructed of impermeable and durable material and designed to contain, collect, and convey any liquids to a storage or leachate management system; and (3-24-22)

ii. A leachate storage or management system. (3-24-22)

b. ~~Design Application.~~ The following information ~~shall~~ will be submitted to the Department in a ~~D~~design ~~A~~application: ~~(3-24-22)~~( )

i. A description of the tipping floor design; (3-24-22)

ii. A description of the storage or leachate management system design; (3-24-22)

iii. Building and construction design blueprints; (3-24-22)

iv. A map illustrating a storm water run-on/run-off system designed to prevent contamination of surface and ~~ground water~~ groundwater, and prevent the spread and impact of contamination beyond the boundary of the facility; and ~~(3-24-22)~~( )

v. Operational design and capacity information including a description of the waste types and projected daily and annual waste volumes. (3-24-22)

c. ~~Operating Requirements.~~ The owner and operator of a Tier II facility ~~shall~~ will comply with the following operating requirements: ~~(3-24-22)~~( )

i. Implement cleaning procedures and waste residency times to maintain sanitary conditions on the surface of the tipping floor; and (3-24-22)

ii. Implement and operate a leachate storage or management system. (3-24-22)

d. ~~Closure Requirement.~~ The owner and operator of a Tier II facility ~~shall~~ will comply with the following closure and post-closure care requirements: ~~(3-24-22)~~( )

i. ~~Public Notice.~~ For a facility open to the public the owner and operator ~~shall provide~~ will publish public notice of the facility's closure ~~by publishing a notice~~ in the local newspaper and post~~ing~~ signs at the facility's entrance~~. This notice shall be published and the signs posted~~ at least thirty (30) days prior to closure; ~~(3-24-22)~~( )

ii. ~~Facility Closure.~~ The owner and operator ~~shall~~ will close the facility by removing all solid waste to prevent impact to human health or the environment and installing a gate or other device to prevent public access after the last receipt of waste; ~~(3-24-22)~~( )

iii. ~~Closure Time Period.~~ Unless the Department establishes ~~an alternate closure time period~~ otherwise, the owner and operator ~~shall~~ will close the facility within ~~two (2) months~~ sixty (60) days of the Department's approval of the ~~C~~closure ~~P~~plan. The facility ~~shall~~ will be closed in accordance with the approved ~~C~~closure ~~P~~plan; and ~~(3-24-22)~~( )

iv. ~~Closure Plan Certification.~~ Within thirty (30) days of closure, the owner and operator ~~shall~~ will notify the Department in writing that the facility was closed in accordance with the approved ~~C~~closure ~~P~~plan. If closure of the facility is different from the approved ~~C~~closure ~~P~~plan, the owner and operator ~~shall~~ will submit for Department review and approval documents, such ~~as "a~~ass-built" plans, showing the final conditions of the facility. ~~(3-24-22)~~( )

e. ~~Closure Plan Application.~~ The owner and operator ~~shall~~ will submit to the Department a Closure Plan Application containing the following information no later than ninety (90) days before the date on which the facility receives the known final receipt of wastes: ~~(3-24-22)~~( )

i. A complete and accurate legal description of the facility; (3-24-22)

ii. A map of the facility, showing pertinent facility features, including facility boundaries, drainage patterns, and location of access control measures; (3-24-22)

iii. Estimated date of last receipt of waste; (3-24-22)

iv. A description of how public access to the closed facility will be controlled; (3-24-22)

v. Closure equipment and procedures to be used; (3-24-22)

vi. Anticipated future uses for the facility; and (3-24-22)

vii. Other closure information the Department determines is necessary to protect human health and the environment. (3-24-22)

11. Tier II NMSWLF. In addition to the requirements in Subsections 012.01 through 012.08, the owner and operator of a Tier II NMSWLF ~~shall~~ must also comply with the following ~~requirements~~: ~~(3-24-22)~~( )

a. Siting ~~R~~requirements: ~~(3-24-22)~~( )

i. ~~Wetlands.~~ A facility ~~shall~~ will not be located in wetlands, except as provided in 40 CFR 257.9. ~~(3-24-22)~~( )

ii. ~~Ground Water.~~ The active portion of a facility ~~shall~~ will be located, designed and constructed such that the facility ~~shall~~ will not cause contamination to a drinking water source or cause contamination of the ~~ground water~~ groundwater. ~~(3-24-22)~~( )

iii. ~~Geologic Restrictions.~~ No facility may be located on land that would threaten the integrity of the design. ~~(3-24-22)~~( )

iv. ~~Property Line Restriction.~~ The active portion of a facility ~~shall~~ will not be located closer than one hundred (100) feet to the property line. ~~(3-24-22)~~( )

b. ~~Siting Application.~~ The owner and operator ~~shall~~ will provide in the ~~S~~siting ~~A~~application documentation that demonstrates compliance with the siting requirements specified in Subsections 012.01 and 012.11.a.; ~~(3-24-22)~~( )

c. ~~Design Application.~~ The owner and operator ~~shall~~ will provide the following information illustrated on a facility map for design approval: ~~(3-24-22)~~( )

~~i. A facility map illustrating:~~ ~~(3-24-22)~~

~~(1)~~i. Surface water and erosion control systems; (3-24-22)

~~(2)~~ii. Proposed fill area, including the location of waste disposal trenches or cells, noting the locations of trenches used for separated wastes such as animal carcasses, tree trunks, stumps, bulky wastes, car bodies, asbestos, and ~~petroleum contaminated soils~~ PCS; ~~(3-24-22)~~( )

~~(3)~~iii. Location of borrow areas; (3-24-22)

~~(4)~~iv. Design elevation grade of final cover; (3-24-22)

~~(5)~~v. Soil and water table test boring holes, wells, or excavations; (3-24-22)

~~(6)~~vi. Proposed receiving, storage, and processing areas; (3-24-22)

~~(7)~~vii. Proposed trench layout and development; and (3-24-22)

~~(8)~~viii. Contour lines at five (5) foot intervals within the operating area and ten (10) foot intervals to the facility boundary. (3-24-22)

d. ~~Operating Requirements:~~ The owner and operator of a NMSWLF ~~shall~~ will comply with the following operating requirements: ~~(3-24-22)~~( )

i. Compaction and placement of waste in locations consistent with the approved operating plan; (3-24-22)

ii. Provision for storage of waste during periods when the NMSWLF is inaccessible; (3-24-22)

iii. Application of a six (6) inch compacted soil cover layer on exposed waste as necessary to prevent nuisance and vector conditions at periods consistent with the approved operating plan. An owner and operator may request that the Department approve an alternate cover that addresses vectors, litter, fire, odor, and scavenging concerns; (3-24-22)

iv. Placement of an interim cover layer of twelve (12) inches of compacted soil between lifts to provide erosion control and structural stability. An owner and operator may request that the Department approve an alternate interim cover that addresses erosion, and stability for subsequent lifts; and ~~(3-24-22)~~( )

v. Preservation of existing vegetation where attainable. (3-24-22)

e. ~~Operating Plan.~~ The operating plan required in Subsection 012.04 ~~shall~~ will identify the methods used for maintaining compliance with each applicable operating requirement of Subsection 012.03 and Subsection 012.11.d.; ~~(3-24-22)~~( )

f. ~~Closure Requirements.~~ The owner and operator of a Tier II NMSWLF ~~shall~~ will comply with the following closure requirements: ~~(3-24-22)~~( )

i. ~~Final Cover.~~ Within seven (7) days of the date of last receipt of waste, a cover layer ~~shall~~ will be applied to prevent nuisances and vector conditions. Within one hundred and twenty (120) days of the date of last receipt of waste, a final cover layer of eighteen (18) inches of compacted soil with an approved in-place permeability designed to minimize infiltration, or its functional equivalent, and, a six (6) inch soil layer that minimizes erosion and sustains plant growth ~~shall~~ will be constructed; ~~(3-24-22)~~( )

ii. ~~Facility Stabilization.~~ All disturbed portions of the facility ~~shall~~ will be stabilized. Stabilization practices may include but are not limited to: establishment of vegetation, mulching, geotextiles, and sod stabilization; ~~(3-24-22)~~( )

iii. ~~Slope Stability.~~ Finished grade ~~shall~~ will be at a minimum of two percent (2%) and a maximum of thirty- three percent (33%) slope on the final surface of the completed fill area, after settlement; and ~~(3-24-22)~~( )

iv. ~~Drainage Control.~~ The completed landfill ~~shall~~ will be graded to prevent surface water ponding and erosion, and to conform to the local topography. ~~(3-24-22)~~( )

g. ~~Closure Plan.~~ The owner and operator ~~shall~~ will provide in the ~~C~~closure ~~P~~plan documentation that demonstrates compliance with closure requirements specified in Subsections 012.05 and 012.11.f. ~~(3-24-22)~~( )

h. Environmental Covenants: (3-24-22)

i. After completion and certification of closure of a NMSWLF, the owner and operator ~~shall~~ will record an environmental covenant, pursuant to the Uniform~~ed~~ Environmental Covenants Act (UECA) Chapter 30, Title 55, Idaho Code, on the property where the landfill facility is located, and its future use may be restricted in accordance with a post-closure care plan. A copy of the environmental covenant ~~shall~~ will be sent to the Department after recording with the county clerk~~;~~. ~~(3-24-22)~~( )

ii. The owner may request permission from the Department to remove the environmental covenant if all wastes are removed from the facility~~:~~.~~(3-24-22)~~(____)

iii. Federal agencies with responsibility for management of landfills on federal property ~~shall~~ will make an environmental covenant or notation in the federal property records for the affected property. If the subject property is ever sold or transferred by the federal government, a notation on the deed or patent ~~shall~~ will be made. ~~(3-24-22)~~(____)

i. ~~Post-Closure Care Plan.~~ Owners and operators of a NMSWLF ~~shall~~ will submit, in accordance with the time frames specified in Subsection 012.06, to the Department for review and approval a ~~P~~post-~~C~~closure ~~C~~care ~~P~~plan, ~~shall~~ obtain Department approval of the ~~P~~plan, and ~~shall~~ conduct post-closure care in accordance with the ~~P~~plan. The ~~P~~post-~~C~~closure ~~C~~care ~~P~~plan ~~shall typically~~ will contain the following provisions: ~~(3-24-22)~~(____)

i. The name and address of an agent authorized to accept communications or service during the post-closure period. The name may be changed during the post-closure period by providing the Department with twenty (20) days advance written notice of the change; (3-24-22)

ii. ~~Provisions t~~To maintain the integrity and effectiveness of the final cover; ~~(3-24-22)~~(____)

iii. ~~Provisions t~~To continue to maintain and operate the systems required in the operating plan including run-on/run-off control systems; ~~(3-24-22)~~(____)

iv. ~~Provisions t~~To maintain appropriate security of the closed facility; ~~(3-24-22)~~(____)

v. ~~Provisions~~ To provide for routine facility inspections by the owner and operator to ~~i~~ensure compliance with the ~~P~~post-~~C~~closure ~~C~~care ~~P~~plan; and ~~(3-24-22)~~(____)

vi. A description of the planned use(s) of the property during the post-closure care period: (3-24-22)

j. Post-closure care for the NMSWLF ~~shall~~ will be conducted for a period of five (5) years, unless the Department establishes in writing an alternate facility-specific post-closure care period. ~~(3-24-22)~~(____)

k. ~~Post-Closure Standards and Inspection.~~ Post-closure use or operation of the site ~~shall~~ will not disturb any final cover or storm water control systems in a manner that will increase the potential to threaten human health or the environment. ~~(3-24-22)~~(____)

l. The approved ~~P~~post-~~C~~closure ~~C~~care ~~P~~plan shall be maintained and available for review on request by the Department. ~~(3-24-22)~~(____)

013. APPLICABLE REQUIREMENTS FOR TIER III FACILITIES.
The owner and operator of a Tier III facility ~~shall~~ must establish compliance with the requirements of Section 013 by obtaining Department approval of the application~~s~~ required in Subsection 013.02 before beginning construction and Subsection 013.04 prior to accepting waste. The owner and operator of a Tier III facility ~~shall~~ must meet the requirements of Subsection 012.07 prior to facility closure. ~~(3-24-22)~~(____)

01. General Siting Requirements. The owner and operator of a Tier III facility ~~shall~~ must comply with the following ~~siting requirements~~: ~~(3-24-22)~~(____)

a. ~~Flood Plain Restriction.~~ A facility ~~shall~~ will not be located within a one hundred (100) year flood plain if the facility will restrict the flow of the one hundred (100) year flood, reduce the temporary water storage capacity of the flood plain, or result in a washout of solid waste so as to pose a hazard to human health and the environment. ~~(3-24-22)~~(____)

b. ~~Endangered or Threatened Species Restriction.~~ The facility ~~shall~~ will not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife or result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR Part 17. ~~(3-24-22)~~(____)

c. ~~Surface Water Restriction.~~ The active portion of a facility ~~shall~~ will be located such that the facility ~~shall~~ will not cause contamination of surface waters, unless such surface waters are an integral part of the non-municipal solid waste management facility's operation for storm water and~~/or~~ leachate management. ~~(3-24-22)~~( )

d. ~~Ground Water.~~ The active portion of the facility ~~shall~~ will be located, designed and constructed such that the facility ~~shall~~ will not cause contamination to a drinking water source or cause contamination of ~~ground water~~ groundwater. ~~(3-24-22)~~( )

e. ~~Geologic Restrictions.~~ No facility may be located on land that would threaten the integrity of the design. ~~(3-24-22)~~( )

f. ~~Property Line Restriction.~~ The active portion of a facility ~~shall~~ will not be located closer than one hundred (100) feet to the property line. ~~(3-24-22)~~( )

g. ~~Park, Scenic or Natural Use Restriction.~~ The active portion of a facility ~~shall~~ will not be located closer than one thousand (1,000) feet from the boundary of any state or national park, or land reserved or withdrawn for scenic or natural use including, but not limited to, wild and scenic areas, national monuments, wilderness areas, historic sites, recreation areas, preserves and scenic trails. ~~(3-24-22)~~( )

h. ~~Variance from Siting Requirement.~~ Any facility that does not meet the siting requirements of Section 013 may apply for a variance from the Department. The Department may approve a written request for a variance provided the owner and operator demonstrate to the Department that the variance is at least as protective of public health and the environment as the siting requirements in Section 013. ~~(3-24-22)~~( )

02. Siting Application. Documentation ~~shall~~ must be submitted to the Department demonstrating compliance with the ~~siting~~ requirements and restrictions specified in Subsection 013.01 within the time frames specified in Section 013. If the documentation has been certified by a qualified professional, the Director ~~shall~~ will approve the ~~siting~~ application unless the Director finds the evidence supports a contrary opinion. A map indicating the following ~~shall~~ must also be submitted to the Department as part of a ~~S~~siting ~~A~~application: ~~(3-24-22)~~( )

a. Highways, roads, and adjacent communities; (3-24-22)

b. Property boundaries; (3-24-22)

c. Total acreage of the site; (3-24-22)

d. Off-site and on-site access roads and service roads; (3-24-22)

e. Type(s) of land use adjacent to the facility and a description of all facilities on the site; (3-24-22)

f. All water courses, ponds, lakes, reservoirs, canals, irrigation systems, and existing water supplies, within one-quarter (1/4) mile of the proposed facility property lines; (3-24-22)

g. High tension power line rights-of-way, fuel transmission pipeline rights-of-way, and proposed and existing utilities; (3-24-22)

h. Proposed or existing fencing; (3-24-22)

i. Proposed and existing structures at the facility and within five hundred (500) feet of the facility boundary. This ~~shall~~ will include location of employee buildings, and scales (if provided); and ~~(3-24-22)~~( )

j. Direction of prevailing winds. (3-24-22)

03. General Operating Requirements. The owner and operator of a Tier III facility ~~shall~~ must comply with the following ~~operating requirements~~: ~~(3-24-22)~~( )

a. ~~Prohibited Activities.~~ The following activities are prohibited: ~~(3-24-22)~~( )

i. Disposal in a landfill of regulated waste from any business that provides health care, support to health care businesses, or medical diagnostic services ~~that has not been decontaminated. "Regulated waste" and "decontaminated" for the purpose of Section 013 have the same meaning as defined at 29 CFR 1910.1030~~ without having gone through the decontamination process; ~~(3-24-22)~~( )

ii. Speculative accumulation, unless otherwise approved in an operating plan; and (3-24-22)

iii. Disposal of radioactive waste except in a facility regulated pursuant to Section 39-4405(9), Idaho Code and rules adopted thereunder or a facility regulated under the authority of ~~T~~the Atomic Energy Act of 1954, as amended. ~~(3-24-22)~~( )

b. ~~Signs.~~ Facilities open to the ~~general~~ public ~~shall~~ will clearly post visible and legible signs at each entrance to the facility specifying, at a minimum, the name of the facility, the hours of operation, the waste accepted at the facility and an emergency phone number. ~~(3-24-22)~~( )

c. ~~Waste Types.~~ Only the solid waste types listed in the approved operating plan may be accepted for disposal or processing. ~~(3-24-22)~~( )

d. ~~Waste Monitoring and Measurement.~~ Provisions ~~shall~~ will be made for monitoring or measuring all solid waste delivered to a facility. The waste monitoring program ~~shall~~ will include: ~~(3-24-22)~~( )

i. A daily written log listing the types and quantities of wastes received; (3-24-22)

ii. A plan for monitoring and handling receipt of unauthorized wastes; (3-24-22)

iii. Routine characterization of the wastes received; and (3-24-22)

iv. Other measures included in an approved ~~O~~operating ~~P~~plan. ~~(3-24-22)~~( )

e. ~~Communication.~~ Communication devices ~~shall~~ will be available or reasonably accessible at the site. ~~(3-24-22)~~( )

f. ~~Fire Prevention and Control.~~ Adequate provisions ~~shall~~ will be made for controlling or managing fires at the site. ~~(3-24-22)~~( )

g. ~~Facility Access.~~ Unauthorized vehicles and persons ~~shall~~ will be prohibited access to the facility. A facility open to the public ~~shall~~ will accept waste only when an attendant is on duty. The facility ~~shall~~ will be fenced or otherwise blocked to access when an attendant is not on duty. ~~(3-24-22)~~( )

h. ~~Scavenging and Salvaging.~~ Scavenging by the public at a facility is prohibited; however, salvaging may be conducted in accordance with a written operating plan and only by the owner, operator or an authorized agent. ~~(3-24-22)~~( )

i. ~~Nuisance Control.~~ The owner and operator ~~shall~~ will control nuisances, including but not limited to: ~~(3-24-22)~~( )

i. ~~Disease or Discomfort.~~ Operations at any facility ~~shall~~ will not provide sustenance to rodents or insects that cause human disease or discomfort; ~~(3-24-22)~~( )

ii. ~~Vector.~~ Vector control procedures ~~shall~~ will prevent or control vectors that may cause health hazards or nuisances; ~~(3-24-22)~~( )

iii. ~~Odor.~~ The facility ~~shall~~ will be operated to control odors and malodorous gases; and ~~(3-24-22)~~( )

iv. ~~Litter.~~ Effective measures ~~shall~~ will be taken to minimize the loss of debris from the facility. Debris blown from or within the facility ~~shall~~ will be collected and properly disposed to prevent objectionable accumulations. ~~(3-24-22)~~( )

j. ~~Bird Hazards to Aircraft.~~ No facility may handle putrescible wastes in such a manner that may attract birds and increase the likelihood of bird/aircraft collisions. Facilities that are located within ten thousand (10,000) feet of any airport runway used by turbojet aircraft, or within five thousand (5,000) feet of any airport used by only piston-type aircraft ~~shall~~ will operate the facility in such a manner that birds are not a hazard to aircraft. ~~(3-24-22)~~( )

k. ~~Open Burning and Fires.~~ Open burning is prohibited at facilities except as authorized by Section 061. ~~(3-24-22)~~( )

l. ~~Storm Water Run-On/Run-Off Controls.~~ The operating plan ~~shall~~ will include sufficient storm water management provisions, which may incorporate a NPDES storm water pollution prevention plan, to prevent contamination of ground or surface water and prevent the spread and impact of contamination beyond the boundary of the facility. ~~(3-24-22)~~( )

m. ~~Variance Request.~~ An owner and operator may submit to the Department a written variance request for a variance from the operating requirements listed in Section 013. The Department ~~shall~~ will approve a written request for a variance provided the owner and operator demonstrate to the Department that the variance is at least as protective of human health and the environment as the requirements listed in Section 013. ~~(3-24-22)~~( )

04. Operating Plan. The owner and operator of a Tier III facility ~~shall~~ must submit to the Department an ~~O~~operating ~~P~~plan containing that information ~~required by~~ specified in Subsection 013.03, within the time frames stated in Section 013. An ~~O~~operating ~~P~~plan ~~shall~~ must include a description of the wastes to be accepted, the methods for maintaining compliance with each of the applicable general operating requirements of Subsection 013.03, and complies with any applicable facility specific requirements found in Subsections 013.11 through 013.13. ~~(3-24-22)~~( )

05. ~~Ground Water~~ Groundwater Monitoring Requirements. The owner and operator of a Tier III facility ~~shall~~ must comply with the following ~~ground water monitoring requirements~~: ~~(3-24-22)~~( )

a. Install and maintain ~~ground water~~ groundwater monitoring wells at the point of compliance as approved by the Department; ~~(3-24-22)~~( )

b. Within thirty (30) days of completion of each well, submit a copy of the geologic log and record of well construction to the Department; (3-24-22)

c. Monitor the ~~ground water~~ groundwater quarterly, unless otherwise directed by the Department. Constituents to be monitored ~~shall~~ will be those listed in ~~40 CFR Part~~ 40 CFR 257.24(a) unless otherwise authorized by the Department; and ~~(3-24-22)~~( )

d. The owner and operator of any facility required to monitor ~~ground water~~ groundwater pursuant to Section 013 ~~shall~~ will continue the approved monitoring schedule for five (5) years following facility closure, unless otherwise approved by the Department upon request of the owner and operator for a modified monitoring schedule. ~~(3-24-22)~~( )

06. ~~Ground Water~~ Groundwater Monitoring Application. The following information ~~shall~~ must be submitted to the Department in a ~~Ground Water~~ groundwater ~~M~~monitoring ~~A~~application: ~~(3-24-22)~~( )

a. A map showing soil types, depth ~~to ground water, ground water~~ and flow direction of groundwater, and locations of proposed ~~ground water~~ groundwater monitoring wells; and ~~(3-24-22)~~( )

b. A monitoring schedule indicating sample frequency and constituents to be analyzed. (3-24-22)

07. Closure Requirement. The owner and operator of a Tier III facility ~~shall~~ must comply with the

following ~~closure requirements~~: ~~(3-24-22)~~(____)

a. ~~Public Notice.~~ For a facility open to the public the owner and operator ~~shall provide~~ will publish public notice of the facility's closure ~~by publishing a notice~~ in the local newspaper and post~~ing~~ signs at the facility's entrance. ~~This notice shall be published and the signs posted;~~ ~~(3-24-22)~~(____)

i. At least thirty (30) days and no more than ninety (90) days prior to the date of last receipt of waste for a facility that has reached disposal capacity; or (3-24-22)

ii. If the facility has remaining capacity and there is a reasonable likelihood that the facility will receive additional waste, a notice ~~shall~~ will be published and signs posted at least thirty (30) days and no more than ninety (90) days prior to closure. ~~(3-24-22)~~(____)

b. ~~Facility Closure.~~ Unless the Department establishes ~~an alternate closure time period~~ otherwise, the owner and operator ~~shall~~ will close the facility within six (6) months of the Department's approval of the ~~C~~closure ~~P~~plan. The facility ~~shall~~ will be closed in accordance with the approved ~~C~~closure ~~P~~plan. ~~(3-24-22)~~(____)

c. ~~Clean Site/Access Control.~~ The owner and operator ~~shall~~ will close the facility by managing or removing all solid waste to prevent impact to human health or the environment and ~~shall~~ will install a gate or other device to prevent public access after the last receipt of waste~~;~~. ~~(3-24-22)~~(____)

d. ~~Drainage and Erosion Control.~~ The owner and operator ~~shall~~ will install appropriate measures to control erosion and install appropriate measures to control the run-on and runoff from a twenty-five (25) year, twenty-four (24) hour storm event and to provide for the diversion of other surface waters from the closed facility~~;~~. and ~~(3-24-22)~~(____)

e. ~~Closure Plan Certification.~~ Within thirty (30) days of closure, the owner and operator ~~shall~~ will notify the department in writing that the facility was closed in accordance with the approved ~~C~~closure ~~P~~plan. If closure of the facility is different from the approved ~~C~~closure ~~P~~plan, the owner and operator ~~shall~~ will submit for Department review and approval documents, such as "as-built" plans, showing the final conditions of the facility. ~~(3-24-22)~~(____)

08. Closure Plan Application. The owner and operator of a Tier III facility ~~shall~~ submit to the Department a ~~C~~closure ~~P~~plan ~~A~~application containing the information no later than ninety (90) days before the date on which the facility receives the known final receipt of wastes or, if the facility has remaining capacity and there is a reasonable likelihood that the facility will receive additional wastes, no later than one (1) year after the most recent receipt of wastes. The following information ~~shall~~ must be submitted to the Department in a ~~C~~closure ~~A~~application: ~~(3-24-22)~~(____)

a. A complete and accurate legal description of the facility; (3-24-22)

b. A map of the facility, showing pertinent facility features, including: (3-24-22)

i. Facility boundaries, drainage patterns, location of fill areas, and location of access control measures; (3-24-22)

ii. All water courses, ponds, lakes, reservoirs, canals, irrigation systems, and existing water supplies, within one-quarter (1/4) mile of the facility boundary; (3-24-22)

iii. Location of disposal trenches and description of waste disposed; and (3-24-22)

iv. Proposed final contours of the closed facility, drawn to a reasonable scale with five (5) foot intervals for the operational area, and ten (10) foot intervals for the remainder of the facility; (3-24-22)

c. Estimated date of last receipt of waste~~;~~. ~~(3-24-22)~~(____)

d. A description of how public access to the closed facility will be controlled~~;~~. ~~(3-24-22)~~(____)

e. Estimated total cubic yards, or tons, of waste in place~~;~~. ~~(3-24-22)~~(____)

f. Total acreage of the facility and acres containing waste~~;~~. ~~(3-24-22)~~(____)

g. Closure equipment and procedures to be used~~;~~. ~~(3-24-22)~~(____)

h. Texture, depth and permeability of final cover material~~;~~. ~~(3-24-22)~~(____)

i. Design and construction plan for any necessary final cover~~;~~. ~~(3-24-22)~~(____)

j. Placement, design, and management of run-on and run-off storm water controls~~;~~. ~~(3-24-22)~~(____)

k. Types of vegetation and planting procedures to be used for establishing vegetative cover~~;~~. ~~(3-24-22)~~(____)

l. Details of any proposed changes to any existing groundwater monitoring system~~;~~. ~~(3-24-22)~~(____)

m. Details of any proposed changes to any existing landfill gas control system~~;~~. ~~(3-24-22)~~(____)

n. Details of any proposed changes to any existing leachate collection system; and (3-24-22)

o. Other closure information the Department determines is necessary to protect human health and the environment. (3-24-22)

09. Documentation Requirements. The owner and operator of a Tier III facility ~~shall~~ must maintain, on site, each Department-approved application required by Section 013. ~~(3-24-22)~~(____)

10. Modification Application. The owner and operator ~~shall~~ must submit to the Department a ~~M~~modification ~~A~~application describing the proposed modification no less than sixty (60) days prior to the proposed modification of the facility. The owner and operator of a Tier III facility ~~shall~~ must not implement the modification prior to Department approval. If a proposed modification alters the classification of a facility, the owner and operator ~~shall~~ must comply with the application content, review and approval requirements for the new classification. ~~(3-24-22)~~(____)

11. Tier III Processing Facilities. In addition to the requirements in Subsections 013.01 through 013.10, the owner and operator of a Tier III processing facility ~~shall~~ must comply with the following ~~requirements~~: ~~(3-24-22)~~(____)

a. ~~Odor Management Plan.~~ The owner and operator of a Tier III processing facility ~~shall~~ will implement a Department approved ~~O~~odor ~~M~~management ~~P~~plan designed to minimize malodorous gases. An ~~O~~odor ~~M~~management ~~P~~plan ~~shall~~ will include specific operating criteria for oxygen, moisture and temperature levels appropriate for the wastes to be processed and processing technologies to be employed; methods used to maintain the specific operating criteria and a monitoring strategy that includes the frequency and parameters for monitoring the specific operating criteria; ~~(3-24-22)~~(____)

b. ~~Additional Requirements for PCS.~~ Owners and operators of Tier III PCS processing facilities ~~shall~~ will comply with the following applicable requirements: ~~(3-24-22)~~(____)

i. Leachate collection and control system to prevent contamination of ground and surface waters; (3-24-22)

ii. Liner designed to prevent ground and surface water contamination. The liner design ~~shall~~ will account for the types of wastes handled and the potential for migration of liquids and gaseous contaminants to ~~ground water; and~~ groundwater; ~~(3-24-22)~~(____)

iii. Air emission control system to prevent discharges of air pollutants~~.~~; and ~~(3-24-22)~~(____)

iv. An owner and operator of a PCS processing facility may submit a written request for a variance from the leachate control and liner requirements. The owner and operator must demonstrate that the variance is at least as protective of surface and ~~ground water~~ groundwater as the leachate collection system and liner. ~~(3-24-22)~~( )

c. ~~Design Application.~~ The following information ~~shall~~ will be submitted to the Department in a Design Application: ~~(3-24-22)~~( )

i. Building and construction design blueprints; (3-24-22)

ii. A map illustrating a storm water run-on/run-off system designed to prevent contamination of ground or surface water or and prevent contamination beyond the boundary of the facility; (3-24-22)

iii. Operational design and capacity information including a description of the waste types and projected daily and annual waste volumes; and (3-24-22)

iv. ~~Design and Construction Requirements.~~ The owner and operator of a Tier III PCS processing facility ~~shall~~ will submit for Department review and approval the following information as part of the ~~D~~design ~~A~~application: ~~(3-24-22)~~( )

(1) A hydrogeologic evaluation, including the potential for migration of contamination to ground or surface water; (3-24-22)

(2) A detailed description of treatment methods to be used; (3-24-22)

(3) Design plans for a leachate collection and control system to prevent ground and surface water contamination from the leachate control system; (3-24-22)

(4) Design plans for an air emissions control system to prevent discharges of air pollutants; and (3-24-22)

(5) Design plans for a liner designed to prevent ground or surface water contamination. The liner design ~~shall~~ will account for the types of wastes handled and the potential for migration of liquid and gaseous contaminants to ~~ground water~~ groundwater. ~~(3-24-22)~~( )

d. ~~Operating Plan.~~ The owner and operator of a PCS processing facility ~~shall~~ will submit for Department review and approval the following information as part of the Subsection 013.04, ~~O~~operating ~~P~~plan: ~~(3-24-22)~~( )

i. A sampling plan that describes the methods and frequency that the owner and operator will use to sample and analyze the wastes when received, during processing, and on final testing of processed material; and (3-24-22)

ii. A description of how the owner and operator will maintain and operate the liner, leachate collection and control system, and air emission control system consistent with the approved design application. (3-24-22)

e. ~~Documentation Requirement.~~ The owner and operator of a processing facility ~~shall~~ will maintain documentation of compliance with Section 013, including an operational log of the methods used to maintain the operating criteria and sampling results. (3-24-22)

12. Tier III Incinerators. In addition to the requirements in Subsections 013.01 through 013.04 and Subsections 013.09 and 013.10, the owner and operator of a Tier III incinerator ~~shall~~ must comply with the following ~~requirements~~: ~~(3-24-22)~~( )

a. ~~Design Requirements.~~ The owner and operator of an incinerator comply with the following design requirements: ~~(3-24-22)~~( )

i. A tipping floor constructed of impermeable and durable material and designed to contain, collect, and convey any liquids to a storage or leachate management system~~.~~; and ~~(3-24-22)~~( )

ii. A storage or leachate management system. (3-24-22)

b. ~~Design Application.~~ The following information ~~shall~~ will be submitted to the Department in a ~~D~~design ~~A~~application: ~~(3-24-22)~~( )

i. A description of the tipping floor design; (3-24-22)

ii. A description of the storage or leachate management system design; (3-24-22)

iii. Building and construction design blueprints; (3-24-22)

iv. A map illustrating a storm water run-on/run-off system designed to prevent ground or surface water contamination, or contamination from the facility beyond the boundary of the facility; (3-24-22)

v. Operational design and capacity information including a description of the waste types and projected daily and annual waste volumes; and (3-24-22)

vi. Any facility specific design elements required by these rules. (3-24-22)

c. ~~Operating Requirements.~~ The owner and operator of an incinerator ~~shall~~ must comply with the following operating requirements: ~~(3-24-22)~~( )

i. Maintain and operate the tipping floor to control odors, insects, and rodents; (3-24-22)

ii. Implement cleaning procedures and waste residency times used to maintain sanitary conditions on the surface of the tipping floor; and (3-24-22)

iii. Implement a storage or leachate management system operation. (3-24-22)

d. If it is determined that the tipping floor or leachate management system integrity has been breached, or waste has been handled or stored outside of the containment of the tipping floor, unless allowed in the facility ~~O~~operating ~~P~~plan, the owner and operator of the Tier III incinerator ~~shall~~ will comply with Subsections 013.05 through 013.08. ~~(3-24-22)~~( )

13. Tier III NMSWLFs. In addition to the requirements in Subsections 013.01 through 013.10, the owner and operator of a Tier III NMSWLF ~~shall~~ must comply with the following ~~requirements~~: ~~(3-24-22)~~( )

a. ~~Siting Requirements:~~ A facility ~~shall~~ will not be located in wetlands, except as provided in 40 CFR 257.9; ~~(3-24-22)~~( )

b. ~~Siting Application.~~ The owner and operator ~~shall~~ will include in the ~~S~~siting ~~A~~application documentation demonstrating compliance with the requirement specified in Subsection 013.13.a.; ~~(3-24-22)~~( )

c. ~~Design and Construction Requirements:~~ The owner and operator of a NMSWLF ~~shall~~ will comply with the following design and construction requirements: ~~(3-24-22)~~( )

i. ~~Leachate Collection and Control System.~~ A leachate collection and control system ~~shall~~ will be constructed to prevent ground and surface water contamination; ~~(3-24-22)~~( )

ii. ~~Liner.~~ A liner designed to prevent ground or surface water contamination ~~shall~~ will be installed. The liner design ~~shall~~ will account for the types of wastes handled and the potential for migration of liquid and gaseous contamination to ground or surface water; ~~(3-24-22)~~( )

iii. ~~Landfill Emission Control System.~~ Appropriate toxic and flammable gas monitoring devices ~~shall~~ will be installed where the location, geophysical condition, and waste characteristics indicate that there is a reasonable probability that the facility will generate toxic and flammable gas: exceeding twenty-five (25) percent of the lower explosive limit for gases in facility structures (excluding gas control or gas recovery system components); exceeding the lower explosive limit at the property boundary; or otherwise presenting a potential threat to public health or the environment; and ~~(3-24-22)~~( )

iv. An owner ~~or~~ and operator may submit a written request for a variance from the leachate collection and control system, liner, or emission control system requirements. The Department may approve the variance upon demonstration by the owner ~~or~~ and operator that the variance is at least as protective of human health and the environment as the leachate collection and control system, liner, or emission control system~~.~~; ~~(3-24-22)~~( )

d. ~~Design Application.~~ The following information ~~shall~~ will be submitted to the Department in a ~~D~~design ~~A~~application: ~~(3-24-22)~~( )

i. Design plans ~~shall~~ will address the need for and include as required a leachate collection and control system, liner, and emission control systems in Subsection 013.13.c. and; ~~(3-24-22)~~( )

ii. A facility map illustrating: (3-24-22)

(1) Surface water and erosion control systems; (3-24-22)

(2) Proposed fill area, including the location of waste disposal trenches or cells, noting the locations of trenches used for separated wastes such as animal carcasses, tree trunks, stumps, bulky wastes, car bodies, asbestos, and petroleum contaminated soils; (3-24-22)

(3) Location of borrow areas; (3-24-22)

(4) Design elevation grade of final cover; (3-24-22)

(5) Soil and water table test boring holes, wells, or excavations; (3-24-22)

(6) Proposed receiving, storage, and processing areas; (3-24-22)

(7) Proposed trench layout and development; ~~and~~ ~~(3-24-22)~~( )

(8) Contour lines at five (5) foot intervals within the operating area and ten (10) foot intervals to the facility boundary~~.~~; ~~(3-24-22)~~( )

(9) Building and construction design blueprints; and ~~(3-24-22)~~( )

(10) Operational design and capacity information including a description of the waste types and projected daily and annual waste volumes; ~~and~~ ~~(3-24-22)~~( )

e. ~~Operating Requirements:~~ The owner and operator of a NMSWLF ~~shall~~ will comply with the following operating requirements: ~~(3-24-22)~~( )

i. Compaction and placement of waste in locations consistent with the approved operations plan; (3-24-22)

ii. Provision for storage of waste during periods when the NMSWLF is inaccessible; (3-24-22)

iii. Application of a six (6) inch compacted soil cover layer on exposed waste as necessary to prevent nuisance and vector conditions at periods consistent with the approved operations plan. An owner and operator may request that the Department approve an alternate cover that addresses vectors, litter, fire, odor, and scavenging concerns; (3-24-22)

iv. Placement of an interim cover layer of twelve (12) inches of compacted soil between lifts to provide erosion control and structural stability. An owner and operator may request that the Department approve an alternate interim cover that addresses erosion, and stability for subsequent lifts; (3-24-22)

v. Maintenance and operation of a leachate collection and control system and air emission control system consistent with the approved design application; and (3-24-22)

vi. Preservation of existing vegetation where attainable.; ~~(3-24-22)~~( )

f. ~~Operating Plan.~~ The operating plan required in Section 013 ~~shall~~ will identify the methods used for maintaining compliance with each applicable operating requirement of Subsection 013.03. and Subsection 013.13.e. including but not limited to the type, the method of compaction and the frequency of application of respective cover materials; ~~(3-24-22)~~( )

g. ~~Closure Requirements.~~ The owner and operator of a NMSWLF ~~shall~~ will comply with the following closure requirements: ~~(3-24-22)~~( )

i. ~~Final Cover.~~ Within seven (7) days of the date of last receipt of waste, a cover layer ~~shall~~ will be applied to prevent nuisances and vector conditions. Within one hundred and twenty (120) days of the date of last receipt of waste, a final cover layer of eighteen (18) inches of compacted soil with an approved in-place permeability designed to minimize infiltration, or its functional equivalent, and, a six (6) inch soil layer that minimizes erosion and sustains plant growth ~~shall~~ will be constructed; ~~(3-24-22)~~( )

ii. ~~Facility Stabilization.~~ All disturbed portions of the facility ~~shall~~ will be stabilized. Stabilization practices may include but are not limited to: establishment of vegetation, mulching, geotextiles, and sod stabilization; ~~(3-24-22)~~( )

iii. ~~Slope Stability.~~ Finished grade ~~shall~~ will be at a minimum of two percent (2%) and a maximum of thirty- three percent (33%) slope on the final surface of the completed fill area, after settlement; and ~~(3-24-22)~~( )

iv. ~~Drainage Control.~~ The completed landfill ~~shall~~ will be graded to prevent surface water ponding and erosion, and to conform to the local topography.; ~~(3-24-22)~~( )

h. Environmental Covenants: (3-24-22)

i. After completion and certification of closure of a NMSWLF, the owner and operator ~~shall~~ will record an environmental covenant, pursuant to the Uniform~~ed~~ Environmental Covenants Act (UECA) Chapter 30, Title 55, Idaho Code, on the property where the landfill facility is located and its future use may be restricted in accordance with a post-closure care plan. A copy of the environmental covenant will be sent to the Department after recording with the county clerk.; ~~(3-24-22)~~( )

ii. The owner may request permission from the Department to remove the environmental covenant if all wastes are removed from the facility.; and ~~(3-24-22)~~( )

iii. Federal agencies with responsibility for management of landfills on federal property ~~shall~~ will make an environmental covenant or notation in the federal property records for the affected property. If the subject property is ever sold or transferred by the federal government, a notation on the deed or patent ~~shall~~ will be made.; ~~(3-24-22)~~( )

i. ~~Closure Plan.~~ The owner and operator ~~shall~~ will provide in the ~~C~~closure ~~P~~plan documentation that demonstrates compliance with closure requirements specified in Subsections 013.07 and 013.13.g.; ~~(3-24-22)~~( )

j. ~~Post-Closure Care Plan.~~ Owners and operators of a NMSWLF ~~shall~~ will submit, in accordance with the time frames specified in Subsection 013.08, to the Department for review and approval a ~~P~~post-~~C~~closure ~~C~~care ~~P~~plan, ~~shall~~ will obtain Department approval of the ~~P~~plan, and ~~shall~~ will conduct post-closure care in accordance with the Plan: ~~(3-24-22)~~( )

i. Unless the Department determines otherwise, the ~~P~~ppost-~~C~~cclosure ~~C~~ccare ~~P~~pplan ~~shall~~ will contain the following provisions: ~~(3-24-22)~~(____)

(1) The name and address of an agent authorized to accept communications or service during the post-closure period. The name may be changed during the post-closure period by providing the Department with twenty (20) days advance written notice of the change; (3-24-22)

(2) ~~Provisions t~~To maintain the integrity and effectiveness of the final cover; ~~(3-24-22)~~(____)

(3) ~~Provisions t~~To continue to maintain and operate the systems required in the operating plan, including: run-on/run-off control systems, leachate collection and control systems, groundwater monitoring systems, and gas monitoring systems; ~~(3-24-22)~~(____)

(4) ~~Provisions t~~To maintain appropriate security of the closed facility; ~~(3-24-22)~~(____)

(5) ~~Provisions f~~For routine facility inspections by the owner and operator to insure compliance with the Post-Closure Care Plan; and ~~(3-24-22)~~(____)

(6) A description of the planned use(s) of the property during the post-closure care period~~.~~; ~~(3-24-22)~~(____)

ii. Post-closure care for the NMSWLF ~~shall~~ will be conducted for a minimum of five (5) years, but not more than thirty (30) years, as necessary to protect human health and the environment~~.~~; ~~(3-24-22)~~(____)

iii. ~~Post-Closure Standards and Inspection.~~ Post-closure use or operation of the site ~~shall~~ will not disturb any final cover, liner or other component of the containment system in a manner that will increase the potential to threaten human health or the environment~~.~~; ~~(3-24-22)~~(____)

iv. The approved ~~P~~ppost-~~C~~cclosure ~~C~~ccare ~~P~~pplan ~~shall~~ will be maintained and available for review on request by the Department~~.~~; and ~~(3-24-22)~~(____)

v. The requirements in Subsection 013.07 ~~shall~~ will apply to owners and operators and their successors and assigns. ~~(3-24-22)~~(____)

014. -- 031. (RESERVED)

032. TIER II AND TIER III APPLICATION AND PLAN REVIEW AND APPROVAL.

01. Application Submittal. The owner and operator ~~shall~~ must submit three (3) copies of each required application to the Department~~. The owner and operator~~ and may submit applications for siting, design, operation, or ~~ground water~~ groundwater monitoring approval sequentially or concurrently. ~~(3-24-22)~~(____)

02. Preapplication Conference. The owner ~~or~~ and operator may request that the Department convene a preapplication conference with any interested federal, state and local entities to discuss the approval procedures, application content, time tables for application processing, siting and design requirements. ~~(3-24-22)~~(____)

03. Application Review. (3-24-22)

a. On receipt of an application the Department ~~shall~~ will, within thirty (30) days, notify the owner and operator in writing whether the submission is complete and whether the application identifies an appropriate Tier level. The notice ~~shall~~ will identify any deficiencies in the application, and the information relied upon in making the determination, and ~~shall~~ will state that an applicant may submit additional information in the form of an amended application, withdraw the application or request a conference to discuss the Department's determination. ~~(3-24-22)~~(____)

b. Upon receipt of the Department's determination that a siting application is complete, the owner and operator shall publish a notice in a newspaper of general circulation as determined in ~~Section 31-819,~~ Chapter 1, Title

60, Idaho Code, in the county and the immediate vicinity of the proposed facility and ~~shall~~ also provide notice to local government. The notice ~~shall~~ must include the name and location of the proposed facility, a general description of the proposed operations, the location where the application may be reviewed, and instructions directing the public to submit comments to the Department within thirty (30) days of the date of publication. The owner and operator ~~shall~~ must provide a copy of the published notice and notice to local government to the Department within five (5) business days of publication. ~~(3-24-22)~~( )

c. The Department ~~shall~~ will approve, deny, or approve with conditions each application. Failure to issue a decision within the stated time shall be deemed approval. Approval conditions ~~shall~~ will relate to protection of human health and the environment as ~~required~~ provided in these rules. ~~(3-24-22)~~( )

i. For a siting application, the Department ~~shall~~ will notify the owner and operator in writing of the Department's decision within thirty (30) days of the date of the close of the public comment period. The Department and the owner and operator may agree, in writing to a longer period of time for the Department's determination. Design, Operating and ~~Ground Water~~ Groundwater Monitoring Applications ~~shall~~ will not be reviewed until the Siting Application is approved. ~~(3-24-22)~~( )

ii. For the Design, Operating and ~~Ground Water~~ Groundwater Monitoring applications, the Department ~~shall~~ will notify the owner and operator in writing of the Department's decision within sixty (60) days from the date the application is determined to be complete. ~~(3-24-22)~~( )

d. If the Department denies an application, the written decision ~~shall~~ will state the basis for the denial, and the information relied upon in making the determination. ~~(3-24-22)~~( )

04. Application Valid for Two Years. Unless otherwise stated in the Department's approval of the facility's application, the Department's approval ~~shall~~ will become invalid if the owner and operator fail to begin construction within two (2) years from the date of approval, or if after construction has begun, work is suspended for more than two (2) years. Owners and operators may apply for an extension provided that the written request is received by the Department no less than one (1) month prior to expiration of the approval. Within fifteen (15) days from Department receipt of extension request, the Department ~~shall~~ will approve the extension request or deny the extension request and state the basis for denial. ~~(3-24-22)~~( )

033. -- 0~~59~~60. (RESERVED)

~~060. VIOLATIONS.~~

~~**01. Failure to Comply**. Failure by any person to comply with the provisions of these rules shall be deemed a violation of these rules. (3-24-22)~~

~~**02. Falsification of Statements and Records**. It shall be a violation of these rules for any person to knowingly make a false statement, representation, or certification in any application, document, or record developed, maintained, or submitted pursuant to these rules or the conditions of an approval. (3-24-22)~~

~~**03. Penalties**. Any person violating any provision of these rules or any approved conditions or order issued thereunder shall be liable for civil penalty in accordance with Title 39, Chapter 1, Idaho Code. (3-24-22)~~

061. OPEN BURNING AND FIRES.
Open burning is prohibited at facilities except as authorized by IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho," and the following: (3-24-22)

01. No Open Burning During an Air Pollution Episode. No open burning may be conducted during an air pollution episode, declared in accordance with IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho"; (3-24-22)

02. Conditions Under Which Open Burning Authorized. Open burning is authorized only if it is infrequent and the materials are agricultural wastes, silviculture wastes, land clearing debris, diseased trees, or debris from emergency cleanup operations. Materials burned may not include garbage, dead animals, asphalt, petroleum

products, paints, tires or other rubber products, plastics, paper (other than that necessary to start the fire), cardboard, treated wood, construction debris, metal, pathogenic wastes, hazardous wastes, or any other substance (other than natural vegetation) that when burned releases toxic emissions, dense smoke or strong odors; and (3-24-22)

03. Contact Department and Local Fire Authority Prior to Conducting Open Burning. Open burning may be conducted pursuant to conditions set forth by the Department or local fire authority. The owner and operator of the facility must contact the Department and the local fire authority prior to conducting open burning to report its nature and location. (3-24-22)

062. -- 993. (RESERVED)

994. COMMERCIAL SOLID WASTE SITING LICENSE FEE.
An application for a commercial solid waste siting license required by the Idaho Solid Waste Facilities Act, Chapter 74, Title 39, Idaho Code, (ISWFA) ~~shall~~ must be accompanied by a siting license fee in an amount established by these rules. The license fee ~~shall~~ will not exceed seven thousand five hundred dollars ($7,500) and ~~shall~~ must be submitted with the siting license application. ~~(3-24-22)~~( )

01. Commercial Solid Waste Siting License Fee Criteria. The commercial solid waste siting license fee required by the ~~Idaho Solid Waste Facilities Act~~ ISWFA and these rules ~~shall~~ apply to commercial MSWLFs only and ~~shall~~ will be based on the cost of the Department's review and the characteristics of the proposed commercial solid waste facility, including the projected site size, projected waste volume, and the hydrogeological and atmospheric characteristics surrounding the site. ~~(3-24-22)~~( )

02. Commercial Solid Waste Siting License Fee Scale. The commercial solid waste siting license fee required by the ~~Idaho Solid Waste Facilities Act~~ ISWFA and these rules ~~shall~~ will be determined using the table below. The fee determined using the table below may then be adjusted by the Department if necessary to reflect the cost of the Department's review, ~~taking into account~~ considering the hydrogeological and atmospheric characteristics surrounding the site.

COMMERCIAL SOLID WASTE SITING LICENSE FEE SCALE PROJECTED SOLID WASTE VOLUME Tons per day (TPD)			
Site Size	Up to 20 TPD	20 to 100 TPD	More than 100 TPD
5 acres or less	$3,500	$4,500	$5,500
5 to 50 acres	$4,500	$5,500	$6,500
more than 50 acres	$5,500	$6,500	$7,500

~~(3-24-22)~~( )

03. Notification of Adjustment of Fee. Within thirty (30) days of receipt of the application and fee, the Department ~~shall~~ will notify the applicant if the fee has been adjusted and the date by which any additional fee must be paid by the applicant. ~~(3-24-22)~~( )

04. Expansion or Enlargement of a Commercial Solid Waste Facility. The expansion or enlargement of a commercial solid waste facility constitutes a new proposal for which a commercial solid waste siting license is required and for which a siting license fee must be paid. All commercial solid waste facilities not in operation on March 20, 1996, must submit a commercial solid waste siting license application and fee.
~~(3-24-22)~~( )

05. Commercial Solid Waste Siting License Fee Not Refundable. The commercial solid waste siting license fee required by the ~~Idaho Solid Waste Facilities Act~~ ISWFA and ~~by~~ these rules ~~shall~~ will not be refundable and may not be applied toward any subsequent application should the commercial solid waste siting license application be canceled, withdrawn or denied. ~~(3-24-22)~~( )

995. COMMERCIAL SOLID WASTE SITING LICENSE APPLICATION.

In addition to the contents of a ~~S~~siting ~~L~~license ~~A~~application as required in the ~~Idaho Solid Waste Facilities Act~~ ISWFA, these rules require the applicant to include in the application the following items: ~~(3-24-22)~~( )

01. **Location**. A map indicating the location of the proposed commercial solid waste facility; (3-24-22)

02. **Copies of Application**. Ten (10) copies of the completed application; and (3-24-22)

03. **Application Format**. A copy of the application in a format prepared for photocopying. (3-24-22)

996. -- 998~~9~~. (RESERVED)

~~**999. CONFIDENTIALITY OF RECORDS.**~~
~~Information obtained by the Department under these rules is subject to public disclosure pursuant to the provisions of Chapter 1, Title 74, Idaho Code. Information submitted under a trade secret claim may be entitled to confidential treatment by the Department as provided in Section 74-114, Idaho Code, and IDAPA 58.01.21, "Rules Governing the Protection and Disclosure of Records in the Possession of the Department of Environmental Quality." (3-24-22)~~

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 – IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis (IBRS)

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2026 Idaho State Legislature for final approval. Pursuant to Section 67-5224, Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapter 1, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: Federal drinking water regulations for the Consumer Confidence Report rule revisions and the Lead and Copper Rule Improvements rule revisions are being incorporated by reference into state rule. This proposed rule updates federal regulations incorporated by reference with the July 1, 2025 CFR effective date. A detailed summary of the reason for adopting the rule is set forth in the proposed rule published in the Idaho Administrative Bulletin, September 3, 2025, Vol. 25-9, pages 212–259. DEQ received no public comments, and the rule has been adopted as initially proposed. The board meeting documents are available at Drinking Water: Docket No. 58-0108-2501 | Idaho Department of Environmental Quality.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

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:

Not applicable.

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

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0165
Diane.Cutler@deq.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 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 17, 2025. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: This rulemaking has been initiated to update incorporation by reference of the federal Consumer Confidence Report Rule and the Lead and Copper Rule. This rulemaking also makes non-substantive changes for clarity and ease of use, and a correction from previous rulemakings.

Incorporation by Reference of Consumer Confidence Report Rule
The Environmental Protection Agency (EPA) published the final Consumer Confidence Report (CCR) rule revisions in the Federal Register, 89 FR 45980, effective May 24, 2024 (40 CFR Part 141, Subpart O). The purpose of this rulemaking is to incorporate by reference the revisions into IDAPA 58.01.08, Idaho Rules for Public Drinking Water Systems. The proposed rule updates federal regulations incorporated by reference with the July 1, 2025 Code of Federal Regulations (CFR) effective date. The July 1, 2025 CFR is a codification of federal regulations published in the Federal Register as of July 1, 2025.

EPA's final rule revisions improve readability, clarity and understandability of CCRs as well as the accuracy and accessibility of content and information presented, improve risk communication in CCRs, incorporate electronic delivery options, provide supplemental information regarding lead levels and control efforts, shorten certification deadlines, and increase report frequency and require systems that serve 10,000 or more persons to provide CCRs to customers biannually (twice a year). The updates aim to improve understandability, transparency, and public health communication.

CCRs were originally created under the “Right to Know” provisions to increase the amount of information made available by a community public water system to their consumers. The 2018 American Water Infrastructure Act required EPA to add revisions to the CCR requirements to improve consumer understanding of the information provided.

Incorporation by Reference of Lead and Copper Rule Improvements Rule
EPA published the final Lead and Copper Rule Improvements (LCRI) rule revisions in the Federal Register, 89 FR 86626, effective December 30, 2024 (40 CFR Part 141, Subpart I). The purpose of this rulemaking is to incorporate by reference the revisions into IDAPA 58.01.08, Idaho Rules for Public Drinking Water Systems. The proposed rule updates federal regulations incorporated by reference with the July 1, 2025 Code of Federal Regulations (CFR) effective date. The July 1, 2025 CFR is a codification of federal regulations published in the Federal Register as of July 1, 2025.

In this rule, EPA has finalized requirements for drinking water systems to replace lead and certain galvanized service lines. The final rule also removes the lead trigger level, reduces the lead action level to 0.010 mg/L, and strengthens tap sampling procedures to improve public health protection and simplify implementation relative to the 2021 Lead and Copper Rule Revisions (LCRR). Further, this final rule strengthens corrosion control treatment, public communication and education, consumer awareness, requirements for small systems, and sampling in schools and child-care facilities. The final rule will significantly reduce the adverse human health impacts of exposure to toxic lead in drinking water.

In this rule, EPA extends the comprehensive deadline to November 1, 2027, for full compliance. The inventory deadline, which was October 16, 2024, was maintained. The state of Idaho has two years to obtain primacy of these

rules from EPA, otherwise EPA will remain the regulatory authority for these rules over Idaho's approximately 763 community public water systems and 249 non-community non-transient public water systems. These proposed rules will provide the Department of Environmental Quality regulatory authority for the final rules, which is required to support primacy packages.

Non-substantive Revisions
These proposed rules also include non-substantive revisions for clarity and ease of use for water systems and other end users and delete outdated, obsolete language. These non-substantive revisions provide:

- Further regulatory reduction by removing incorporations by reference to specific sections of the Code of Federal Regulations that are already previously incorporated by reference through the overall subpart.
- Reorganization of the rule chapter so that the incorporations by reference of the subparts to 40 CFR 141 follow the same order as the federal regulations.
- One minor correction to the definition of "Non-Potable Fluids or Gases" (IDAPA 58.01.08.003.38) to ensure clarity of intent and application for gases that are lighter than air. The definition of "Non-Potable Fluid or Gases" was revised during Docket No. 58-0108-2301. This correction reinstates the definition to its previous version.
- Additional language was added for clarification in proposed rule Subsection 101.01, Approved Laboratories. This revision conforms proposed rule Subsection 101.01 with 40 CFR 141.28, which is incorporated by reference, and provides public drinking water systems with more flexibility to comply with sample analysis requirements by allowing use of laboratories certified by EPA for drinking water analysis. This clarification is necessary because, under the current rule (Subsection 100.08), it appears that systems are limited to using laboratories certified or granted reciprocity by the Idaho Department of Health and Welfare, Bureau of Laboratories.

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. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2026 Idaho Legislature, the rule will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Adoption of federal regulations is necessary to maintain state program primacy, allows DEQ to keep its rules up to date with federal regulation changes, and simplifies compliance for the regulated community. Incorporation by reference ensures that Idaho's rules will be neither more nor less stringent than the federal rule. An electronic link to the incorporated material is available in the rule.

In compliance with Idaho Code 67-5223(4), DEQ prepared a brief synopsis detailing the substantive differences between the previously incorporated material and the latest revised edition or version of the incorporated material being proposed for incorporation by reference. The Overview of Incorporations by Reference is available at https://www.deq.idaho.gov/drinking-water-docket-no-58-0108-2401/.

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

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. DEQ determined that negotiated rulemaking is not feasible based on the following:

- DEQ has no discretion with respect to adopting federal regulations that are necessary to maintain state program primacy, and
- The remaining changes are organizationally-related, formatting-based, add clarity, or remove duplicative and unnecessary rule language, all of which are non-substantive changes.

While the rule is open for regulatory updates, DEQ proposes to reorganize sections for clarity and ease of use for water systems and other end users, ensuring no substantive changes are made outside of the two previously discussed incorporations by reference.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed rulemaking, contact Tyler Fortunati at tyler.fortunati@deq.idaho.gov or (208) 373-0140.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before October 1, 2025. Submit written comments to:

Tyler Fortunati
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
tyler.fortunati@deq.idaho.gov

Dated this 3rd day of September, 2025.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0108-2501

58.01.08 – IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

002. INCORPORATION BY REFERENCE AND AVAILABILITY OF REFERENCED MATERIALS.

01. Incorporation by Reference. (7-1-24)

a. 40 CFR Part 141, revised as of July 1, ~~2024~~2025 (excluding annual monitoring provisions in 40 CFR 141.854(a)(4),(d),(e),(f) and (h), and the Aircraft Drinking Water Rule in Subpart X); and 40 CFR Part 143, revised as of July 1, 2024. ~~(7-1-25)~~( )

b. American Water Works Association (AWWA) Standards, effective December 2022, available for a fee from AWWA, https://www.awwa.org/Publications/Standards/Standards-List or available to be viewed through the Department's state office. (7-1-24)

02. Availability of Specific Referenced Material. Copies of specific documents referenced within these rules are available at the following locations: (7-1-24)

a. Recommended Standards for Water Works – Policies for the Review and Approval of Plans and Specifications for Public Water Supplies: a report of the Water Supply Committee of the Great Lakes -- Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, most current edition, https://www.health.state.mn.us/communities/environment/water/tenstates/standards.html. (7-1-24)

b. Manual of Individual and Non-Public Water Supply Systems (EPA 570/9-91-004), published by the U.S. Environmental Protection Agency, https://nepis.epa.gov. (7-1-24)

c. NSF/ANSI Standard 53-2020, Drinking Water Treatment Units -- Health Effects, available from the National Sanitation Foundation, https://www.techstreet.com/nsf/ (or) https://www.techstreet.com/nsf/standards/nsf-ansi-53-2020?product_id=2212861. (7-1-24)

d. NSF/ANSI Standard 55-2020, Ultraviolet Microbiological Water Treatment Systems, available from the National Sanitation Foundation, https://www.techstreet.com/nsf/ (or) https://www.techstreet.com/nsf/standards/nsf-ansi-55-2020?product_id=2229644. (7-1-24)

e. NSF/ANSI Standard 58-2020, Reverse Osmosis Drinking Water Treatment Systems, available from the National Sanitation Foundation, https://www.techstreet.com/nsf/ (or) https://www.techstreet.com/nsf/standards/nsf-ansi-58-2020?product_id=2206515. (7-1-24)

f. NSF/ANSI/CAN Standard 60-2021, Drinking Water Treatment Chemicals -- Health Effects, available from the National Sanitation Foundation, https://www.techstreet.com/nsf/ (or) https://www.techstreet.com/nsf/standards/nsf-ansi-can-60-2021?product_id=2239369. (7-1-24)

g. ANSI/NSF Standard 61-2021, Drinking Water System Components -- Health Effects, available from the National Sanitation Foundation, https://www.techstreet.com/nsf/ (or) https://www.techstreet.com/nsf/standards/nsf-ansi-can-61-2021?product_id=2240016. (7-1-24)

h. Manual of Cross-Connection Control, Current Edition, Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, https://www.uscfoundationstore.com/Manual-of-Cross-Connection-Control-Tenth-Edition-P44.aspx. (7-1-24)

i. Manual of design for Slow Sand Filtration (1991), published by AWWA Research Foundation https://www.directtextbook.com/isbn/0898675510. (7-1-24)

j. Slow Sand Filtration (1991), published by the American Society of Civil Engineers American Society of Civil Engineers, https://www.amazon.com/Slow-Sand-Filtration-Gary-Logsdon/dp/0872628477. (7-1-24)

k. Slow Sand Filtration and Diatomaceous Earth Filtration for Small Water Systems, DOH Pub #331-204 (4/03), Washington State Department of Health, Division of Environmental Health, Office of Drinking Water, https://www.scribd.com/document/163696548/331-204-pdf. (7-1-24)

l. Recommended Operations and Optimization Goals, Slow Sand Filtration, DOH Pub #331-601 (6/21), Washington State Department of Health, Division of Environmental Health, Office of Drinking Water, https://www.doh.wa.gov/Portals/1/Documents/Pubs/331-601.pdf. (7-1-24)

m. Water System Design Manual, DOH Pub #331-123 (Rev. 6-20), Washington State Department of Health, Division of Environmental Health, Office of Drinking Water, https://www.doh.wa.gov/CommunityandEnvironment/DrinkingWater/WaterSystemDesignandPlanning/SystemDesign. (7-1-24)

n. Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources (March 1991 Edition), U.S. Environmental Protection Agency, http://water.epa.gov/lawsregs/rulesregs/sdwa/swtr/upload/guidsws.pdf. (7-1-24)

o. Standard Methods for the Examination of Water and Wastewater, a joint publication of the American Public Health Association, the Water Environment Federation, and the American Water Works Association, www.standardmethods.org. (7-1-24)

p. "Idaho Standards for Public Works Construction," Local Highway Technical Assistance Council, https://lhtac.org/resources/ispwc. (7-1-24)

q. Memorandum of Understanding between the Idaho Department of Environmental Quality and the Idaho Division of Building Safety Plumbing Bureau, Idaho Department of Environmental Quality, 1410 North Hilton, Boise, Idaho 83706, www.deq.idaho.gov. (7-1-24)

r. Implementation Guidance for the Long Term 2 Enhanced Surface Water Treatment Rule, Idaho Department of Environmental Quality, https://www2.deq.idaho.gov/admin/LEIA/api/document/download/6040. (7-1-24)

s. Implementation Guidance for the Stage 2 Disinfectants and Disinfection Byproducts Rule, Idaho Department of Environmental Quality, https://www2.deq.idaho.gov/admin/LEIA/api/document/download/4790. (7-1-24)

t. Implementation Guidance for the Drinking Water Program-Ground Water Rule, Idaho Department of Environmental Quality, https://www2.deq.idaho.gov/admin/LEIA/api/document/download/4778. (7-1-24)

u. AWWA Recommended Practice for Backflow Prevention and Cross-Connection Control (M14), current edition available from the AWWA, https://engage.awwa.org/PersonifyEbusiness/Store/Product-Details/productId/46494412. (7-1-24)

v. Membrane Filtration Guidance Manual (EPA 815-R-06-009) published by the U.S. Environmental Protection Agency, https://sswm.info/sites/default/files/reference_attachments/EPA%202005%20Membrane%20Filtration%20Guidance%20Manual.pdf. (7-1-24)

w. Ultraviolet Disinfection Guidance Manual for the Final Long Term 2 Enhanced Surface water Treatment Rule (EPA 815-R-06-007) published by the U.S. Environmental Protection Agency, https://www.epa.gov/dwreginfo/long-term-2-enhanced-surface-water-treatment-rule-documents. (7-1-24)

x. Improving Clearwell Design for CT Compliance, Report #90756, available from the Water Research Foundation, https://www.waterrf.org/research/projects/improving-clearwell-design-ct-compliance. (7-1-24)

y. Surface Water Treatment Rule Compliance Guidance, dated January 10, 1996, Idaho Department of Environmental Quality, https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/guidance/. (7-1-24)

z. Uniform Plumbing Code, available through the Idaho Division of Building Safety, 1090 E. Watertower St., Meridian, Idaho 83642; and at the Division of Building Safety, http://dbs.idaho.gov. (7-1-24)

aa. Optimizing Water Treatment Plant Performance Using the Composite Correction Program (EPA/625/6-91/027) published by the U.S. Environmental Protection Agency, https://cfpub.epa.gov/si/si_public_record_report.cfm?Lab=NRMRL&direntryid=23902. (7-1-24)

03. Precedence. In the event of conflict or inconsistency between the language in these rules and that found in any document incorporated by reference, these rules prevail. (7-1-24)

003. DEFINITIONS.

The definitions set forth in 40 CFR 141.2 are incorporated by reference, The terms "board," "director," "department," and "person" have the meaning provided in Section 39-103, Idaho Code. The term "watersheds" has the meaning provided in Section 39-3602, Idaho Code. The terms "distribution system," "license," "responsible charge," and "responsible charge operator" have the meaning provided in Section 54-2403, Idaho Code. The term "public utility" has the meaning provided in Section 61-129, Idaho Code. The term "pesticide" has the meaning provided in Section 22-3401, Idaho Code. (7-1-24)

01. Aquifer. A geological formation of permeable saturated material, such as rock, sand, gravel, etc., capable of yielding an economic quantity of water to wells and springs. (7-1-24)

02. Backflow. The reverse from normal flow direction in a plumbing system or water system caused by back pressure or back siphonage. (7-1-24)

03. Capacity. The capabilities required of a public drinking water system (PWS) in order to achieve and maintain compliance with these rules and the requirements of the federal Safe Drinking Water Act (SDWA). It is divided into three (3) main elements: (7-1-24)

a. Technical capacity means the PWS has the physical infrastructure to consistently meet drinking water quality standards and treatment requirements and is able to meet the requirements of routine and emergency operations. It further means the ability of PWS personnel to adequately operate and maintain the PWS and to otherwise implement technical knowledge. Training of operator(s) is required, as appropriate, for the system size and complexity. (7-1-24)

b. Financial capacity means the financial resources of the PWS, including an appropriate budget; rate structure; cash reserves sufficient for current operation and maintenance, future needs and emergency situations; and adequate fiscal controls. (7-1-24)

c. Managerial capacity means that the management structure of the PWS embodies the aspects of system operations, including, but not limited to; (7-1-24)

i. Short and long range planning; (7-1-24)

ii. Personnel management; (7-1-24)

iii. Fiduciary responsibility; (7-1-24)

iv. Emergency response; (7-1-24)

v. Customer responsiveness; (7-1-24)

vi. Source water protection; (7-1-24)

vii. Administrative functions such as billing and consumer awareness; and (7-1-24)

viii. Ability to meet the intent of the federal SDWA. (7-1-24)

04. Components of Finished Water Storage. Storage is available to serve the system if the storage structure or facility is elevated sufficiently or is equipped with sufficient booster pumping capability to pressurize the system. Components of finished water storage are further defined as: (7-1-24)

a. Dead Storage is storage that is either not available for use in the system or can provide only substandard flows and pressures. (7-1-24)

b. Effective storage is all storage other than dead storage and is made up of the additive components described in Paragraphs c. through f. of this Subsection. (7-1-24)

c. Operational storage supplies water when, under normal conditions, the sources are off. This component is the larger of; (7-1-24)

i. The volume required to prevent excess pump cycling and ensure that the following volume components are full and ready for use when needed; or (7-1-24)

ii. The volume needed to compensate for the sensitivity of the water level sensors. (7-1-24)

d. Equalization Storage is storage of finished water in sufficient quantity to compensate for the difference between a water system's maximum pumping capacity and peak hour demand. (7-1-24)

e. Fire Suppression Storage is the water needed to support fire flow in those systems that provide it. (7-1-24)

f. Standby storage provides a measure of reliability or safety factor if sources fail or when unusual conditions impose higher than anticipated demands. Normally used for emergency operation, if standby power is not provided, to provide water for eight (8) hours of operation at average day demand. (7-1-24)

05. Composite Correction Program (CCP). A systematic approach to identifying opportunities for improving the performance of water treatment and implementing changes that will capitalize on these opportunities. The CCP consists of two (2) elements: (7-1-24)

a. Comprehensive Performance Evaluation (CPE). As defined in 40 CFR 141.2. (7-1-24)

b. Comprehensive Technical Assistance (CTA) is the implementation phase that is carried out if the CPE results indicate improved performance potential. During the CTA phase, the PWS must identify and systematically address plant-specific factors. The CTA consists of follow-up to the CPE results, implementation of process control priority setting techniques, and maintaining long term involvement to systematically train staff and administrators. (7-1-24)

06. Confining Layer. A nearly impermeable subsurface stratum which is located adjacent to one (1) or more aquifers and does not yield a significant quantity of water to a well. (7-1-24)

07. Consumer. Any person served by a PWS. (7-1-24)

08. Consumer Confidence Report (CCR). An annual report that community water systems must deliver to their customers. The reports must contain information on the quality of the water delivered by the PWS and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner. (7-1-24)

09. Cross Connection. An actual or potential connection or piping arrangement between a drinking water system and another source that could introduce contamination into the potable water system through backflow, backsiphoning, or backpressure. (7-1-24)

10. Dead End Main. A distribution main of any diameter and length that does not loop back into the distribution system. (7-1-24)

11. Direct Integrity Test (DIT). A physical test applied to a microfiltration or ultrafiltration membrane unit in order to identify integrity breaches. (7-1-24)

12. Drinking Water System. All mains, pipes, and structures through which water is obtained and distributed, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use. (7-1-24)

13. Effective Contact Time. For the purpose of these rules, effective contact time means the time in minutes that it takes for water to move from the point of completely mixed chemical application to the point where residual concentration is measured. It is the "T" in contact time (CT) calculations and is either "demonstrated" or "calculated." It is the contact time sufficient to achieve the inactivation of target pathogens under the expected range of raw water pH and temperature variation and must be demonstrated through tracer studies or other evaluations or calculations acceptable to the Department. "Improving Clearwell Design for CT Compliance," referenced in Subsection 002.02, contains information that may be used as guidance for these calculations. (7-1-24)

14. Equivalent Dwelling Unit (EDU). A unit of measure that standardizes all land use types (housing, retail, office, etc.) to the level of demand created by a single-family detached housing unit within a water system. The demand for one (1) equivalent dwelling unit is equivalent to the amount of water provided to the average single-family detached housing unit within a water system. For example, a business designed to use three (3) times as much water as an average single-family detached housing unit will have a demand of three (3) equivalent dwelling units. (7-1-24)

15. Exemption. A temporary deferment of compliance with a maximum contaminant level or treatment technique requirement which may be granted only if the PWS demonstrates to the satisfaction of the Department that the PWS cannot comply due to compelling factors and the deferment does not cause an unreasonable risk to public health. (7-1-24)

16. Facility Plan. The facility plan for a PWS describes the overall system, including sources of water, treatment processes and facilities, pumping stations and distribution piping, finished water storage, and waste disposal. It is a comprehensive planning document for infrastructure and includes a plan for the future of the system/ facility, including upgrades and additions. It is usually updated on a regular basis due to anticipated or unanticipated growth patterns, regulatory requirements, or other infrastructure needs. A facility plan is sometimes referred to as a master plan or facilities planning study. In general, a facility plan is an overall system-wide plan as opposed to a project specific plan. (7-1-24)

17. Filtrate. As the term relates to microfiltration and ultrafiltration, the product water or the portion of the feed stream that has passed through the membrane. (7-1-24)

18. Finished Water Storage Structures or Facilities. Finished water storage structures or facilities are defined as: (7-1-24)

a. Above-ground storage structure or facility is a finished water storage structure or facility with a bottom elevation above normal ground surface. (7-1-24)

b. Ground-level storage structure or facility is a finished water storage structure or facility with a bottom elevation at normal ground surface. (7-1-24)

c. Partially buried storage structure or facility is a finished water storage structure or facility with a bottom elevation below normal ground surface and any portion of the structure or facility above normal ground surface. (7-1-24)

d. Below-ground storage structure or facility is a finished water storage structure or facility with a bottom elevation and top elevation below normal ground surface. (7-1-24)

19. Fire Flow Capacity. The water system capacity, in addition to maximum day demand, that is available for fire fighting purposes within the water system or distribution system pressure zone. Adequacy of the water system fire flow capacity is determined by the local fire authority or through a hydraulic analysis performed by a licensed professional engineer to establish required fire flows in accordance with the International Fire Code as adopted by the State Fire Marshal. (7-1-24)

20. Fire Suppression Storage. The water needed to support fire flow in those systems that provide it. See also the definition of Components of Finished Water Storage in these rules. (7-1-24)

21. Fixture Protection. The practice of installing backflow prevention assemblies or devices to isolate one (1) or more cross connections within a customer's facility. (7-1-24)

22. Flux. The throughput of a pressure-driven membrane filtration process expressed as flow per unit of membrane area, usually in gallons per square foot per day or liters per hour per square meter. (7-1-24)

23. Health Hazard. Any condition, operation, or practice in a PWS which creates, or has the potential to create, an acute or immediate danger to the consumer's health. (7-1-24)

24. Indirect Integrity Monitoring. Monitoring some aspect of filtrate water quality that is indicative of the removal of particulate matter. (7-1-24)

25. Inorganic. Generally refers to compounds that do not contain carbon and hydrogen. (7-1-24)

26. Internal or In-Plant Isolation. The practice of installing backflow prevention assemblies to protect an area within a water customer's structure, facility, or premises from contaminating another part of the structure, facility, or premises. (7-1-24)

27. Like-Kind Replacement. Repair or replacement of a system component that is identical in capacity, exhibits equivalent design, operational, and material parameters, and does not result in an increase in system

capacity or alter existing methods or processes. (7-1-24)

28. Log. Logarithm to the base ten (10). In the context of these rules, it is used in the determination of removal or inactivation efficiencies. It is expressed as the logarithm to the base ten (10) or "log" of the concentration of the feed or raw water minus the log of the concentration in the filtrate or product water. For example, if the incoming feed or raw water concentration is one hundred (100), and the outgoing filtrate or product water concentration is ten (10), a 10-fold reduction was attained; or 1-log removal. 1-log removal also equates to ninety percent (90%) removal, as ninety (90) of the original feed concentration counts had been removed, leaving ten (10) in the filtrate. Similarly, 2-log equates to ninety-nine percent (99%) removal. (7-1-24)

29. Log Removal Value (LRV). LRV is a measure of filtration removal efficiency for a target organism, particulate, or surrogate expressed as Logarithm to the base ten (10). (7-1-24)

30. Material Deviation. A change from the design plans that significantly alters the type or location of system components. (7-1-24)

31. Material Modification. Modifications of an existing PWS that increase system capacity or alter the methods or processes employed. Increasing system capacity occurs by adding a new water source to a PWS, increasing the pumping and hydraulic capacity of the PWS, increasing potable water demand, or increasing the number of service connections. Altering methods or processes employed occurs by adding new, or altering existing, system components to satisfy increasing potable water demand, or changing engineering design intent of potable water delivery or treatment. Maintenance as outlined in the approved operation and maintenance manual, or maintenance that does not meet the criteria of a material modification described in this definition, is not a material modification. Like-kind replacement is not considered a material modification. (7-1-24)

32. Maximum Pumping Capacity. The pumping capacity with the largest source or pump out of service. (7-1-24)

33. Membrane Unit. A group of treatment systems or membrane modules that usually share common control and valving so that the group can be isolated for testing or cleaning. (7-1-24)

34. Microfiltration (MF). A low-pressure membrane filtration process with pore diameter normally in the range of 0.1 to 0.5 µm. (7-1-24)

35. Module. As the term relates to membrane filtration, it is the smallest component of a membrane unit in which a specific membrane surface area is housed. The component is typically equipped with a feedwater inlet, a filtrate outlet, and concentrate or backwash outlet structure. (7-1-24)

36. Nanofiltration (NF). A membrane filtration process that removes dissolved constituents from water. Nanofiltration is similar to reverse osmosis but allows a higher percentage of certain ions to pass through the membrane. These systems typically operate under higher pressure than microfiltration and ultrafiltration. (7-1-24)

37. New System. Any water system that meets, for the first time, the definition of a PWS, which includes systems that are entirely new construction or previously unregulated systems that increased either the population served or connections. (7-1-24)

38. Non-Potable Fluids ~~or Gases~~. Any fluids ~~or gases~~ that do not meet the definition of potable water. This definition also includes any gases that are heavier than air. ~~(7-1-24)~~( )

39. Non-Potable Mains. Pipelines that collect, deliver, or otherwise convey non-potable fluids. (7-1-24)

40. Non-Potable Services or Lines. Pipelines that collect, deliver, or otherwise convey non-potable fluids to or from a non-potable main. These pipelines connect individual facilities to the non-potable main. This term also refers to pipelines that convey non-potable fluids from a pressurized irrigation system, reclaimed wastewater system, and other non-potable systems to individual consumers. (7-1-24)

41. Operating Shift. Any period of time during which a licensed operator must be present, or available, for proper operation or oversight of the PWS. (7-1-24)

42. Operational Storage. Operational storage supplies water when, under normal conditions, the sources are off. This component is the larger of the volume required to prevent excess pump cycling and ensure that the following volume components are full and ready for use when needed or the volume needed to compensate for the sensitivity of the water level sensors. See also the definition of Components of Finished Water Storage in these rules. (7-1-24)

43. Operation and Maintenance Manual. A comprehensive document that provides procedures for the operations and maintenance of the PWS. The manual typically covers three main subjects: a water system specific operations plan (see definition of Operations Plan); maintenance information and checklists; and manufacturer's product information (including trouble shooting information, a parts list and parts order form, special tools, spare parts list, etc.). An operation and maintenance manual may cover every aspect of the water system or any part of the water system, including but not limited to the following: treatment, pump stations, storage reservoirs, distribution system, pressure reducing valve stations, etc. (7-1-24)

44. Operations Plan. The operations plan is part of an operation and maintenance manual. Depending on which facilities of the PWS are being addressed, the operations plan may cover many types of information including but not limited to the following: daily, weekly, monthly, and yearly operating instructions; information specific to a particular type of treatment; location of valves and other key distribution system features; pertinent telephone and address contact information including the responsible charge PWS operator and PWS owner; operator safety procedures; alarm system; emergency procedures; trouble-shooting advice; water quality testing; depressurization events; customer service; and response to customer complaints. (7-1-24)

45. Owner/Purveyor of Water/Supplier of Water. The person, company, corporation, association, or other organizational entity which holds legal title to the PWS, who provides, or intends to provide, drinking water to the customers, and who is ultimately responsible for the PWS operation. (7-1-24)

46. Plant Design Capacity. The maximum design flow through treatment units. The minimum plant design capacity may be equal to peak hour demand but may also be equal to the maximum day demand if equalization storage is provided. (7-1-24)

47. Plant. A physical facility where drinking water is treated or processed. (7-1-24)

48. Point of Use (POU) Treatment System. A collection of POU treatment devices. (7-1-24)

49. Potable Mains. Pipelines that deliver potable water to multiple service connections. (7-1-24)

50. Potable Services. Pipelines that convey potable water from a service connection to the potable water main to individual consumers. (7-1-24)

51. Potable Water. Water for human consumption. Also referred to as Water for Human Consumption or Drinking Water. (7-1-24)

52. Preliminary Engineering Report (PER). A report that addresses specific portions of the PWS or facility for which material modifications are being designed. Material modifications may include, but are not limited to, significant changes to existing processes or facilities, PWS expansion, addition of treatment, or installation of other processes and facilities. This report addresses specific purpose and scope, design requirements, alternative solutions, costs, operation and maintenance requirements, and other requirements as described in Section 503. Preliminary engineering reports are generally project specific as opposed to an overall system-wide plan, such as a facility plan. (7-1-24)

53. Premises Isolation or Containment. The practice of separating the customer's structure, facility, or premises from the purveyor's PWS by means of a backflow prevention assembly installed on the service line before any distribution takes place. (7-1-24)

54. Protected Water Source. For the purposes of the Revised Total Coliform Rule (40 CFR Part 141, Subpart Y), a protected water source is a groundwater well that is not susceptible to contamination on the basis of well construction, hydrologic data, or contamination history. (7-1-24)

55. Public Notice. The notification to PWS consumers of information pertaining to that PWS including information regarding water quality or compliance status of the PWS. (7-1-24)

56. Public Drinking Water System (PWS). A system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen (15) service connections, regardless of the number of water sources or configuration of the distribution system, or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any "special irrigation district." A public water system is either a "community water system" or a "non-community water system" as further defined as: (7-1-24)

a. Community water system. A PWS which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents. (7-1-24)

b. Non-community water system. A PWS that is not a community water system. A non-community water system is either a transient non-community water system or a non-transient non-community water system. (7-1-24)

c. Non-transient non-community water system. A PWS that is not a community water system and that regularly serves at least twenty-five (25) of the same persons over six (6) months per year. (7-1-24)

d. Transient non-community water system. A non-community water system which does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year. (7-1-24)

57. Public Water System (PWS)/Water System/System. Means "public drinking water system." (7-1-24)

58. Pump House. A structure containing important water system components, such as a well, hydro-pneumatic tank, booster pump, pump controls, flow meter, well discharge line, or a treatment unit. Pump houses are often called well houses in common usage, even though in modern construction these structures may not contain either a well or a pump. These terms are used interchangeably in national standards and trade publications. (7-1-24)

59. Qualified Licensed Professional Engineer (QLPE). A professional engineer licensed by the state of Idaho; qualified by education or experience in the specific technical fields involved in these rules; and retained or employed by a city, county, quasi-municipal corporation, or regulated public utility for the purposes of plan and specification review. (7-1-24)

60. Quasi-Municipal Corporation. A public entity, other than community government, created or authorized by the legislature to aid the state in, or to take charge of, some public or state work for the general welfare. For the purpose of these rules, this term refers to drinking water districts. (7-1-24)

61. Raw Water. Raw water is any groundwater, spring water, or surface water utilized as source water prior to treatment for the purpose of producing potable water. (7-1-24)

62. Redundancy. The installation of duplicate components or backup systems that are designed to maintain minimum pressure and capacity of the PWS if any component fails or is otherwise out of service for maintenance or repair. (7-1-24)

63. Reverse Osmosis (RO). A membrane filtration process that removes dissolved constituents from water. Reverse osmosis is similar to nanofiltration but allows a lower percentage of certain ions to pass through the membrane. These systems typically operate under higher pressure than microfiltration and ultrafiltration. (7-1-24)

64. Resolution. As the term relates to membrane treatment, it is the size of the smallest integrity breach that contributes to a response from a direct integrity test when testing low pressure membranes. (7-1-24)

65. Reviewing Authority. For those projects requiring preconstruction approval by the Department, the Department is the reviewing authority. For those projects allowing for preconstruction approval by others, pursuant to Subsection 504.03.b., the qualified Idaho licensed professional engineer (QLPE) is also the reviewing authority. (7-1-24)

66. Sampling Point. The location in a PWS from which a sample is drawn. (7-1-24)

67. Sensitivity. As the term relates to membrane treatment, it is the maximum log removal value (LRV) for a specific resolution that can be reliably verified by the direct integrity test associated with a given low pressure membrane filtration system. (7-1-24)

68. Service Connection. Each structure, facility, or premises which is connected to a PWS water source, and which is or may be used for domestic purposes. (7-1-24)

69. Sewage. Water-carried human wastes from residences, buildings, and industrial establishments and other places, together with groundwater infiltration and surface water as may be present. (7-1-24)

70. Significant Deficiency. Any defect in a PWS's design, operation, maintenance, or administration, as well as any failure or malfunction of any system component, that the Department or its agent determines to cause, or have potential to cause, the introduction of contamination into the water delivered to consumers. (7-1-24)

71. Simple Water Main Extension. New or replacement water main(s) that require plan and specification review by a qualified licensed professional engineer (QLPE) or by the Department per these rules and that is connected to existing water main facilities and does not require the addition of system components designed to control quantity or pressure, including, but not limited to, booster stations, new sources, pressure reducing valve stations, or reservoirs; and continues to provide the pressure and quantity requirements of Subsection 552.01. (7-1-24)

72. Spring. A source of water which flows from a laterally percolating water table's intersection with the surface or from a geological fault that allows the flow of water from an artesian aquifer. (7-1-24)

73. Standby Storage. Standby storage provides a measure of reliability or safety factor if sources fail or when unusual conditions impose higher than anticipated demands. See also the definition of Components of Finished Water Storage in these rules. (7-1-24)

74. Substantially Modified. The Department considers a PWS to be substantially modified when, as the result of one (1) or more material modifications to the PWS, there is a combined increase of twenty-five percent (25%)in any one or combination of the following: the population served or number of service connections, the total length of transmission and distribution water mains, the total source capacity, or the peak or average water demand for the PWS. Material modifications completed after May 8, 2009, are the only modifications counted towards the twenty-five (25%) increase. Like-kind replacement of components will not be counted toward a combined increase of twenty-five percent (25%) calculation. Removal of existing system components will not be used to reduce the combined increase of twenty-five percent (25%) calculation. (7-1-24)

75. Substitute Responsible Charge Operator. An operator of a PWS who holds a valid license at a class equal to or greater than the drinking water system classification, designated by the PWS owner to replace and to perform the duties of the responsible charge operator when the responsible charge operator is not available or accessible. (7-1-24)

76. Surface Water System. A PWS which is supplied by one (1) or more surface water sources or groundwater sources under the direct influence of surface water. Also called subpart H systems in applicable sections of 40 CFR Part 141. (7-1-24)

77. Treatment Facility. Any place(s) where a PWS alters the physical or chemical characteristics of the drinking water. Chlorination may be considered as a function of a distribution system. (7-1-24)

78. Turbidity. Measure of the interference of light passage through water, or visual depth restriction from 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. (7-1-24)

79. Ultrafiltration (UF). A low pressure membrane filtration process with pore diameter normally in the range of five thousandths to one tenth micrometer (0.005 to 0.1 µm). (7-1-24)

80. UV Transmittance (UVT). A measure of the fraction of incident light transmitted through a material (e.g., water sample or quartz). The UVT is usually reported for a wavelength of two hundred fifty-four (254) nm and a path length of one (1) cm. It is often represented as a percentage. (7-1-24)

81. Unregulated Contaminant. Any substance that may affect the quality of water but for which a maximum contaminant level or treatment technique has not been established. (7-1-24)

82. Use Assessment. For the purpose of obtaining a waiver from certain monitoring requirements, a use assessment is an evaluation as to whether synthetic organic contaminants are being or have been used, manufactured, transported, stored, or disposed of in the watershed for surface water or the zone of influence for groundwater. (7-1-24)

83. Variance. A temporary deferment of compliance with a maximum contaminant level or treatment technique requirement which may be granted only when the PWS demonstrates to the satisfaction of the Department that the raw water characteristics prevent compliance with the MCL or requirement after installation of the best available technology or treatment technique and the determent does not cause an unreasonable risk to public health. (7-1-24)

84. Volatile Organic Chemicals (VOCs). VOCs are lightweight organic compounds that vaporize or evaporate easily. (7-1-24)

85. Vulnerability Assessment. Related to monitoring waiver decisions, a determination of the risk of future contamination of a public drinking water supply. (7-1-24)

86. Waiver. (7-1-24)

a. Except for Sections 500 through 552, "waiver" means the Department approval of a temporary reduction in sampling requirements for a particular contaminant. (7-1-24)

b. For purposes of Sections 500 through 552, "waiver" means the dismissal or modification of any requirement of compliance. (7-1-24)

c. For the purposes of Section ~~010~~004, "waiver" means the deferral of a fee assessment for a PWS. ~~(7-1-24)~~( )

87. Wastewater. Combination of liquid or water and pollutants from activities and processes occurring in dwellings, commercial buildings, industrial plants, institutions and other establishments, together with any groundwater, surface water, and storm water that may be present; liquid or water that is chemically, biologically, physically or rationally identifiable as containing blackwater, gray water or commercial or industrial pollutants; and sewage. (7-1-24)

88. Water Demand. The volume of water requested by PWS users to satisfy their needs. Water demand can be further categorized as: (7-1-24)

a. Average day demand is the volume of water used by a PWS on an average day based on a one (1) year period. (7-1-24)

b. Maximum day demand is the average rate of consumption for the twenty-four (24) hour period in which total consumption is the largest for the design year. (7-1-24)

c. Peak hour demand is the highest hourly flow, excluding fire flow, that a PWS or distribution system pressure zone is likely to experience in the design year. (7-1-24)

89. Water Main. A pipe within a PWS which is under the control of the PWS operator and conveys water to two (2) or more service connections or conveys water to a fire hydrant. The collection of water mains within a given water supply is called the distribution system. (7-1-24)

004. WAIVERS, VARIANCES, AND EXEMPTIONS.
40 CFR 141.4 is incorporated by reference. (7-1-24)

01. Monitoring Waivers. 40 CFR 141.23(b), 141.23(c), 141.24(f), 141.24(h) are incorporated by reference. (7-1-24)

a. Waivers from sampling requirements in ~~Subsections 100.03, 100.04, 200.01,~~ Section 101 and Subsection 503.03.e.v. may be available to all PWSs for all contaminants except nitrate, nitrite, and disinfection byproducts and are based upon a vulnerability assessment, use assessment, the analytical results of previous sampling, or some combination of vulnerability assessment, use assessment, and analytical results. ~~(7-1-24)~~( )

b. If a PWS elects to request a waiver from monitoring, it must do so in writing at least sixty (60) days prior to the required monitoring deadline date. (7-1-24)

c. Waiver determinations are to be made by the Department on a contaminant specific basis and must be in writing. (7-1-24)

d. PWSs which do not receive waivers must sample at the required, monitoring frequencies (7-1-24)

02. Facility, Design Standard, and Operating Criteria Waivers. The Department may waive any requirement of Sections 500 through 552 that is not explicitly imposed by Idaho Statute, if it can be shown to the Department's satisfaction that the requirement is not necessary for the protection of public health, protection from contamination, and satisfactory operation and maintenance of a PWS. (7-1-24)

03. Variances. (7-1-24)

a. A general variance may be granted by the Department if a PWS owner submits a written request and demonstrates to the satisfaction of the Department that the minimum requirements of 42 USC Section 1415(a) (SDWA) are met. (7-1-24)

b. A small system variance for a maximum contaminant level or treatment technique may be granted by the Department if a PWS owner submits a written request and demonstrates to the satisfaction of the Department that the minimum requirements of 42 USC Section 1415(e) (SDWA) are met. (7-1-24)

04. Exemptions. An exemption may be granted by the Department if a PWS owner submits a written request and demonstrates to the satisfaction of the Department that the minimum requirements of 42 USC Section 1416(a) (SDWA) are met. (7-1-24)

05. Conditions. A waiver, exemption, or variance may be granted upon any conditions that the Department, determines are appropriate and in accordance with these rules. Failure by the PWS owner to comply with any condition voids the waiver, variance, or exemption. (7-1-24)

06 Public Hearing. The Department will provide public notice and an opportunity for public hearing in the area served by the PWS before any exemption or variance under Section ~~005~~004 is granted by the Department. At the conclusion of the hearing, the Department will record the findings and issue a decision approving, denying, modifying, or conditioning the request. ~~(7-1-24)~~( )

005. DISAPPROVAL DESIGNATION.
The Department may assign a disapproved designation to a PWS when: (7-1-24)

01. Defects. There are design or construction defects, significant deficiencies, or health hazards; or (7-1-24)

02. Operating Procedures. Operating procedures constitute a health hazard; (7-1-24)

03. Quality. Violations of chemical, microbiological, radiological, or per- and polyfluoroalkyl substances maximum contaminant levels or action levels of these rules; (7-1-25)

04. Monitoring. Violations of monitoring requirements as specified in these rules; (7-1-24)

05. Unapproved Source. An unapproved source of drinking water is used or the PWS is interconnected with a disapproved water system; or (7-1-24)

06. Non-Payment of Annual Fee Assessment. The annual drinking water system fee assessment is not paid as set forth in Section ~~010~~007. ~~(7-1-24)~~( )

(BREAK IN CONTINUITY OF SECTIONS)

007. FEE SCHEDULE FOR PUBLIC DRINKING WATER SYSTEMS.
All owners of PWSs must pay an annual drinking water system fee. The fee will be assessed as provided in this section. The Department may waive the requirements of this section at its discretion. (7-1-24)

01. Effective Date. Annual fees will be paid for each fee year. Fee years begin on October 1 of each calendar year. (7-1-24)

02. Fee Schedule. (7-1-24)

a. Owners of community and non-transient non-community PWSs must pay an annual fee according to the following fee schedule:

Number of Connections	Fee
1 to 20	$100
21 to 184	$5 per connection, not to exceed a total of $735 per PWS
185 to 3,663	$4 per connection, not to exceed a total of $10,988 per PWS
3,664 or more	$3 per connection

(7-1-24)

b. The annual fee for transient PWSs is twenty-five dollars ($25). (7-1-24)

c. New PWSs formed after October 1 will not pay a fee until the following October. (7-1-24)

03. Fee Assessment. (7-1-24)

a. An annual fee assessment will be generated for each community and non-transient non-community PWS using the number of connections the Department has on record. (7-1-24)

b. Community and non-transient non-community PWSs will be notified each year of the official

number of connections listed in SDWIS. PWSs will have at least one (1) month to notify the Department if the number of connections provided are not in agreement with the PWS's records. (7-1-24)

04. Billing. An annual fee statement will be mailed or delivered electronically to all PWS owners on record with the Department by September 1 of each year and will include acceptable payment methods. (7-1-24)

05. Payment. (7-1-24)

a. Annual fee payment will be due on October 1, unless it is a Saturday, a Sunday, or a legal holiday, in which event the payment will be due on the successive business day. (7-1-24)

b. If a PWS consists of two hundred fifty (250) connections or more, the PWS may request to divide its annual fee payment into equal monthly or quarterly installments by submitting a request to the Department. (7-1-24)

i. The Department will notify PWSs of approval or denial of a requested monthly or quarterly installment plan within ten (10) business days of receiving the request. (7-1-24)

ii. If a PWS has been approved to pay monthly installments then each installment will be due by the first day of each month, unless it is a Saturday, a Sunday, or a legal holiday, in which event the installment will be due on the successive business day. (7-1-24)

iii. If a PWS has been approved to pay quarterly installments then each installment will be due by the first day of the month of each quarter (October 1, January 1, April 1, and July 1), unless it is a Saturday, a Sunday, or a legal holiday, in which event the installment will be due on the successive business day. (7-1-24)

06. Delinquent Unpaid Fees. A PWS owner will be delinquent in payment if its annual fee assessment has not been received by November 1; or if having opted to pay monthly or quarterly installments, its monthly or quarterly installment has not been received by the last day of the month in which the monthly or quarterly payment is due. (7-1-24)

07. Suspension of Services and Disapproval Designation. (7-1-24)

a. For any PWS owner delinquent in payment of fee assessed under Subsections 010.02, in excess of ninety (90) days, technical assistance provided by the Department may be suspended except for review and processing of: (7-1-24)

i. Monitoring waivers; (7-1-24)

ii. Engineering reports; and (7-1-24)

iii. Plans and specifications for design and construction as set forth in Sections 500 through 552. (7-1-24)

b. For any PWS owner delinquent in payment of fee assessed under Subsections ~~010~~007.02, in excess of one hundred and eighty (180) days, the Department may disapprove the PWS pursuant to Subsection 007.06 and may suspend all technical assistance provided including review and processing of: ~~(7-1-24)~~( )

i. Engineering reports; (7-1-24)

ii. Plans and specifications for design and construction as set forth in Sections 500 through 552; or (7-1-24)

iii. Monitoring waivers (7-1-24)

08. Reinstatement of Suspended Services and Approval Status. For any PWS owner for which suspension of technical assistance, disapproval, or both has occurred, reinstatement of technical assistance, approval,

or both, will occur upon payment of delinquent annual fee assessments. (7-1-24)

09. Responsibility to Comply. Subsection ~~010~~007.07 in no way relieves any PWS from its obligation to comply with these rules. ~~(7-1-24)~~( )

(BREAK IN CONTINUITY OF SECTIONS)

~~**010. CONFIDENTIALITY OF RECORDS.**~~
~~Information obtained by the Department under these rules is subject to public disclosure pursuant to the provisions of Chapter 1, Title 74, Idaho Code. Information submitted under a trade secret claim may be entitled to confidential treatment by the Department as provided in Section 74-107 and IDAPA 58.01.23, "Contested Case Rules and Rules for Protection and Disclosure of Records."~~ ~~(7-1-24)~~

010. DRINKING WATER ADVISORY COMMITTEE.
Ongoing stakeholder involvement will be provided through the existing drinking water advisory committee at the Department. ( )

011. -- 049. (RESERVED)

050. LICENSED OPERATOR REQUIREMENTS.

01. Licensed Operator Required. Owners of all community, non-transient non-community, and surface water or groundwater sources directly influenced by surface water must place the direct supervision of their PWS under the responsible charge of a properly licensed operator at all times. When the responsible operator is not available, the PWS owner must designate a substitute responsible operator. ( )

02. Responsible Charge Operator License Requirement. An operator in responsible charge of a PWS must hold a valid Idaho license equal to or greater than the classification of the PWS where the responsible charge operator is in charge. ( )

03. Water Operator License Requirement. All operating personnel at PWSs subject to these requirements making process control/ system integrity decisions about water quality or quantity that can affect public health must hold a valid Idaho license. ( )

04. Water Operator License Upgrade Allowance. A twelve (12) month period will be provided to meet increased drinking water distribution system operator licensure requirements when a higher licensure level is required based on a population increase if the following requirements are met: ( )

a. The licensure increase is triggered solely by a population increase; and ( )

b. The responsible charge operator of the PWS at the time the distribution licensure requirement increases remains the responsible charge operator throughout the twelve (12) month time frame. ( )

051. CONTRACTING FOR SERVICES.
PWS owners who contract with persons to provide responsible charge operators and substitute responsible charge operators need to submit proof of such contract to the Department prior to the contracted person performing any services at the PWS. ( )

052. CLASSIFICATION OF WATER SYSTEMS.

01. System Classification Required. The Department will classify community, non-transient non-community, and surface water PWSs based on indicators of potential health risks. ( )

02. Classification Criteria. PWSs are classified under a system that uses the following criteria: ( )

a. Complexity, size, and type of source water for treatment facilities. ( )

b. Complexity and size of distribution systems. ( )

c. Other criteria deemed necessary to completely classify PWSs. ( )

d. The Department will develop guidelines for applying the criteria set forth in Section 052. ( )

03. Classification Review. The Department will review PWS classifications on a minimum five (5) year frequency. ( )

053. – 099. (RESERVED)

~~050~~100. MAXIMUM CONTAMINANT LEVELS AND MAXIMUM RESIDUAL DISINFECTANT LEVELS.
40 CFR Part 141, Subparts B and G are incorporated by reference. ( )

~~**01. Maximum Contaminant Levels for Inorganic Contaminants**.40 CFR 141.11 and 141.62 are incorporated by reference. (7-1-24)~~

~~**02. Maximum Contaminant Levels for Organic Contaminants**. 40 CFR 141.61 is incorporated by reference. (7-1-24)~~

~~**03. Maximum Contaminant Levels for Turbidity**. 40 CFR 141.13 is incorporated by reference. (7-1-24)~~

~~**04. Maximum Contaminant Levels for Radionuclides**. 40 CFR 141.66 is incorporated by reference. (7-1-24)~~

~~**05. Maximum Contaminant Levels for Microbiological Contaminants**. 40 CFR 141.63 is incorporated by reference. (7-1-24)~~

~~**06. Maximum Contaminant Levels for Disinfection Byproducts**. 40 CFR 141.64 is incorporated by reference. (7-1-24)~~

~~**07. Maximum Residual Disinfectant Levels**. 40 CFR 141.65 is incorporated by reference. (7-1-24)~~

~~**08. Maximum Contaminant Levels for Per- and Polyfluoroalkyl Substances (PFAS)**. 40 CFR 141.61(c)(2) is incorporated by reference. (7-1-25)~~

~~**051. – 099. (RESERVED)**~~

10~~0~~1. MONITORING AND ANALYTICAL REQUIREMENTS.
40 CFR Part 141, Subparts C~~, is~~ and E are incorporated by reference. ~~(7-1-24)~~( )

~~**01. Total Coliform Sampling and Analytical Requirements**. The Total Coliform Rule, 40 CFR 141.21, is incorporated by reference. The Revised Total Coliform Rule, 40 CFR Part 141, Subpart Y, is incorporated by reference, excluding the annual monitoring provisions in 40 CFR 141.854 (a)(4), (d), (e), (f) and (h). (7-1-24)~~

~~**02. Turbidity Sampling and Analytical Requirements**. 40 CFR 141.22 is incorporated by reference. (7-1-24)~~

~~**03. Inorganic Chemical Sampling and Analytical Requirements**. 40 CFR 141.23 is incorporated by reference. (7-1-24)~~

~~**04. Organic Chemicals, Sampling and Analytical Requirements**. 40 CFR 141.24 is incorporated by reference. (7-1-24)~~

~~**05. Analytical Methods for Radioactivity**. 40 CFR 141.25 is incorporated by reference. (7-1-24)~~

~~**06. Monitoring Frequency and Compliance Requirements for Radioactivity in Community Water Systems**. 40CFR 141.26 is incorporated by reference.~~ ~~(7-1-24)~~

~~**07. Alternate Analytical Techniques**. 40 CFR 141.27 is incorporated by reference.~~ ~~(7-1-24)~~

0~~8~~1. **Approved Laboratories**. 40 CFR 141.28 and 141.852(b) are incorporated by reference. All analyses conducted pursuant to these rules, except those listed below, must be performed in laboratories certified or granted reciprocity by the Idaho Department of Health and Welfare, Bureau of Laboratories, as provided in ~~IDAPA 16.02.13, "Rules Governing Certification of Idaho Water Quality Laboratories."~~ Chapter 22 [24], Title 56, Idaho Code, Drinking Water Laboratory Certification Program, or performed in laboratories certified by the U.S. Environmental Protection Agency. The following analyses may be performed by any person acceptable to the Department: ~~(7-1-24)~~( )

a. pH; (7-1-24)

b. Turbidity (Nephelometric method only); (7-1-24)

c. Daily analysis for fluoride; (7-1-24)

d. Temperature; (7-1-24)

e. Disinfectant residuals, except ozone, will be analyzed using the Indigo Method or an acceptable automated method pursuant to Subsection ~~300.05.d.~~104.03.d.; ~~(7-1-24)~~( )

f. Alkalinity; (7-1-24)

g. Calcium; (7-1-24)

h. Conductivity; (7-1-24)

i. Silica; and (7-1-24)

j. Orthophosphate. (7-1-24)

~~**09. Monitoring of Consecutive Water Systems**. 40 CFR 141.29 is incorporated by reference.~~ ~~(7-1-24)~~

~~**10. Disinfection Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors**. 40 CFR Part 141, Subpart L, is incorporated by reference.~~ ~~(7-1-24)~~

~~1~~102. **Monitoring**. The department may alter the monitoring requirements specified in these rules if the department determines that such alteration is necessary to adequately assess the level of contamination. (7-1-24)

~~**12. Special Monitoring for Sodium**. 40 CFR 141.41 is incorporated by reference.~~ ~~(7-1-24)~~

~~**13. Special Monitoring for Corrosivity Characteristics**. 40 CFR 141.42 is incorporated by reference.~~ ~~(7-1-24)~~

~~**14. Monitoring & Analytical Requirements for Per- and Polyfluoroalkyl Substances (PFAS)**. 40 CFR 141.901 and 141.902 are incorporated by reference.~~ ~~(7-1-25)~~

~~**101. – 149. (RESERVED)**~~

1502. REPORTING, PUBLIC NOTIFICATION, RECORDKEEPING.

01. Reporting and Record Keeping Requirements. 40 CFR Part 141.~~31~~, Subpart D is incorporated

by reference. ~~(7-1-24)~~( )

02. Public Notification of Drinking Water Violations. 40 CFR Part 141, Subpart Q is incorporated by reference. (7-1-24)

~~**03. Record Maintenance**. 40 CFR 141.33 is incorporated by reference.~~ ~~(7-1-24)~~

~~**04. Reporting for Unregulated Contaminant Monitoring Results**. 40 CFR 141.35 is incorporated by reference.~~ ~~(7-1-24)~~

~~**05. Reporting and Record Keeping Requirements for the Interim Enhanced Surface Water Treatment Rule**. 40 CFR 141.175 is incorporated by reference.~~ ~~(7-1-24)~~

~~**06. Reporting and Record Keeping Requirements for the Disinfectants and Disinfectant Byproducts Rule**. 40 CFR 141.134 is incorporated by reference.~~ ~~(7-1-24)~~

~~**07. Reporting and Record Keeping Requirements for the Revised Total Coliform Rule**. 40 CFR 141.861 is incorporated by reference.~~ ~~(7-1-24)~~

0~~8~~3. **Public Notification**. The Department may require the owner of a PWS that has been disapproved to notify the public. The manner, content, and timing of this notification will be determined by the Department. This is in addition to any provisions set forth in Section ~~150~~102 that may also apply. ~~(7-1-24)~~( )

0~~9~~4. **Public Notification for Low System Pressure**. (7-1-24)

a. During unplanned or emergency situations, when water pressure within the system is known to have fallen below twenty (20) psi, the water supplier must notify the Department, provide public notice to the affected customers within twenty-four (24) hours, and disinfect or flush the system as appropriate. When sampling and corrective procedures have been conducted and after determination by the Department that the water is safe, the water supplier may re-notify the affected customers that the water is safe for consumption. The water supplier must notify the affected customers if the water is not safe for consumption. (7-1-24)

b. During planned maintenance or repair situations, when water pressure within the system is expected to fall below twenty (20) psi, the water supplier must provide public notice to the affected customers prior to the planned maintenance or repair activity and notify customers that the water is safe for consumption. (7-1-24)

~~**10. Reporting and Record Keeping Requirements for Per- and Polyfluoroalkyl Substances (PFAS)**. 40 CFR 141.904 is incorporated by reference.~~ ~~(7-1-25)~~

103. MAXIMUM CONTAMINANT LEVEL GOALS AND MAXIMUM RESIDUAL DISINFECTION LEVEL GOALS.
40 CFR Part 141, Subpart F is incorporated by reference. ( )

104. FILTRATION AND DISINFECTION.
40 CFR Part 141, Subpart H is incorporated by reference. ( )

01. Filtration. ( )

a. The Department will establish filtration removal credit on a system-by-system basis. Unless otherwise allowed the Department, the maximum log removal credit allowed for filtration is as follows: ( )

Maximum Log Removal			
Filtration Type	Giardia lamblia	Viruses	Cryptosporidium
Conventional	2.5	2.0	2.5

Direct	2.0	1.0	2.0
Slow sand	2.0	2.0	2.0
Diatomaceous earth	2.0	1.0	2.0
Microfiltration	3.0	0.5	3.0
Ultrafiltration	3.5	2.0	3.5
Nanofiltration	4.0	3.0	4.0
Reverse Osmosis	4.0	3.0	4.0
Alternate technology	2.0	0	2.0

( )

b. Filtration removal credit will be granted for filtration treatment provided the PWS is: ( )

i. Operated in accordance with the Operations Plan specified in Subsection 552.03.a.; ( )

ii. The PWS is in compliance with the turbidity performance criteria specified under 40 CFR 141.73; ( )

iii. Coagulant chemicals must be added and coagulation and flocculation unit process must be used at all times during which conventional and direct filtration treatment plants are in operation; ( )

iv. Slow sand filters are operated at rates not to exceed one-tenth (0.1) gallons per minute per square foot or as approved by the Department; and ( )

v. Diatomaceous earth filters are operated at a rate not to exceed one point five (1.5) gallons per minute per square foot. ( )

02. Disinfection. ( )

a. Surface water sources or groundwater sources directly influenced by surface water must maintain a minimum of at least two-tenths (0.2) mg/l disinfectant residual in the treated water at peak hour demand before delivery to the first customer. ( )

b. The Department may allow a PWS to utilize automatic shut-off of water to the distribution system whenever total disinfectant residual is less than two-tenths (0.2) mg/l rather than provide redundant disinfection components and auxiliary power as required in 40 CFR 141.72(a)(2). An automatic water shut-off may be used if the PWS demonstrates to the satisfaction of the Department that, at all times, a minimum of twenty (20) psi pressure and adequate fire flow can be maintained in the distribution system when water delivery is shut-off to the distribution system and, at all times, minimum Giardia lamblia and virus inactivation removal rates can be achieved prior to the first customer. ( )

c. Each PWS which is required to provide filtration must provide disinfection treatment such that filtration plus disinfection provide at least 3-Log or ninety-nine and nine tenths percent (99.9%) inactivation/removal of Giardia lamblia cysts and at least 4-Log or ninety-nine and ninety-nine hundredths percent (99.99%) inactivation/removal of viruses as specified in 40 CFR 141.72 and Section 104, and at least 2-Log or ninety-nine percent (99%) removal of Cryptosporidium as required by 40 CFR Part 141, Subpart P or Subpart T. However, in all cases the disinfection portion of the treatment train must be designed to provide not less than five tenths (0.5) log Giardia lamblia inactivation, irrespective of the Giardia lamblia removal credit awarded to the filtration portion of the treatment train. ( )

03. Analytical and Monitoring Requirements. ( )

a. Total inactivation ratio calculations: 40 CFR 141.74(b)(4)(i) and (ii) are incorporated by reference.

( )

b. Log removal credit for disinfection must be determined by multiplying the total inactivation ratio by three (3). ( )

c. Unfiltered Subpart H systems. 40 CFR 141.857(c) is incorporated by reference. ( )

d. Unfiltered PWSs must monitor as required in 40 CFR 141.74(b) upon notification by the Department that filtration treatment must be installed. ( )

e. During the period prior to filtration treatment installation, the Department may, at its discretion, reduce the turbidity monitoring frequency for any non-community system which demonstrates to the satisfaction of the Department: ( )

i. A free chlorine residual of two-tenths (0.2) part per million is maintained throughout the distribution system; ( )

ii. The water source is well protected; ( )

iii. E. coli MCL is not exceeded or a Level 1 or Level 2 Assessment has not been triggered in accordance with 40 CFR 141.859; and ( )

iv. No significant health risk is present. ( )

04. Reporting and Recordkeeping Requirements. ( )

a. As provided in 40 CFR 141.75(a) and Subsection 104.04, the Department may establish interim reporting requirements for PWSs notified by the Department or U.S. Environmental Protection Agency that filtration treatment must be installed as specified in 40 CFR 141.75(a) and as referred to in Subsection 104.04. Until filtration treatment is installed, PWSs required to install filtration treatment must report as follows: ( )

i. The purveyor will immediately report to the Department via telephone or other equally rapid means, but no later than the end of the next business day, the following information: ( )

(1) The occurrence of a waterborne disease outbreak potentially attributable to that PWS; ( )

(2) Any turbidity measurement which exceeds five (5) NTU; and ( )

(3) Any result indicating that the disinfectant residual concentration entering the distribution system is below two-tenths (0.2) mg/l free chlorine. ( )

ii. The purveyor will report to the Department within ten (10) days after the end of each month the PWS serves water to the public the following monitoring information using a Department-approved form: ( )

(1) Turbidity monitoring information; and ( )

(2) Disinfectant residual concentrations entering the distribution system. ( )

iii. Personnel qualified under Subsection 104.01 will complete and sign the monthly report forms submitted to the Department as required in Subsection 104.04. ( )

b. In addition to the reporting requirements in 40 CFR 141.75(b) pertaining to PWSs with filtration treatment, each PWS which provides filtration treatment must report the level of Giardia lamblia and virus inactivation/removal achieved each day by filtration and disinfection. ( )

05. Recycle Provisions. ( )

a. The Department will evaluate recycling records kept by PWSs pursuant to 40 CFR 141.76 during sanitary surveys, comprehensive performance evaluations, or other inspections. ( )

b. The Department may require a PWS to modify recycling practices if it can be shown that these practices adversely affect the ability of the PWS to meet surface water treatment requirements. ( )

105. CONTROL OF LEAD AND COPPER.
40 CFR 141, Subpart I is incorporated by reference. ( )

106. USE OF NON-CENTRALIZED TREATMENT DEVICES.
40 CFR Part 141, Subpart J is incorporated by reference. ( )

01. Point of Use (POU) Treatment Devices. ( )

a. A PWS owner may use point of use (POU) treatment to comply with certain maximum contaminant levels (MCL) or treatment techniques when the following conditions are met: ( )

i. A program for long-term operation, maintenance, and monitoring of the POU treatment system is approved by the Department, pursuant to Subsection 106.02.c.; ( )

ii. The PWS owner or a vendor of POU treatment devices under contract with the PWS must own, control, and maintain the POU treatment system to ensure proper operation and maintenance and compliance with the MCL or treatment technique; ( )

iii. Each POU treatment device is equipped with a mechanical warning mechanism to ensure customers are automatically notified of operational problems; ( )

iv. Each POU treatment device must be certified by an accredited American National Standards Institute (ANSI) certification body to meet applicable ANSI/National Sanitation Foundation (NSF) Standards; and ( )

v. POU treatment devices will not be used to comply with an MCL or treatment technique requirement for a microbial contaminant or an indicator of a microbial contaminant. Community PWSs may not use POU treatment devices to comply with a nitrate or nitrite MCL. ( )

b. The Department will waive the plan and specification requirements of Section 504 relating to material modifications for the following systems only to the extent that the material modification is limited to the installation or use of a POU treatment device(s): ( )

i. Community PWSs serving two hundred (200) or fewer service connections; ( )

ii. Non-transient non-community PWSs; ( )

iii. Transient non-community PWSs; or ( )

iv. Community PWSs serving more than two hundred (200) service connections if approved by the Department through the waiver process outlined in Subsection 004.02. ( )

c. Prior to installation, the PWS owner must submit the following documentation for approval to the Department. ( )

i. Water system information: ( )

(1) PWS name and identification number; ( )

(2) Total number of service connections; ( )

(3) Demonstration that all POU treatment devices are owned, controlled, and maintained by the PWS owner or by a vendor of POU treatment devices under contract with the PWS owner; ( )

(4) Documentation that a customer at each service connection has agreed to installation and use of a POU treatment device and has granted access for installation, maintenance, and sampling; ( )

(5) A statement of recognition that failure to maintain compliance with the MCL, or the failure to operate and maintain compliance with a POU treatment system as approved by the Department, may necessitate installation of centralized treatment; and ( )

(6) Documentation that the PWS is current with certified operator requirements pursuant to Section 050. ( )

ii. POU device information: ( )

(1) Type of POU treatment device; ( )

(2) Manufacturer, model number, and manufacturer's specifications; ( )

(3) Contaminant to be treated and documentation that the POU is certified and is of sufficient design and capacity for removal of the contaminant; ( )

(4) Documentation that the PWS's water chemistry is compatible with the POU; ( )

(5) Type and function of the mechanical warning (performance indicator); ( )

(6) Certification verification for ANSI/NSF; ( )

(7) Documentation describing how other drinking water dispensing units, such as hot water dispensers and refrigerators, soda machines, water fountains, and other similar units will be provided with treated water and how the water will be transported to that unit with non-reactive piping or tubing. Non-transient non-community and transient non-community PWSs must demonstrate that the POU treatment devices are located in areas adequate to protect public health and in sufficient quantity to serve the system's users; ( )

(8) Installer qualifications; and ( )

(9) Proposed date for completing installation(s). ( )

iii. POU operation, maintenance, and sampling plan that includes documentation on how the PWS owner will: ( )

(1) Address any non-compliance with Subsection 106.02.c.i.(4); ( )

(2) Ensure real estate disclosures for the POU treatment systems; ( )

(3) Deliver ongoing education and outreach to customers, including renters, regarding POU treatment and health effects of the contaminant(s) of concern; ( )

(4) Address and perform on-going maintenance activities, including frequency of treatment media replacements and treatment device replacements, periodic verification that the mechanical warning device is functional, schedule of planned maintenance activities, a plan to address unscheduled maintenance problems, and a plan and method of waste disposal; and ( )

(5) Collect samples from the location of all service connections and demonstrating that all POU treatment devices will be sampled for compliance with the treated contaminant(s) during every compliance period or other frequency designated by the Department. ( )

d. Within thirty (30) days of installing the approved POU treatment system, the PWS owner must: ( )

i. Notify the Department in writing that the POU treatment system was installed as approved by the Department; and ( )

ii. Submit samples from each POU treatment device to a certified laboratory for the contaminant(s) being treated to demonstrate initial compliance with the MCL. ( )

e. The PWS owner or operator must maintain records for a POU treatment system. Records must be submitted to the Department at a frequency and in a format specified by the Department. Records to maintain include: ( )

i. Requirements of Subsection 106.02.c.; ( )

ii. All sampling performed on the POU treatment devices; ( )

iii. Maintenance logs and schedules; ( )

iv. Log of installed units; and ( )

v. Contracts, lease agreements, or other legal documents with vendors and consumers. ( )

107. TREATMENT TECHNIQUES.
40 CFR 141, Subpart K, is incorporated by reference. ( )

108. DISINFECTION RESIDUALS, DISINFECTION BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS.
40 CFR Part 141, Subpart L is incorporated by reference. DPD colorimetric test kits may be used to measure residual disinfectant concentrations for chlorine, chloramines, and chlorine dioxide. ( )

109. – 110. (RESERVED)

1511. CONSUMER CONFIDENCE REPORTS.
40 CFR Part 141, Subpart O is incorporated by reference. (7-1-24)

112. ENHANCED FILTRATION AND DISINFECTION - SYSTEMS SERVING TEN THOUSAND OR MORE PEOPLE.
40 CFR Part 141, Subpart P is incorporated by reference. ( )

~~152. – 249~~113. (RESERVED)

114. GROUND WATER RULE.
40 CFR 141, Subpart S is incorporated by reference. ( )

01. Discontinuation of Treatment. PWSs that wish to discontinue four (4)-log virus treatment at a groundwater source must meet the following criteria. Groundwater sources on which treatment has been discontinued will be subject to the triggered source water monitoring requirements of 40 CFR 141, Subpart S. ( )

a. Demonstration that any known source of contamination has been removed. ( )

b. Demonstration that structural deficiencies of the well have been rehabilitated and no longer exist. ( )

c. Provide evidence that the well is drawing from a protected or confined aquifer. ( )

d. Submit results of one (1) year of monthly monitoring for a fecal indicator organism during which

no positive results occurred. ( )

02. Chlorine Purging Prior to Triggered Source Sampling. 40 CFR 141.402(e) requires that groundwater source samples be collected at a location prior to any treatment. Pursuant to this requirement PWSs that add chlorine to a source, either in the well bore or near enough to the wellhead that chlorinated water may backflow into the well, must ensure that all chlorine residual has been purged prior to taking a triggered source water sample. This must be accomplished by measuring chlorine residual in the source water until a reading of zero (0) is obtained and be recorded in the space provided for chlorine residual on the sample submittal form. ( )

115. ENHANCED FILTRATION AND DISINFECTION - SYSTEMS SERVING FEWER THAN TEN THOUSAND PEOPLE.
40 CFR 141, Subpart T is incorporated by reference. In accordance with 40 CFR 142.16(g)(1), the Department has authority to require the owner of a PWS to conduct a composite correction program, as defined in Section 003, for the purpose of identifying and correcting deficiencies in water treatment and distribution. Composite correction programs consist of a comprehensive performance evaluation (CPE) and comprehensive technical assistance (CTA). ( )

01. Comprehensive Performance Evaluation (CPE). The CPE is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance. It must emphasize approaches that can be implemented without significant capital improvements. The CPE assesses plant performance-based capabilities and associated administrative and operation and management practices. ( )

02. Comprehensive Technical Assistance (CTA). The CTA consists of follow-up to the CPE results, implementation of process control priority setting techniques, and long-term involvement to systematically train staff and administrators. ( )

116. INITIAL DISTRIBUTION SYSTEM EVALUATIONS.
40 CFR part 141, Subpart U is incorporated by reference. ( )

117. STAGE 2 DISINFECTION BYPRODUCTS REQUIREMENTS.
40 CFR Part 141, Subpart V is incorporated by reference. ( )

118. ENHANCED TREATMENT FOR CRYPTOSPORIDIUM – LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE.
40 CFR Part 141, Subpart W, is incorporated by reference. ( )

01. Cryptosporidium Treatment Credit for Approved Watershed Control Program. The Department will award 0.5 (zero point five) logs cryptosporidium removal credit to systems that have a Department approved Watershed Control Program. Requirements for a watershed control program are set forth in 40 CFR 141, Subpart W. Guidance on how to develop a watershed control program and obtain Department approval is provided in "Implementation Guidance for the Long Term 2 Enhanced Surface Water Treatment Rule," as referenced in Section 002. ( )

02. Assessment of Significant Changes in the Watershed. As part of the sanitary survey process set forth in Section 200, the Department, or an agent approved by the Department, will assess significant changes in the watershed of a surface water system that occurred since the PWS conducted source water monitoring. If changes in the watershed have the potential to significantly increase contamination of the source water with cryptosporidium, the Department will consult with the PWS owner on follow-up actions that may be required under 40 CFR 141, Subpart W, including, but not limited to, source water monitoring or additional treatment requirements. "Implementation Guidance for the Long Term 2 Enhanced Surface Water Treatment Rule," as referenced in Section 002, provides a description of factors that will be considered by the Department when making an assessment of changes in the watershed. These factors include, but are not limited to the following. ( )

a. New IPDES permits or changes in existing IPDES permits that involve increased loading of contaminants. ( )

b. Changes in land use patterns. ( )

c. Changes in agricultural cropping, chemical application, or irrigation practices. ( )

d. Changes in other non-point discharge source activities (such as grazing, manure application, commercial or residential development). ( )

e. Stream or riverbed modifications. ( )

f. IPDES permit violations at wastewater treatment plants or confined animal feedlot operations. ( )

g. Dramatic natural events such as floods, forest fires, earthquakes, and landslides that may transport or expose contaminants. ( )

h. Prolonged drought conditions that may warrant special preparatory measures to minimize impacts from waste accumulations that are washed into source waters when precipitation returns. ( )

i. Accidental or illegal waste discharges and spills. ( )

119. REVISED TOTAL COLIFORM RULE.
40 CFR part 141, Subpart Y is incorporated by reference, excluding the annual monitoring provisions in 40 CFR 141.854 (a)(4), (d), (e), (f) and (h). ( )

01. Level 1 and 2 Assessments. Level 1 and 2 assessments must be conducted consistent with any Department directives that tailor specific assessment elements with respect to the size and type of the PWS and the size, type, and characteristics of the distribution system. ( )

02. Level 2 Assessments. The Department will schedule and conduct Level 2 assessments for an E.coli treatment technique trigger unless the Department approves another party to conduct the assessment as outlined in Subsection 119.03. A second or any additional triggered Level 2 Assessment within a rolling twelve-month period must be conducted by a Department approved third party even if the PWS owner has staff or management approved under Subsection 119.01.c. ( )

03. Approved Parties for Level 2 Assessments. The PWS may conduct a Level 2 assessment if the PWS has staff or management with the certification or qualifications outlined in this Subsection or if the PWS hires parties that meet the qualifications in this Subsection. The following parties are approved by the Department to conduct Level 2 assessments: ( )

a. The Department or persons contracted with the Department who are trained to conduct sanitary surveys; ( )

b. Currently licensed operators in good standing that are licensed through the Idaho Division of Occupational and Professional Licenses with a drinking water classification of Distribution I through IV or Treatment I through IV and that are licensed at least to the classification level of the PWS requiring the Level 2 assessment; or ( )

c. Licensed professional engineers licensed by the state of Idaho and qualified by education and experience in the specific technical fields involved in these rules. ( )

120. CONTROL OF PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS).
40 CFR 141, Subpart Z is incorporated by reference. ( )

121. – 199. (RESERVED)

~~**250. MAXIMUM CONTAMINANT LEVEL GOALS AND MAXIMUM RESIDUAL DISINFECTION LEVEL GOALS.**~~

01. Maximum Contaminant Level Goals for Organic Contaminants. 40 CFR 141.50 is incorporated by reference. (7-1-24)

02. Maximum Contaminant Level Goals for Inorganic Contaminants. 40 CFR 141.51 is incorporated by reference. (7-1-24)

03. Maximum Contaminant Level Goals for Microbiological Contaminants. 40 CFR 141.52 is incorporated by reference. (7-1-24)

04. Maximum Contaminant Level Goals for Disinfection Byproducts. 40 CFR 141.53 is incorporated by reference. (7-1-24)

05. Maximum Residual Disinfectant Level Goals for Disinfectants. 40 CFR 141.54 is incorporated by reference. (7-1-24)

06. Maximum Contaminant Level Goals for Radionuclides. 40 CFR 141.55 is incorporated by reference. (7-1-24)

251. -- 299. (RESERVED)

300. FILTRATION AND DISINFECTION.

01. General Requirements. 40 CFR 141.70 is incorporated by reference. (7-1-24)

02. Filtration. 40 CFR 141.73 is incorporated by reference. (7-1-24)

a. The Department will establish filtration removal credit on a system-by-system basis. Unless otherwise allowed the Department, the maximum log removal credit allowed for filtration is as follows:

Maximum Log Removal			
Filtration Type	**Giardia lamblia**	**Viruses**	**Cryptosporidium**
Conventional	2.5	2.0	2.5
Direct	2.0	1.0	2.0
Slow sand	2.0	2.0	2.0
Diatomaceous earth	2.0	1.0	2.0
Microfiltration	3.0	0.5	3.0
Ultrafiltration	3.5	2.0	3.5
Nanofiltration	4.0	3.0	4.0
Reverse Osmosis	4.0	3.0	4.0
Alternate technology	2.0	0	2.0

(7-1-24)

b. Filtration removal credit will be granted for filtration treatment provided the PWS is: (7-1-24)

i. Operated in accordance with the Operations Plan specified in Subsection 552.03.a.; and (7-1-24)

ii. The PWS is in compliance with the turbidity performance criteria specified under 40 CFR 141.73; and (7-1-24)

iii. Coagulant chemicals must be added and coagulation and flocculation unit process must be used at all times during which conventional and direct filtration treatment plants are in operation; and (7-1-24)

iv. Slow sand filters are operated at rates not to exceed one-tenth (0.1) gallons per minute per square foot or as approved by the Department; and (7-1-24)

v. Diatomaceous earth filters are operated at a rate not to exceed one point five (1.5) gallons per minute per square foot. (7-1-24)

03. Criteria for Avoiding Filtration. 40 CFR 141.71 is incorporated by reference. (7-1-24)

04. Disinfection. 40 CFR 141.72 is incorporated by reference. (7-1-24)

a. Surface water sources or groundwater sources directly influenced by surface water must maintain a minimum of at least two-tenths (0.2) mg/l disinfectant residual in the treated water at peak hour demand before delivery to the first customer. (7-1-24)

b. The Department may allow a PWS to utilize automatic shut-off of water to the distribution system whenever total disinfectant residual is less than two-tenths (0.2) mg/l rather than provide redundant disinfection components and auxiliary power as required in 40 CFR 141.72(a)(2). An automatic water shut-off may be used if the PWS demonstrates to the satisfaction of the Department that, at all times, a minimum of twenty (20) psi pressure and adequate fire flow can be maintained in the distribution system when water delivery is shut-off to the distribution system and, at all times, minimum Giardia lamblia and virus inactivation removal rates can be achieved prior to the first customer. (7-1-24)

c. Each PWS which is required to provide filtration must provide disinfection treatment such that filtration plus disinfection provide at least 3-Log or ninety-nine and nine tenths percent (99.9%) inactivation/removal of Giardia lamblia cysts and at least 4-Log or ninety-nine and ninety-nine hundredths percent (99.99%) inactivation/removal of viruses as specified in 40 CFR 141.72 and Section 300, and at least 2-Log or ninety-nine percent (99%) removal of Cryptosporidium as required by 40 CFR Part 141, Subpart P or Subpart T. However, in all cases the disinfection portion of the treatment train must be designed to provide not less than five tenths (0.5) log Giardia lamblia inactivation, irrespective of the Giardia lamblia removal credit awarded to the filtration portion of the treatment train. (7-1-24)

05. Analytical and Monitoring Requirements. 40 CFR 141.74 is incorporated by reference. (7-1-24)

a. Total inactivation ratio calculations: 40 CFR 141.74(b)(4)(i) and (ii) are incorporated by reference. (7-1-24)

b. Log removal credit for disinfection must be determined by multiplying the total inactivation ratio by three (3). (7-1-24)

c. Unfiltered Subpart H systems. 40 CFR 141.857(c) is incorporated by reference. (7-1-24)

d. Unfiltered PWSs must monitor as required in 40 CFR 141.74(b) upon notification by the Department that filtration treatment must be installed. (7-1-24)

e. During the period prior to filtration treatment installation, the Department may, at its discretion, reduce the turbidity monitoring frequency for any non-community system which demonstrates to the satisfaction of the Department: (7-1-24)

i. A free chlorine residual of two-tenths (0.2) part per million is maintained throughout the distribution system; (7-1-24)

ii. The water source is well protected; (7-1-24)

iii. E. coli MCL is not exceeded or a Level 1 or Level 2 Assessment has not been triggered in

accordance with 40 CFR 141.859; and (7-1-24)

iv. No significant health risk is present. (7-1-24)

06. Reporting and Recordkeeping Requirements. 40 CFR 141.75 is incorporated by reference. (7-1-24)

a. As provided in 40 CFR 141.75(a) and Section 300, the Department may establish interim reporting requirements for PWSs notified by the Department or U.S. Environmental Protection Agency that filtration treatment must be installed as specified in 40 CFR 141.75(a) and as referred to in Subsection 300.06. Until filtration treatment is installed, PWSs required to install filtration treatment must report as follows: (7-1-24)

i. The purveyor will immediately report to the Department via telephone or other equally rapid means, but no later than the end of the next business day, the following information: (7-1-24)

(1) The occurrence of a waterborne disease outbreak potentially attributable to that PWS; (7-1-24)

(2) Any turbidity measurement which exceeds five (5) NTU; and (7-1-24)

(3) Any result indicating that the disinfectant residual concentration entering the distribution system is below two-tenths (0.2) mg/l free chlorine. (7-1-24)

ii. The purveyor will report to the Department within ten (10) days after the end of each month the PWS serves water to the public the following monitoring information using a Department-approved form: (7-1-24)

(1) Turbidity monitoring information; and (7-1-24)

(2) Disinfectant residual concentrations entering the distribution system. (7-1-24)

iii. Personnel qualified under Subsection 300.01 will complete and sign the monthly report forms submitted to the Department as required in Subsection 300.06. (7-1-24)

b. In addition to the reporting requirements in 40 CFR 141.75(b) pertaining to PWSs with filtration treatment, each PWS which provides filtration treatment must report the level of Giardia lamblia and virus inactivation/removal achieved each day by filtration and disinfection. (7-1-24)

07. Recycle Provisions. 40 CFR 141.76 is incorporated by reference. (7-1-24)

a. The Department will evaluate recycling records kept by PWSs pursuant to 40 CFR 141.76 during sanitary surveys, comprehensive performance evaluations, or other inspections. (7-1-24)

b. The Department may require a PWS to modify recycling practices if it can be shown that these practices adversely affect the ability of the PWS to meet surface water treatment requirements. (7-1-24)

301. ENHANCED FILTRATION AND DISINFECTION – SYSTEMS SERVING TEN THOUSAND OR MORE PEOPLE.

This Section incorporates, 40 CFR Part 141, Subpart P, known as the Interim Enhanced Surface Water Treatment Rule. (7-1-24)

01. General Requirements. 40 CFR 141.170 is incorporated by reference. (7-1-24)

02. Criteria for Avoiding Filtration. 40 CFR 141.171 is incorporated by reference. (7-1-24)

03. Disinfection Profiling and Benchmarking. 40 CFR 141.172 is incorporated by reference. (7-1-24)

04. Filtration. 40 CFR 141.173 is incorporated by reference. (7-1-24)

~~**05. Filtration Sampling Requirements**. 40 CFR 141.174 is incorporated by reference.~~ ~~(7-1-24)~~

~~30~~200. SANITARY SURVEYS.
The Department will conduct a sanitary survey of all PWSs. Sanitary surveys will include, but are not limited to, the following elements: source; treatment; distribution system; finished water storage; pump, pump facilities, and controls; monitoring and reporting and data verification; PWS management and operation; and operator compliance with state requirements. For those PWSs using groundwater, 40 CFR Part 141, Subpart S, is incorporated by reference. ~~(7-1-24)~~( )

01. Frequency. For non-community PWSs, a sanitary survey must be conducted every five (5) years. For community PWSs, a sanitary survey will be conducted every three (3) years, except as provided below. (7-1-24)

a. Community systems using surface water or groundwater under the direct influence of surface water that have been determined to have outstanding performance, according to criteria established by the Department, may have a sanitary survey conducted every five (5) years. (7-1-24)

b. Community systems using groundwater may have a sanitary survey conducted every five (5) years if the PWS provides at least a four (4)-log treatment of viruses (using inactivation, removal, or a Department-approved combination of 4-log inactivation and removal) before or at the first customer for all of its groundwater sources. (7-1-24)

c. Community systems using groundwater may have a sanitary survey conducted every five (5) years if they have an outstanding performance record, as determined by the Department and documented in previous sanitary surveys, and have no history of Revised Total Coliform Rule MCL or monitoring violations under ~~Subsection 100.01~~ Section 101 since the last sanitary survey. ~~(7-1-24)~~( )

02. Report. The Department will provided a report describing the results of the sanitary survey to the PWS. As part of the sanitary survey report or as an independent action, the Department will provide written notice to the PWS describing any significant deficiency within thirty (30) days after the Department identifies the significant deficiency. The notice may specify corrective actions and deadlines for completion of corrective actions. (7-1-24)

03. Significant Deficiencies. For each of the eight (8) elements of a sanitary survey of a groundwater system, the Department will consider the following deficiencies significant in all cases for the purposes of the notice required in Subsection ~~303~~200.02. Decisions about the significance of other deficiencies identified during the sanitary survey will be at the Department's discretion, as indicated in the Department's sanitary survey protocol. ~~(7-1-24)~~( )

a. Source: Lack of or improper sanitary well cap as specified in Subsection 511.06.b. (7-1-24)

b. Treatment: (7-1-24)

i. Chemical addition lacks emergency shut-off as specified in Subsection 531.02.b.ii. (7-1-24)

ii. Chemical addition is not flow proportioned where the rate of flow or chemical demand is not reasonably constant, as specified in Subsection 531.02.b.ii. (7-1-24)

c. Distribution system: A minimum system pressure of twenty (20) psi is not maintained throughout the distribution system as specified in Subsection 552.01.b. (7-1-24)

d. Finished water storage: Roof leaking, as specified in Subsections 544.09 and 544.09.c. (7-1-24)

e. Pumps, pump facilities, and controls: A pump house must be protected from contamination and unauthorized entry, as specified in Subsection 541.01. (7-1-24)

f. Monitoring, reporting, and data verification: Repeated failure to collect the required number and type of Revised Total Coliform Rule samples during the most recent two (2) year period, as specified in ~~Subsection~~

~~100.01~~ Section 119. ~~(7-1-24)~~( )

g. PWS management and operation: History of frequent depressurization in the distribution system in violation of Subsection 552.01. (7-1-24)

h. Operator compliance with state licensing requirements: The PWS does not have a properly licensed responsible charge operator as required in Subsection ~~554~~050.02. ~~(7-1-24)~~( )

04. Response Required. After notification from the Department of significant deficiencies, the owner of a PWS must respond in writing, describing how and on what schedule the PWS will address all significant deficiencies, not later than forty-five (45) days for PWSs using surface water or groundwater under the direct influence of surface water or thirty (30) days for PWSs only using groundwater. (7-1-24)

05. Consultation with the Department. PWS owners must consult with the Department prior to taking specific corrective actions in response to significant deficiencies identified during a sanitary survey, unless such corrective actions are specified in detail by the Department in its written notification under Subsection ~~302~~200.02. ~~(7-1-24)~~( )

06. Violation. Failure to address significant deficiencies identified in a sanitary survey is a violation of these rules. (7-1-24)

~~**303. (RESERVED)**~~

~~**304. COMPOSITE CORRECTION PROGRAM (CCP).**~~
~~40 CFR 141.563 is incorporated by reference. In accordance with 40 CFR 142.16(g)(1), the Department has authority to require the owner of a PWC to conduct a composite correction program, as defined in Section 003, for the purpose of identifying and correcting deficiencies in water treatment and distribution. Composite Correction Programs consist of a Comprehensive Performance Evaluation (CPE) and Comprehensive Technical Assistance (CTA).~~ ~~(7-1-24)~~

~~**01. Comprehensive Performance Evaluation (CPE)**. The CPE is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance. It must emphasize approaches that can be implemented without significant capital improvements. The CPE assesses plant performance-based capabilities and associated administrative and operation and management practices.~~ ~~(7-1-24)~~

~~**02. Comprehensive Technical Assistance (CTA)**. The CTA consists of follow-up to the CPE results, implementation of process control priority setting techniques, and long-term involvement to systematically train staff and administrators.~~ ~~(7-1-24)~~

~~**305. COLIFORM TREATMENT TECHNIQUE TRIGGERS AND ASSESSMENT REQUIREMENTS FOR PROTECTION AGAINST POTENTIAL FECAL CONTAMINATION.**~~
~~40 CFR 141.859, excluding 40 CFR 141.859(a)(2)(iii), is incorporated by reference.~~ ~~(7-1-24)~~

~~**01. Requirements For Assessments**. 40 CFR 141.859(b) is incorporated by reference.~~ ~~(7-1-24)~~

~~**a.** Level 1 and 2 assessments must be conducted consistent with any Department directives that tailor specific assessment elements with respect to the size and type of the PWS and the size, type, and characteristics of the distribution system.~~ ~~(7-1-24)~~

~~**b.** Level 1 Assessment. 40 CFR 141.859(b)(3) is incorporated by reference.~~ ~~(7-1-24)~~

~~**c.** Level 2 Assessment. 40 CFR 141.859(b)(4) is incorporated by reference.~~ ~~(7-1-24)~~

~~i. The Department will schedule and conduct Level 2 assessments for an E.coli treatment technique trigger in unless the Department approves another party to conduct the assessment as outlined in Subsection 305.02.~~ ~~(7-1-24)~~

~~ii. A second or any additional triggered Level 2 Assessment within a rolling twelve-month period~~

must be conducted by a Department approved third party even if the PWS owner has staff or management approved under Subsection 305.02. (7-1-24)

02. Approved Parties for Level 2 Assessments. The PWS may conduct a Level 2 assessment if the PWS has staff or management with the certification or qualifications outlined in this Subsection or if the PWS hires parties that meet the qualifications in this Subsection. The following parties are approved by the Department to conduct Level 2 assessments: (7-1-24)

a. The Department or persons contracted with the Department who are trained to conduct sanitary surveys; (7-1-24)

b. Currently licensed operators in good standing that are licensed through the Idaho Division of Occupational and Professional Licenses with a drinking water classification of Distribution I through IV or Treatment I through IV and that are licensed at least to the classification level of the PWS requiring the Level 2 assessment; or (7-1-24)

c. Licensed professional engineers licensed by the state of Idaho and qualified by education and experience in the specific technical fields involved in these rules. (7-1-24)

306. -- 309. (RESERVED)

310. ENHANCED FILTRATION AND DISINFECTION - SYSTEMS SERVING FEWER THAN TEN THOUSAND PEOPLE.
40 CFR 141, Subpart T, is incorporated by reference. (7-1-24)

311. ENHANCED TREATMENT FOR CRYPTOSPORIDIUM -- LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE.
40 CFR Part 141, Subpart W, is incorporated by reference. (7-1-24)

01. Cryptosporidium Treatment Credit for Approved Watershed Control Program. The Department will award 0.5 (zero point five) logs cryptosporidium removal credit to systems that have a Department approved Watershed Control Program. Requirements for a watershed control program are set forth in 40 CFR 141, Subpart W. Guidance on how to develop a watershed control program and obtain Department approval is provided in "Implementation Guidance for the Long Term 2 Enhanced Surface Water Treatment Rule," as referenced in Section 002. (7-1-24)

02. Assessment of Significant Changes in the Watershed. As part of the sanitary survey process set forth in Section 302, the Department, or an agent approved by the Department, will assess significant changes in the watershed of a surface water system that occurred since the PWS conducted source water monitoring. If changes in the watershed have the potential to significantly increase contamination of the source water with cryptosporidium, the Department will consult with the PWS owner on follow-up actions that may be required under 40 CFR 141, Subpart W, including, but not limited to, source water monitoring or additional treatment requirements. "Implementation Guidance for the Long Term 2 Enhanced Surface Water Treatment Rule," as referenced in Section 002, provides a description of factors that will be considered by the Department when making an assessment of changes in the watershed. These factors include, but are not limited to the following: (7-1-24)

a. New IPDES permits or changes in existing IPDES permits that involve increased loading of contaminants. (7-1-24)

b. Changes in land use patterns. (7-1-24)

c. Changes in agricultural cropping, chemical application, or irrigation practices. (7-1-24)

d. Changes in other non-point discharge source activities (such as grazing, manure application, commercial or residential development). (7-1-24)

e. Stream or riverbed modifications. (7-1-24)

~~f. IPDES permit violations at wastewater treatment plants or confined animal feedlot operations. (7-1-24)~~

~~g. Dramatic natural events such as floods, forest fires, earthquakes, and landslides that may transport or expose contaminants. (7-1-24)~~

~~h. Prolonged drought conditions that may warrant special preparatory measures to minimize impacts from waste accumulations that are washed into source waters when precipitation returns. (7-1-24)~~

~~i. Accidental or illegal waste discharges and spills. (7-1-24)~~

~~312. -- 319. (RESERVED)~~

~~320. DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS.~~
~~This Section incorporates 40 CFR Part 141, Subpart L, of the National Primary Drinking Water Regulations, known as the Disinfectants and Disinfection Byproducts Rule. (7-1-24)~~

~~01. General Requirements. 40 CFR 141.130 is incorporated by reference. (7-1-24)~~

~~02. Analytical Requirements. 40 CFR 141.131 is incorporated by reference. DPD colorimetric test kits may be used to measure residual disinfectant concentrations for chlorine, chloramines, and chlorine dioxide. (7-1-24)~~

~~03. Monitoring Requirements. 40 CFR 141.132 is incorporated by reference. (7-1-24)~~

~~04. Compliance Requirements. 40 CFR 141.133 is incorporated by reference. (7-1-24)~~

~~05. Treatment Techniques for Control of Disinfection Byproduct (DBP) Precursors. 40 CFR 141.135 is incorporated by reference. (7-1-24)~~

~~321. INITIAL DISTRIBUTION SYSTEM EVALUATIONS.~~
~~40 CFR Part 141, Subpart U, is incorporated by reference. "Implementation Guidance for the Stage 2 Disinfectants and Disinfection Byproducts Rule," as referenced in Section 002, provides assistance to PWS owners and operators in understanding and achieving compliance with the requirements of 40 CFR 141, Subpart U. (7-1-24)~~

~~322. STAGE 2 DISINFECTION BYPRODUCTS REQUIREMENTS.~~
~~40 CFR Part 141, Subpart V, is incorporated by reference. "Implementation Guidance for the Stage 2 Disinfectants and Disinfection Byproducts Rule," as referenced in Section 002, provides assistance to public water system owners and operators in understanding and achieving compliance with the requirements of 40 CFR Part 141, Subpart V. (7-1-24)~~

~~323. GROUND WATER RULE.~~
~~40 CFR 141, Subpart S is incorporated by reference. "Implementation Guidance for the Drinking Water Program – Ground Water Rule," as referenced in Section 002, provides assistance to PWS owners and operators in understanding and achieving compliance with the requirements of 40 CFR 141, Subpart S. (7-1-24)~~

~~01. Discontinuation of Treatment. PWSs that wish to discontinue four (4)-log virus treatment at a groundwater source must meet the following criteria. Groundwater sources on which treatment has been discontinued will be subject to the triggered source water monitoring requirements of 40 CFR 141, Subpart S. (7-1-24)~~

~~a. Demonstration that any known source of contamination has been removed. (7-1-24)~~

~~b. Demonstration that structural deficiencies of the well have been rehabilitated and no longer exist. (7-1-24)~~

~~**e.** Provide evidence that the well is drawing from a protected or confined aquifer. (7-1-24)~~

~~**d.** Submit results of one (1) year of monthly monitoring for a fecal indicator organism during which no positive results occurred. (7-1-24)~~

~~**02. Chlorine Purging Prior to Triggered Source Sampling**. 40 CFR 141.402(e) requires that groundwater source samples be collected at a location prior to any treatment. Pursuant to this requirement PWSs that add chlorine to a source, either in the well bore or near enough to the wellhead that chlorinated water may backflow into the well, must ensure that all chlorine residual has been purged prior to taking a triggered source water sample. This must be accomplished by measuring chlorine residual in the source water until a reading of zero is obtained and be recorded in the space provided for chlorine residual on the sample submittal form. (7-1-24)~~

~~**324. -- 349. (RESERVED)**~~

~~**350. CONTROL OF LEAD AND COPPER.**~~
~~40 CFR 141 Subpart I is incorporated by reference. (7-1-24)~~

~~**351. CONTROL OF PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS).**~~
~~40 CFR 141 Subpart Z is incorporated by reference. (7-1-25)~~

~~**352. -- 399. (RESERVED)**~~

~~**400. SECONDARY MCLS.**~~
~~40 CFR 143, Subpart A, is incorporated by reference. (7-1-24)~~

4201. -- 449. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

510. SITING AND CONSTRUCTION OF WELLS.
Written approval by the Department is required before water from any new or reconstructed well may be served to the public. Any supplier of water for a PWS served by one (1) or more wells must ensure that the following requirements are met: (7-1-24)

01. Site Approval. Prior to drilling, the site of a PWS well must be approved in writing by the Department. A well site evaluation report must be submitted prior to or concurrent with the PER for the well. The well site evaluation must take into account the proposed size, depth, and location of the well. The evaluation may include, but is not limited to the following types of information: (7-1-24)

a. An evaluation of the quality of anticipated groundwater. (7-1-24)

b. Identification of the known aquifers and the extent of each aquifer, based on the stratigraphy, sedimentation, and geologic structure beneath the proposed well site. (7-1-24)

c. An estimate of hydrologic and geologic properties of each aquifer and confining layers. (7-1-24)

d. Prediction of the sources of water to be extracted by the well and the drawdown of existing wells, springs, and surface water bodies that may be caused by pumping the proposed well. This prediction may be based on analytical or numerical models as determined by the Idaho Department of Water Resources permitting process. (7-1-24)

e. Demonstration of the extent of the capture zone of the well, based on the well's design discharge and on aquifer geology, using estimates of hydraulic conductivity and storativity. (7-1-24)

f. Description of potential sources of contamination including, but not limited to, sewers and sewage

treatment/disposal facilities, highways, railroads, landfills, outcroppings of consolidated water-bearing formations, chemical facilities, waste disposal wells, and agricultural uses within five hundred (500) feet of the well site.(7-1-24)

02. Location. In vulnerable settings, the Department may require engineering or hydrologic analysis to determine if the required setback distance is adequate to prevent contamination. Each well must be staked by the design engineer or licensed professional geologist prior to drilling and meet the following minimum distances:

Minimum Distances from a Public Water System Well	
Frost free hydrant	5 feet
Property line	50 feet
Gravity wastewater line	50 feet
Any potential source of contamination	50 feet
Pressure wastewater line	100 feet
Class A Municipal Reclaimed Wastewater Pressure distribution line	50 feet
Individual home septic tank	100 feet
Individual home disposal field	100 feet
Individual home seepage pit	100 feet
Privies	100 feet
Livestock	50 feet
Drainfield - standard subsurface disposal module	100 feet
Absorption module - large soil absorption system	150 - 300 feet, see IDAPA 58.01.03
Canals, streams, ditches, lakes, ponds and tanks used to store non-potable substances	50 feet
Storm water facilities disposing storm water originating off the well lot	50 feet
Municipal or industrial wastewater treatment plant	500 feet
Reclamation and reuse of municipal and industrial wastewater sites	See IDAPA 58.01.17
Biosolids application site	1,000 feet

(7-1-24)

03. Construction Standards. In addition to meeting the requirements of these rules, all wells must be constructed in accordance with IDAPA 37.03.09, "Well Construction Standards Rules," and related rules and laws administered by the Idaho Department of Water Resources. All wells must comply with the drilling permit requirements of Section 42-235, Idaho Code. (7-1-24)

a. Casing for steel pipe must meet the following requirements:

STEEL PIPE					
	DIAMETER (inches)		THICKNESS (inches)	WEIGHT PER FOOT (pounds)	
SIZE	External	Internal		Plain Ends (calculated)	With Threads and Couplings (nominal)
6 (id)	6.625	6.065	0.280	18.97	19.18
8	8.625	7.981	0.322	28.55	29.35
10	10.750	10.020	0.365	40.48	41.85
12	12.750	12.000	0.375	49.56	51.15
14 (od)	14.000	13.250	0.375	54.57	57.00
16	16.000	15.250	0.375	62.58	
18	18.000	17.250	0.375	70.59	
20	20.000	19.250	0.500	78.60	
22	22.000	21.000	0.500	114.81	
24	24.000	23.000	0.500	125.49	
26	26.000	25.000	0.500	136.17	
28	28.000	27.000	0.500	146.85	
30	30.000	29.000	0.500	157.53	
32	32.000	31.000	0.500	168.21	
34	34.000	33.000	0.500	178.89	
36	36.000	35.000	0.500	189.57	

* id = inside diameter
* od = outside diameter (7-1-24)

b. The use of plastic well casing for PWS wells may be considered on a case-by-case basis. Plastic casing must meet or exceed ASTM Standard F480, current edition, and ANSI/NSF Standard 61. Plastic casing must also meet the following requirements: (7-1-24)

i. Have a minimum wall thickness equivalent to standard dimension ratio 21. However, diameters of 8 inches or greater or deep wells may require greater thickness to meet collapse strength requirements; (7-1-24)

ii. Must not be used at sites where permeation by hydrocarbons or degradation may occur; (7-1-24)

iii. Must be assembled using coupling or solvent welded joints. All coupling and solvents must meet ANSI/NSF Standard 14, ASTM F480, or similar requirements; and (7-1-24)

iv. Must not be driven. (7-1-24)

c. PWS wells must have no less than fifty-eight (58) feet of annular seal of not less than one and one-half (1 ½) inches thickness as measured from land surface to the bottom of the seal unless: (7-1-24)

i. It can be demonstrated to the Department's satisfaction that there is a confining layer at lesser depth

that is capable of preventing unwanted water from reaching the intake zone of the well; or (7-1-24)

ii. The best and most practical aquifer at a particular site is less than fifty-eight (58) feet deep; or; (7-1-24)

iii. The Department specifies a different annular seal depth based on local hydrologic conditions. (7-1-24)

d. Specifications must include allowable tolerances for plumbness and alignment in accordance with AWWA Standards, incorporated by reference into these rules at Subsection 002.01, or as otherwise approved by the Department. If the well fails to meet these requirements, it may be accepted by the Department if it does not interfere with the installation or operation of the pump or uniform placement of grout. (7-1-24)

e. Geological data must be collected at each pronounced change in formation and recorded in the driller's log. Supplemental data includes, but is not limited to, accurate geographical location such as latitude and longitude or GIS coordinates, and other information on accurate records of drillhole diameters and depths, assembled order of size and length of casing, screens and liners, grouting depths, formations penetrated, and water levels. (7-1-25)

f. The owner of each well must retain all records pertaining to each well until the well has been properly abandoned. (7-1-24)

g. Wells with intake screens must: (7-1-24)

i. Be constructed of materials resistant to damage by chemical action of groundwater or cleaning operations. (7-1-24)

ii. Have openings based on sieve analysis of formation, of gravel pack materials, or both. (7-1-24)

iii. Have sufficient length and diameter to provide adequate specific capacity and aperture entrance velocity not to exceed point one (0.1) feet per second, or as otherwise approved by the Department. (7-1-24)

iv. Be installed so that the pumping water level remains above the screen under all operating conditions, or otherwise approved by the Department. Where a bottom plate or sump is utilized, it must be of the same material as the screen, or as otherwise approved by the Department. Where a washdown assembly, tailpipe or sump is used below the screen, it may be made of a different material than the screen. (7-1-24)

h. Permanent well casing must be surrounded by a minimum of one and one-half (1 ½) inches of grout to the depth required by Subsection 510.03.b., or by the Rules of the Idaho Department of Water Resources, whichever is greater. All casing identified in plans and specifications as temporary casing must be removed prior to well completion. (7-1-24)

i. Neat cement grout consisting of cement that conforms to AWWA Standard A-100, and water, with not more than six (6) gallons of water per ninety-four (94) pounds of cement, must be used for one and one-half (1 ½) inch annular space. Additives may be used to increase fluidity and are subject to approval by the Department and the Idaho Department of Water Resources on a case-by-case basis. (7-1-24)

ii. Bentonite grout must have a solids content not less than twenty-five (25) percent by weight when mixed with water and be specifically manufactured for use in sealing of well casing. Bentonite grout must not contain weighting agents to increase solids content and not be used above the water table. All bentonite grout must be installed by positive displacement from the bottom up through a tremmie or float shoe. (7-1-25)

iii. Where a dry annular space is to be sealed, a minimum of two (2) inches on all sides of the casing will be required to place bentonite to depths not greater than one hundred (100) feet, using #8 mesh granular bentonite. All dry pour granular bentonite must be tagged at appropriate intervals to verify placement. If a bridge occurs, a tremmie pipe must be washed or jetted through the bridge to allow for pumping of grout. Bentonite chips must be of sufficient size to accommodate proper placement for the existing subsurface conditions. (7-1-24)

iv. Dry granular bentonite used in wells where a dry annular space is to be sealed with depths greater than one hundred (100) feet will require an annulus of at least three (3) inches on all sides of the casing, or as approved by the Department and the Idaho Department of Water Resources. If a bridge occurs, a tremmie pipe must be washed or jetted through the bridge to allow for pumping of grout. Bentonite chips must be of sufficient size to accommodate proper placement for the existing subsurface conditions. (7-1-24)

v. All chip bentonite seals installed through water must only be used in annular spaces of at least four (4) inches on all sides of the casing. If a bridge occurs, a tremmie pipe must be washed or jetted through the bridge to allow for pumping of grout. Bentonite chips must be of sufficient size to accommodate proper placement for the existing subsurface conditions. Chip bentonite seals installed through water must be: (7-1-24)

(1) Installed in accordance with manufacturer's specifications; or (7-1-24)

(2) Installed by pouring chips over a one-quarter (1/4) inch mesh screen for three-eighths (3/8) inch chips to remove fines to prevent bridging at the water table; or (7-1-24)

(3) Installed using coated pellets to retard hydration if approved by the Department and the Idaho Department of Water Resources. (7-1-24)

vi. Concrete may be approved on a case-by-case basis by the Department and the Idaho Department of Water Resources. Upon such approval, the approved method must use a six (6) sack minus one-half (1/2) inch Portland cement concrete and must be installed by positive displacement from the bottom up through a tremmie pipe. (7-1-24)

04. Disinfection. All tools, bits, pipe, and other materials to be inserted in the borehole must be cleaned and disinfected in accordance with the Well Construction Standards and permitting requirements of the Idaho Department of Water Resources. This applies to new well construction and repair of existing wells. (7-1-24)

05. Well Completion Report. Upon completion of a well, and prior to its use as a drinking water source, the following information and data must be submitted by the PWS to the Department. The well completion report must be submitted to the Department prior to or concurrent with the submittal of the preliminary engineering report for well house construction/modification. The well completion report must bear the imprint of an Idaho licensed professional engineer's or an Idaho licensed professional geologist's seal that is both signed and dated by the engineer or geologist: (7-1-24)

a. A copy of all well logs; (7-1-24)

b. Results of test pumping, as specified in Subsection 510.06; (7-1-24)

c. As constructed plans showing at least the following: (7-1-24)

i. Annular seal, including depth and sealant material used and method of application; (7-1-24)

ii. Casing perforations, results of sieve analysis used in designing screens installed in sand or gravel aquifers, gravel packs; and (7-1-24)

iii. Recommended pump location. (7-1-24)

d. Other information as may be specified by the Department. (7-1-24)

e. Sampling results for iron, manganese, corrosivity, and other secondary contaminants specified by the Department. Other monitoring requirements are specified in Subsections 510.05.e.i. through 510.05.e.iii. (7-1-24)

i. Community systems must submit results of analysis for total coliform, inorganic and organic chemical contaminants, radionuclide contaminants, and Per- and Polyfluoroalkyl Substances (PFAS) contaminants set forth in ~~Subsections 050.01, 050.02, 050.05, 100.01, 100.03, 100.04, 100.05, 100.06, and 100.14,~~ Sections 100

and 101 unless analysis is waived pursuant to ~~Subsection 100.07~~ Section 101. ~~(7-1-25)~~( )

ii. Non-transient Non-community systems must submit results of analysis for total coliform, inorganic and organic chemical contaminants, and Per- and Polyfluoroalkyl Substances (PFAS) contaminants listed in ~~Subsections 050.01, 050.02, 100.01, 100.03, 100.04, and 100.14~~ Sections 100 and 101 unless analysis is waived pursuant to ~~Subsection 100.07~~ Section 101. ~~(7-1-25)~~( )

iii. Transient Non-community systems must submit results of a total coliform, nitrite, and nitrate analysis listed in ~~Subsections 050.01, 100.01 and 100.03~~ Sections 100 and 101. ~~(7-1-24)~~( )

06. Test Pumping. Upon completion of a groundwater source, test pumping must be conducted in accordance with the following procedures to meet the specified requirements: (7-1-24)

a. The well must be test pumped at the desired yield (design capacity) of the well for at least twenty-four (24) consecutive hours after the drawdown trend has stabilized, as determined by the supervising engineer or geologist. Alternatively, the well may be pumped at a rate of one hundred fifty percent (150%) of the desired yield for at least six (6) continuous hours after the drawdown trend has stabilized, as determined by the supervising engineer or geologist. The field pumping equipment must be capable of maintaining a constant rate of discharge during the test. Discharge water must be piped an adequate distance to prevent recharge of the well during the test. If the well fails the test protocol, design of the PWS must be re-evaluated and submitted to the Department for approval. (7-1-24)

b. Upon completion of well development, the well must be tested for sand production. Fifteen (15) minutes after the start of the test pumping (at or above the design production rate), the sand content of a new well may not be more than five (5) parts per million. Sand production must be measured by a centrifugal sand sampler or other means acceptable to the Department. If sand production exceeds five (5) ppm, the well must be screened gravel packed, or re-developed. (7-1-24)

c. The following data must be provided: (7-1-24)

i. Static water level and stabilized drawdown; (7-1-24)

ii. Well yield in gallons per minute and duration of the pump test, including a discussion of any discrepancy between the desired yield and the yield observed during the test; (7-1-25)

iii. Water level in the well recorded at regular intervals during pumping; (7-1-24)

iv. Profile of water level recovery from the pumping level projected to the original static water level. (7-1-24)

v. Depth at which the test pump was positioned in the well; (7-1-24)

vi. Test pump capacity and head characteristics; (7-1-24)

vii. Sand production data. (7-1-24)

viii. Results of analysis based on the drawdown and recovery test pertaining to aquifer properties, long term yield, and boundary conditions affecting drawdown. (7-1-24)

d. The Department may allow the use of other pump test protocols that are generally accepted by engineering firms with specialized experience in well construction, by the well drilling industry, or as described in national standards (such as ANSI/AWWA A100), as long as the minimum data specified in Subsection 510.06.c. are provided. The Department welcomes more extensive data about the well, such as step-drawdown evaluations used in determining well capacity for test pumping purposes, zone of influence calculations, and any other information that may be of use in source protection activities or in routine PWS operations. (7-1-24)

e. Where aquifer yield, sustainability, or water quality are questionable, the Department, at its discretion, may require additional site-specific investigations that include test well construction, long-term pumping

tests, or other means to demonstrate that the aquifer yield is sufficient to meet the long-term water requirements of the project. (7-1-24)

07. Conversion of Non-Public Water System Wells for Public Water System Use. Any existing well constructed for use other than as a PWS source may be considered for use as a PWS source on a case-by-case basis. The owner of such a well must demonstrate to the Department's satisfaction that the well site conforms to the requirements of Subsections 510.01, 510.02, and Section 512, the well is constructed in a manner that is protective of public health, and that both the quantity and quality of water produced by the well meet PWS standards set forth in these rules. (7-1-24)

08. Monitoring Wells. If monitoring (observation) wells are used and are intended to remain in service after completion of the water supply well, the observation wells must be constructed in accordance with the requirements for permanent wells and be protected at the upper terminal to preclude entrance of foreign materials in accordance with the "Well Construction Standard Rules," IDAPA 37.03.09. (7-1-24)

09. Well Abandonment. Well decommissioning (abandonment) must be performed in accordance with Department of Water Resources requirements set forth in IDAPA 37.03.09, "Well Construction Standard Rules. (7-1-24)

(BREAK IN CONTINUITY OF SECTIONS)

518. ADDITIONAL DESIGN CRITERIA FOR SURFACE SOURCES.
Performance criteria for surface water treatment facilities are set forth in Sections ~~300~~104, ~~301~~112, and ~~310~~115. Surface water treatment systems must comply with applicable general design requirements in Section 503. In addition, the following design requirements apply specifically to surface water treatment facilities: ~~(7-1-24)~~( )

01. Engineering Design Requirements. The PWS must ensure that filtration and disinfection facilities for surface water or groundwater under the direct influence of surface water are designed, constructed and operated in accordance with all applicable engineering practices designated by the Department. The design of the water treatment plant must consider the worst raw water quality conditions that are likely to occur during the life of the facility. (7-1-24)

02. Removal of Pathogens. Filtration facilities (excluding disinfection) must be designed, constructed and operated to achieve at least two (2) log removal of Giardia lamblia cysts, two (2) log removal of Cryptosporidium oocysts, and one (1) log removal of viruses, except as allowed under Subsection 518.09.b. (7-1-24)

03. Disinfection. Disinfection facilities must be designed, constructed and operated so as to achieve at least point five zero (0.50) log inactivation of Giardia lamblia cysts; and (7-1-24)

a. Two (2) log inactivation of viruses if using conventional and slow sand filtration technology; or (7-1-24)

b. Three (3) log inactivation of viruses if using direct and diatomaceous earth filtration technology; or (7-1-24)

c. Four (4) log inactivation of viruses if using alternate filtration technology. (7-1-24)

d. Four (4) log inactivation of viruses if filtration treatment is not used. (7-1-24)

04. Enhanced Disinfection. Higher levels of disinfection than specified under Subsection 518.03 may be required by the Department to provide adequate protection against Giardia lamblia and viruses. (7-1-24)

05. Filter to Waste. For plants constructed after December 31, 1992, each filter unit must be capable of filter to waste. For plants constructed prior to December 31, 1992, each filter unit must be capable of filter to waste unless the PWS demonstrates through continuous turbidity monitoring or other means acceptable to the Department

that water quality is not adversely affected following filter backwashing, cleaning or media replacement. (7-1-24)

06. Continuous Turbidity Monitoring. For conventional, direct, membrane, and diatomaceous earth filtration technology, equipment must be provided to continuously measure the turbidity of each filter unit. (7-1-24)

07. Continuous Monitoring of Disinfectant. Equipment must be provided and operated for continuous measurement of disinfectant residual prior to entry to the distribution system, unless the PWS serves fewer than three thousand three hundred (3,300) people. (7-1-24)

08. Continuous Operation Required. Diatomaceous earth filtration facilities must include an alternate power source with automatic startup and alarm, or be designed in a manner to ensure continuous operation. (7-1-24)

09. Acceptable Technology. The purveyor must select a filtration technology acceptable to the Department. (7-1-24)

a. Conventional, direct, slow sand, diatomaceous earth, and membrane filtration technologies are generally acceptable to the Department on a case-by-case basis. (7-1-24)

b. Alternate filtration technologies may be acceptable if the purveyor demonstrates all of the following to the satisfaction of the Department: (7-1-24)

i. That the filtration technology: (7-1-24)

(1) Is certified and listed by the National Sanitation Foundation (NSF) under Standard 53, Drinking Water Treatment Units - Health Effects, as achieving the NSF criteria for cyst reduction; or (7-1-24)

(2) Removes at least ninety-nine percent (99%) (two (2) logs) of Cryptosporidium oocysts or surrogate particles and removes or inactivates at least ninety-nine percent (99%) (two (2) logs) of Giardia lamblia cysts or Giardia lamblia cyst surrogate particles in a challenge study acceptable to the Department. (7-1-24)

ii. Based on field studies or other means acceptable to the Department, it must be demonstrated that the filtration technology has the following capabilities: (7-1-24)

(1) In combination with disinfection treatment, consistently achieves at least ninety-nine percent (99%) (two (2) logs) removal of Cryptosporidium oocysts or surrogate particles and at least ninety-nine and nine tenths percent (99.9%) (three (3) logs) removal or inactivation of Giardia lamblia cysts and ninety-nine and ninety-nine hundredths percent (99.99%) (four (4) logs) removal or inactivation of viruses; and (7-1-24)

(2) Meets the turbidity performance requirements of 40 CFR 141.73 (b). (7-1-24)

10. Pilot Studies. The PWS must conduct pilot studies in accordance with the following requirements and in accordance with Subsection 501.19 for all proposed filtration facilities and structural modifications to existing filtration facilities, unless the Department modifies the requirements in writing: (7-1-24)

a. The PWS must obtain the Department's approval of the pilot study plan before the pilot filter is constructed and before the pilot study is undertaken. (7-1-24)

b. The design and operation of the pilot study must be overseen by an Idaho licensed professional engineer. (7-1-24)

c. The PWS's pilot study plan must identify at a minimum: (7-1-24)

i. The objectives of the pilot study; (7-1-24)

ii. Pilot filter design; (7-1-24)

iii. Water quality and operational parameters to monitor; (7-1-24)

iv. Amount of data to collect; and (7-1-24)

v. Qualifications of the pilot plant operator. (7-1-24)

d. The PWS must ensure that the pilot study is: (7-1-24)

i. Conducted to simulate conditions of the proposed full-scale design; (7-1-24)

ii. Conducted for at least twelve (12) consecutive months or for a shorter period upon approval by the Department; (7-1-24)

iii. Conducted to evaluate the reliability of the treatment system to achieve applicable water quality treatment criteria specified for filtration systems in 40 CFR 141.72 and 40 CFR 141.73; and (7-1-24)

iv. Designed and operated in accordance with good engineering practices documented in references acceptable to the Department. (7-1-24)

11. Redundant Disinfection. Surface water systems constructed after July 1, 1985, are required to install redundant disinfection components or maintain a backup unit on site as required to maintain constant application of disinfectant whenever water is being delivered to the distribution system. (7-1-24)

(BREAK IN CONTINUITY OF SECTIONS)

552. OPERATING CRITERIA FOR PUBLIC WATER SYSTEMS.

01. Quantity and Pressure Requirements. Design requirements regarding pressure analysis are found in Subsection 542.13. (7-1-24)

a. The minimum capacity of a PWS must be at least eight hundred (800) gallons per day per residence. (7-1-24)

i. The minimum capacity of eight hundred (800) gallons per day is the design maximum day demand rate exclusive of irrigation and fire flow requirements. (7-1-24)

ii. The minimum capacity of eight hundred (800) gallons per day is only acceptable if the PWS has equalization storage of finished water in sufficient quantity to compensate for the difference between a PWS's maximum pumping capacity and peak hour demand. (7-1-24)

iii. The design capacity of a PWS for material modifications may be less than eight hundred (800) gallons per day if the PWS owner provides information that demonstrates to the Department's satisfaction the maximum day demand for the PWS, exclusive of irrigation and fire flows, is less than eight hundred (800) gallons per day per residence. (7-1-24)

b. All PWS owners must meet the following pressure requirements: (7-1-24)

i. Be capable of providing sufficient water during maximum day demand conditions, including fire flow where provided, to maintain a minimum pressure of twenty (20) psi throughout the distribution system, at ground level, as measured at the service connection or along the property line adjacent to the consumer's premises. (7-1-24)

ii. If an initial investigation by the water supplier fails to discover the causes of inadequate or excessive pressure, the Department may require the water supplier to conduct a local pressure monitoring study to diagnose and correct pressure problems. Compliance with these requirements by PWSs that do not have a meter vault

or other point of access at the service connection or along the property line adjacent to the consumer's premises where pressure in the distribution system can be reliably measured must be determined by measurements within the consumer's premises, or at another representative location acceptable to the Department. (7-1-24)

iii. Copies of pressure monitoring study reports required under Subsection 552.01.b.iii. detailing study results and any resulting corrective actions planned or performed by the PWS owner must be submitted to the Department in accordance with these rules. (7-1-24)

iv. The following PWSs or service areas of PWSs must maintain a minimum pressure of forty (40) psi throughout the distribution system, during peak hour demand conditions, excluding fire flow, measured at the service connection or along the property line adjacent to the consumer's premises. (7-1-24)

(1) Any PWS constructed or substantially modified after July 1, 1985. (7-1-24)

(2) Any new service areas. (7-1-24)

(3) Any PWS that is undergoing material modification where it is feasible to meet the pressure requirements as part of the material modification. (7-1-24)

v. Any newly constructed PWSs, or portions of existing systems that are materially modified after July 1, 2024, must keep static pressure within the distribution system below eighty (80) psi. Pressures above eighty (80) psi must be controlled by pressure reducing valve stations installed in the distribution main. In areas where failure of installed pressure reducing valve stations result in extremely high pressure, pressure relief valves may be required. The Department may approve the use of pressure reducing devices at individual service connections on a case-by-case basis, if it can be demonstrated that higher pressures in portions of the distribution system are required for efficient PWS operation. If PWS modification will cause pressure to routinely exceed eighty (80) psi, or if a check valve or an individual pressure reducing device is added to the service line, the PWS owner must notify affected customers. Notification may include reasons for the elevated pressure, problems or damage that elevated pressure can inflict on appliances or plumbing systems, and suggested procedures or mitigation efforts affected property owners may initiate to minimize problems or damage. (7-1-24)

vi. The Department may allow the installation of booster pump systems at individual service connections on a case-by-case basis. However, such an installation may only occur with the full knowledge and agreement of the PWS owner, including assurance by the PWS that the individual booster pump will cause no adverse effects on PWS operation. (7-1-24)

vii. For elevated storage tanks, pressure calculations during peak hour demand are based on the lowest water level after both operational storage and equalization storage have been exhausted. Pressure calculations during fire flow demands are based on the lowest water level after operational storage, equalization storage, and fire suppression storage have been exhausted. (7-1-24)

viii. For hydropneumatic tanks, pressure calculations are based on the lowest pressure of the pressure cycle and this requirement must be noted in the operation and maintenance manual. (7-1-24)

c. Any PWS designed to provide fire flows must ensure that such flows are compatible with the water demand of existing and planned fire-fighting equipment and fire fighting practices in the area served by the PWS. (7-1-24)

d. Irrigation Flows. (7-1-24)

i. Any PWS constructed after November 1, 1977, must be capable of providing water for uncontrolled, simultaneous foreseeable irrigation demand, which includes all acreage that the PWS is designed to irrigate. (7-1-24)

(1) The Department must concur with assumptions regarding the acreage to be irrigated. In general, an assumption that no outside watering will occur is considered unsound and is unlikely to be approved. (7-1-24)

(2) An assumption of minimal outside watering, as in recreational subdivisions, may be acceptable if design flows are adequate for maintenance of "green zones" for protection against wildland fire. (7-1-24)

ii. The Department may modify the requirement of Subsection 552.01.d.i. if: (7-1-24)

(1) A separate irrigation system is provided; or (7-1-24)

(2) The supplier of water can regulate the rate of irrigation through its police powers, and the PWS is designed to accommodate a regulated rate of irrigation flow. The Department may require the PWS to submit a legal opinion addressing the enforceability of such police powers. (7-1-24)

iii. If a separate non-potable irrigation system is provided for the consumers, all mains, hydrants and appurtenances must be easily identified as non-potable. The Department must concur with a plan to ensure that each new potable water service is not cross-connected with the irrigation system. (7-1-24)

02. Groundwater. (7-1-24)

a. PWSs supplied by groundwater, must treat water within the PWS by disinfection if the groundwater source is not protected from contamination. (7-1-24)

b. The Department may require disinfection for any existing PWS supplied by groundwater if the PWS has repeated E.coli MCL exceedances, and if the PWS does not appear adequately protected from contamination. Adequate protection will be determined based upon at least the following factors: (7-1-24)

i. Location of possible sources of contamination; (7-1-24)

ii. Size of the well lot; (7-1-24)

iii. Depth of the source of water; (7-1-24)

iv. Bacteriological quality of the aquifer; (7-1-24)

v. Geological characteristics of the area; and (7-1-24)

vi. Adequacy of development of the source. (7-1-24)

03. Operating Criteria. The operating criteria for PWSs that provide filtration are as follows: (7-1-24)

a. A project specific operation and maintenance manual must be provided as required in Subsection 501.12. See definition of Operation and Maintenance Manual in Section 003 for the typical contents of an operation and maintenance manual and the included operations plan. For the operations plan in the operation and maintenance manual, additional guidance for several types of filtration systems can be found in the Department's SWTR Compliance Guidance referenced in Subsection 002.02. (7-1-24)

b. The PWS must conduct monitoring specified by the Department before serving water to the public in order to protect the health of consumers served by the PWS. (7-1-24)

c. New treatment facilities must be operated in accordance with Subsection 552.03.a., and the PWS must conduct monitoring specified by the Department for a trial period specified by the Department before serving water to the public in order to protect the health of consumers served by the PWS. (7-1-24)

04. Disinfection. PWSs that regularly disinfect their water using chlorine are subject to the provisions of Section ~~320~~108. PWSs using surface water or groundwater under the direct influence of surface water, are subject to the disinfection requirements of Sections ~~300~~104 and 518. PWSs using chlorine, ozone, chlorine dioxide, or other disinfecting agents for the purposes of disinfection must meet the facility and design standards of Sections 530 and 531. PWSs using ultraviolet light for the purposes of disinfection must meet the facility and design standards of Section 529. ~~(7-1-24)~~( )

a. PWSs using only ground water that add a disinfectant for the purpose of disinfection, as defined in Section 003, are subject to the following requirements: (7-1-24)

i. The PWS must demonstrate that it is routinely achieving four (4) logs (ninety-nine point ninety-nine percent) (99.99%)) inactivation/removal of viruses. The required effective contact time must be approved by the Department. This condition must be attainable even when the design capacity coincides with anticipated maximum disinfectant demands. (7-1-24)

ii. A detectable disinfectant residual must be maintained throughout the distribution system. PWSs disinfecting through ultraviolet light will need to maintain a supplemental disinfectant capable of maintaining a detectable disinfectant residual. (7-1-24)

iii. Analysis for disinfectant residual must be conducted at a location at or prior to the first service connection at least daily and records of these analyses are to be kept by the supplier of water for at least one (1) year. A report of all daily chlorine residual measurements for each calendar month must be submitted to the Department no later than the tenth day of the following month. The frequency of measuring disinfectant residuals must be sufficient to detect variations in demand or changes in water flow. (7-1-24)

iv. The Department may, in its discretion, require a treatment rate higher than that specified in Subsection 552.04.a.i. (7-1-24)

b. PWSs using only groundwater that add disinfectant for the purpose of maintaining a disinfectant residual in the distribution system, when the source(s) is not at risk of microbial contamination, are subject to analysis for disinfectant residual made at a frequency that is sufficient to detect variations in demand or changes in water flow. (7-1-24)

c. PWSs using only groundwater that add chlorine for other purposes, such as oxidation of metals or taste and odor control, when the source(s) is known to be free of microbial contamination, must ensure that chlorine residual entering the distribution system after treatment is less than four (4.0) mg/L. The requirements in Subsection 552.04.b.ii. also apply if the PWS maintains a chlorine residual in the distribution system. (7-1-24)

05. Fluoridation. (7-1-24)

a. Commercial sodium fluoride, sodium silico fluoride and hydrofluosilicic acid which conform to the applicable American Water Works Association (AWWA) Standards, incorporated by reference into these rules at Subsection 002.01, are acceptable. Use of other chemicals must be specifically approved by the Department. (7-1-24)

b. Fluoride compounds are to be stored in covered or unopened shipping containers. (7-1-24)

c. Provisions must be made to minimize the quantity of fluoride dust. Empty bags, drums, or barrels are to be disposed of in a manner that will minimize exposure to fluoride dusts. (7-1-24)

d. Daily records of flow and amounts of fluoride added must be kept. An analysis for fluoride in finished water must be made at least weekly. Records of these analyses are to be kept by the supplier of water for five (5) years. (7-1-24)

06. Cross Connection Control Program - Community Water Systems. The water purveyor is responsible through its cross connection control program to take reasonable and prudent measures to protect the PWS against contamination and pollution from cross connections through premises isolation, internal or in-plant isolation, fixture protection, or some combination of premises isolation, internal isolation, and fixture protection. Pursuant to Section 543, all suppliers of water for community PWSs must implement a cross connection control program to prevent the entrance to the PWS of materials known to be toxic or hazardous. The water purveyor is responsible to enforce the PWS's cross connection control program. The program will at a minimum include: (7-1-24)

a. An inspection program to locate cross connections and determine required suitable protection. For new connections, PWS owners must verify suitable protection was installed prior to providing water service.

(7-1-24)

b. Required installation and operation of adequate backflow prevention assemblies. Appropriate and adequate backflow prevention assembly types for various facilities, fixtures, equipment, and uses of water must be selected from the Uniform Plumbing Code, the AWWA Recommended Practice for Backflow Prevention and Cross Connection Control (M14), the USC Foundation Manual of Cross Connection Control, or other sources deemed acceptable by the Department. The assemblies must meet the requirements of Section 543 and comply with local ordinances. (7-1-24)

c. Annual inspections and testing of all installed backflow prevention assemblies by a tester licensed by a licensing authority recognized by the Department. Testing must be done in accordance with the test procedures published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research. See the USC Foundation Manual of Cross-Connection Control referenced in Subsection 002.02. (7-1-24)

d. Discontinuance of service to any structure, facility, or premises where suitable backflow protection has not been provided for a cross connection. (7-1-24)

e. Assemblies that cannot pass annual tests or those found to be defective are to be repaired, replaced, or isolated within ten (10) business days. If the failed assembly cannot be repaired, replaced, or isolated within ten (10) business days, water service to the failed assembly must be discontinued. (7-1-24)

07. Cross Connection Control - Non-Community Water Systems. All suppliers of water for non-community water systems must ensure that cross connections do not exist or are isolated from the potable water system by an approved backflow prevention assembly. Backflow prevention assemblies must be inspected and tested annually for functionality by an Idaho licensed tester, as specified in Subsections 552.06.c. and 552.06.e. (7-1-24)

08. Start-up Procedures for Seasonal Systems ~~Subject To Subsections 100.01.a., c., and d~~.
~~(7-1-24)~~( )

a. All seasonal PWS owners must demonstrate completion of a Department approved start-up procedure, including start-up sampling, prior to serving water to the public. The PWS owner must submit information on a Department provided or approved form that includes a statement certifying that the PWS owner or operator followed proper start-up procedures. The form must be submitted to the Department within 30 (thirty) days following the PWS's start-up date. Start-up sampling must include total coliform samples submitted to a certified laboratory demonstrating the absence of total coliform within thirty (30) days prior to serving water to the public. (7-1-24)

b. The Department may exempt any seasonal PWS from Subsection 552.08.a. if the entire distribution system remains pressurized during the entire period that the PWS is not operating, except that the PWSs that monitor less frequently than monthly must still monitor during the vulnerable period designated by the Department. The Department may exempt a seasonal PWS from Subsection 552.08.a. if the owner or operator of the PWS meets all of the following conditions: (7-1-24)

i. Requests an exemption in writing to the Department for approval; (7-1-24)

ii. Demonstrates a clean compliance history as defined in Section 003 for a minimum of five (5) years; (7-1-24)

iii. Has no uncorrected significant deficiencies from the most recent sanitary survey; and (7-1-24)

iv. Total coliform samples submitted to a certified laboratory within 30 (thirty) days prior to serving water to the public demonstrate the absence of total coliform. (7-1-24)

~~553. CLASSIFICATION OF WATER SYSTEMS.~~

~~01. System Classification Required~~~~. The Department will classify community, non-transient non-community, and surface water PWSs based on indicators of potential health risks.~~ ~~(7-1-24)~~

02. **Classification Criteria**. PWSs are classified under a system that uses the following criteria: (7-1-24)

a. Complexity, size, and type of source water for treatment facilities. (7-1-24)

b. Complexity and size of distribution systems. (7-1-24)

c. Other criteria deemed necessary to completely classify PWSs. (7-1-24)

d. The Department will develop guidelines for applying the criteria set forth in Section 553. (7-1-24)

03. **Classification Review.** The Department will review PWS classifications on a minimum five (5) year frequency. (7-1-24)

554. LICENSED OPERATOR REQUIREMENTS.

01. **Licensed Operator Required**. Owners of all community, non-transient non-community, and surface water or groundwater sources directly influenced by surface water must place the direct supervision of their PWS under the responsible charge of a properly licensed operator at all times. When the responsible operator is not available, the PWS owner must designate a substitute responsible operator. (7-1-24)

02. **Responsible Charge Operator License Requirement**. An operator in responsible charge of a PWS must hold a valid Idaho license equal to or greater than the classification of the PWS where the responsible charge operator is in charge as defined in Section 003. (7-1-24)

03. **Water Operator License Requirement**. All operating personnel at PWSs subject to these requirements making process control/ system integrity decisions about water quality or quantity that can affect public health must hold a valid Idaho license. (7-1-24)

04. **Water Operator License Upgrade Allowance**. A twelve (12) month period will be provided to meet increased drinking water distribution system operator licensure requirements when a higher licensure level is required based on a population increase if the following requirements are met: (7-1-24)

a. The licensure increase is triggered solely by a population increase; and (7-1-24)

b. The responsible charge operator of the PWS at the time the distribution licensure requirement increases remains the responsible charge operator throughout the twelve (12) month time frame. (7-1-24)

555. -- 559. (RESERVED)

560. CONTRACTING FOR SERVICES.
PWS owners who contract with persons to provide responsible charge operators and substitute responsible charge operators need to submit proof of such contract to the Department prior to the contracted person performing any services at the PWS. (7-1-24)

561. -- 562. (RESERVED)

563. ADVISORY GROUP.
Ongoing stakeholder involvement will be provided through the existing drinking water advisory committee at the Department. (7-1-24)

5645353. -- 999. (RESERVED)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 – IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-2502

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

LINK: LSO Rules Analysis Memo

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2026 Idaho State Legislature for final approval. Pursuant to Section 67-5224, Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapter 1, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: Rulemaking was initiated to revert the 80 psi maximum static distribution system pressure limit to its previous 100 psi limit. A detailed summary of the reason for adopting the rule is set forth in the proposed rule published in the Idaho Administrative Bulletin, October 1, 2025, Vol. 25-10, pages 460 through 466.

After consideration of public comments, the proposed rule has been revised at Subsection 552.01.b.v. The remainder of the rule has been adopted as initially proposed. The board meeting documents are available at Drinking Water: Docket No. 58-0108-2502 | Idaho Department of Environmental Quality.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

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:

Not applicable.

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

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
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THE FOLLOWING NOTICE PUBLISHED WITH THE 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 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 October 15, 2025. If no such written request is received, a public hearing will not be held. One public meeting was held during the negotiated rulemaking process.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking for IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," to address public drinking water system stakeholder concerns regarding the 80 psi maximum distribution system pressure limit in IDAPA 58.01.08.552.01.b.v. This rule was revised under Docket No. 58-0108-2301, in an attempt to provide clarity and align the rule with national engineering standards.

The rule change made to IDAPA 58.01.08.552.01.b.v. became effective on July 1, 2024, and has resulted in unintended impacts to existing public drinking water systems related to distribution system design, construction, and operation. The rule change has complicated pressure-related operations within existing distribution system mains where the original system was designed to exceed 80 psi static pressure and could result in increased costs for construction or modification of new and existing public water system distribution mains. DEQ seeks to remedy this problem by reverting the psi requirement to its previous level to reduce the cost and regulatory burden impacting Idaho businesses.

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. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2026 Idaho Legislature, the rule will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars ($10,000) during the fiscal year resulting from this rulemaking:

Not applicable.

NEGOTIATED RULEMAKING: Negotiated rulemaking was conducted pursuant to Section 67-5220, Idaho Code. On August 6, 2025, the Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the Idaho Administrative Bulletin. At the conclusion of the negotiated rulemaking process, DEQ submitted the draft rule to the Division of Financial Management for review. DEQ formatted the draft for publication as a proposed rule and is now seeking public comment. The negotiated rulemaking record, which includes the negotiated rule drafts, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/drinking-water-docket-no-58-0108-2502/.

IDAHO CODE SECTION 39-107D STATEMENT: The entirety of section 552.01.b.v. in the proposed rule does regulate an activity not regulated by the federal government but is not broader in scope or more stringent than federal regulations. EPA does not regulate engineering practices, but does require that a state establish and maintain an activity to ensure that the design and construction of new or substantially modified public drinking water systems will be capable of compliance with the primary drinking water regulations under the primacy requirements of 40 CFR 142.10(b)(5). DEQ's engineering design standards included in this proposed rule are a part of the State's EPA-approved program to meet this primacy requirement.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed rulemaking, contact Tyler Fortunati at tyler.fortunati@deq.idaho.gov or (208) 373-0140.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before October 22, 2025. Submit written comments to:

Tyler Fortunati
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
tyler.fortunati@deq.idaho.gov

Dated this 1st day of October, 2025.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0108-2502

Italicized red text that is *double underscored* indicates amendments to the proposed ~~text~~ as adopted in the pending rule.

58.01.08 – IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

552. OPERATING CRITERIA FOR PUBLIC WATER SYSTEMS.

01. Quantity and Pressure Requirements. Design requirements regarding pressure analysis are found in Section 542.13. (7-1-24)

a. The minimum capacity of a PWS must be at least eight hundred (800) gallons per day per residence. (7-1-24)

i. The minimum capacity of eight hundred (800) gallons per day is the design maximum day demand rate exclusive of irrigation and fire flow requirements. (7-1-24)

ii. The minimum capacity of eight hundred (800) gallons per day is only acceptable if the PWS has equalization storage of finished water in sufficient quantity to compensate for the difference between a PWS's maximum pumping capacity and peak hour demand. (7-1-24)

iii. The design capacity of a PWS for material modifications may be less than eight hundred (800) gallons per day if the PWS owner provides information that demonstrates to the Department's satisfaction the maximum day demand for the PWS, exclusive of irrigation and fire flows, is less than eight hundred (800) gallons per day per residence. (7-1-24)

b. All PWS owners must meet the following pressure requirements: (7-1-24)

i. Be capable of providing sufficient water during maximum day demand conditions, including fire flow where provided, to maintain a minimum pressure of twenty (20) psi throughout the distribution system, at ground level, as measured at the service connection or along the property line adjacent to the consumer's premises. (7-1-24)

ii. If an initial investigation by the water supplier fails to discover the causes of inadequate or excessive pressure, the Department may require the water supplier to conduct a local pressure monitoring study to diagnose and correct pressure problems. Compliance with these requirements by PWSs that do not have a meter vault or other point of access at the service connection or along the property line adjacent to the consumer's premises where pressure in the distribution system can be reliably measured must be determined by measurements within the consumer's premises, or at another representative location acceptable to the Department. (7-1-24)

iii. Copies of pressure monitoring study reports required under Subsection 552.01.b.iii. detailing study results and any resulting corrective actions planned or performed by the PWS owner must be submitted to the Department in accordance with these rules. (7-1-24)

iv. The following PWSs or service areas of PWSs must maintain a minimum pressure of forty (40) psi throughout the distribution system, during peak hour demand conditions, excluding fire flow, measured at the service connection or along the property line adjacent to the consumer's premises. (7-1-24)

(1) Any PWS constructed or substantially modified after July 1, 1985. (7-1-24)

(2) Any new service areas. (7-1-24)

(3) Any PWS that is undergoing material modification where it is feasible to meet the pressure requirements as part of the material modification. (7-1-24)

v. ~~Any newly constructed PWSs, or portions of existing systems that are materially modified after July 1, 2024, must~~*Any* PWS must keep static pressure within the distribution system below one hundred (100) psi and *should ordinarily* ~~keep~~ static pressure ~~within the distribution system~~ below eighty (80) psi. *( )*

(1) Pressures above ~~eighty~~ one hundred (~~80~~100) psi must be controlled by pressure reducing valve stations installed in the distribution main. In areas where failure of installed pressure reducing valve stations result in extremely high pressure, pressure relief valves may be required. *( )*

(2) *T*he Department may approve the use of pressure-reducing devices *at* individual service connections on a case-by-case basis~~,~~ if it can be demonstrated that higher pressures in portions of the distribution system are required for efficient PWS operation. *( )*

(3) If PWS modification will cause pressure to routinely exceed eighty (80) psi*, or if a check valve or an individual pressure reducing device is added to the service line,* the PWS owner must notify affected customers. Notification may include reasons for the elevated pressure, problems or damage that elevated pressure can inflict on appliances or plumbing systems, and *suggested* procedures or mitigation efforts affected property owners may initiate to minimize problems or damage. ~~*(7-1-24)*~~*( )*

vi. The Department may allow the installation of booster pump systems at individual service connections on a case-by-case basis. However, such an installation may only occur with the full knowledge and agreement of the PWS owner, including assurance by the PWS that the individual booster pump will cause no adverse effects on PWS operation. (7-1-24)

vii. For elevated storage tanks, pressure calculations during peak hour demand are based on the lowest water level after both operational storage and equalization storage have been exhausted. Pressure calculations during fire flow demands are based on the lowest water level after operational storage, equalization storage, and fire suppression storage have been exhausted. (7-1-24)

viii. For hydropneumatic tanks, pressure calculations are based on the lowest pressure of the pressure cycle and this requirement must be noted in the operation and maintenance manual. (7-1-24)

c. Any PWS designed to provide fire flows must ensure that such flows are compatible with the water demand of existing and planned fire-fighting equipment and fire fighting practices in the area served by the PWS. (7-1-24)

d. Irrigation Flows. (7-1-24)

i. Any PWS constructed after November 1, 1977, must be capable of providing water for uncontrolled, simultaneous foreseeable irrigation demand, which includes all acreage that the PWS is designed to irrigate. (7-1-24)

(1) The Department must concur with assumptions regarding the acreage to be irrigated. In general, an assumption that no outside watering will occur is considered unsound and is unlikely to be approved. (7-1-24)

(2) An assumption of minimal outside watering, as in recreational subdivisions, may be acceptable if design flows are adequate for maintenance of "green zones" for protection against wildland fire. (7-1-24)

ii. The Department may modify the requirement of Subsection 552.01.d.i. if: (7-1-24)

(1) A separate irrigation system is provided; or (7-1-24)

(2) The supplier of water can regulate the rate of irrigation through its police powers, and the PWS is designed to accommodate a regulated rate of irrigation flow. The Department may require the PWS to submit a legal opinion addressing the enforceability of such police powers. (7-1-24)

iii. If a separate non-potable irrigation system is provided for the consumers, all mains, hydrants and appurtenances must be easily identified as non-potable. The Department must concur with a plan to ensure that each new potable water service is not cross-connected with the irrigation system. (7-1-24)

02. Groundwater. (7-1-24)

a. PWSs supplied by groundwater, must treat water within the PWS by disinfection if the groundwater source is not protected from contamination. (7-1-24)

b. The Department may require disinfection for any existing PWS supplied by groundwater if the PWS has repeated E.coli MCL exceedances, and if the PWS does not appear adequately protected from contamination. Adequate protection will be determined based upon at least the following factors: (7-1-24)

i. Location of possible sources of contamination; (7-1-24)

ii. Size of the well lot; (7-1-24)

iii. Depth of the source of water; (7-1-24)

iv. Bacteriological quality of the aquifer; (7-1-24)

v. Geological characteristics of the area; and (7-1-24)

vi. Adequacy of development of the source. (7-1-24)

03. Operating Criteria. The operating criteria for PWSs that provide filtration are as follows: (7-1-24)

a. A project specific operation and maintenance manual must be provided as required in Subsection 501.12. See definition of Operation and Maintenance Manual in Section 003 for the typical contents of an operation and maintenance manual and the included operations plan. For the operations plan in the operation and maintenance manual, additional guidance for several types of filtration systems can be found in the Department's SWTR Compliance Guidance referenced in Subsection 002.02. (7-1-24)

b. The PWS must conduct monitoring specified by the Department before serving water to the public in order to protect the health of consumers served by the PWS. (7-1-24)

c. New treatment facilities must be operated in accordance with Subsection 552.03.a., and the PWS must conduct monitoring specified by the Department for a trial period specified by the Department before serving water to the public in order to protect the health of consumers served by the PWS. (7-1-24)

04. Disinfection. PWSs that regularly disinfect their water using chlorine are subject to the provisions of Section 320. PWSs using surface water or groundwater under the direct influence of surface water, are subject to the disinfection requirements of Sections 300 and 518. PWSs using chlorine, ozone, chlorine dioxide, or other disinfecting agents for the purposes of disinfection must meet the facility and design standards of Sections 530 and 531. PWSs using ultraviolet light for the purposes of disinfection must meet the facility and design standards of Section 529. (7-1-24)

a. PWSs using only ground water that add a disinfectant for the purpose of disinfection, as defined in Section 003, are subject to the following requirements: (7-1-24)

i. The PWS must demonstrate that it is routinely achieving four (4) logs (ninety-nine point ninety-nine percent) (99.99%)) inactivation/removal of viruses. The required effective contact time must be approved by the Department. This condition must be attainable even when the design capacity coincides with anticipated maximum disinfectant demands. (7-1-24)

ii. A detectable disinfectant residual must be maintained throughout the distribution system. PWSs disinfecting through ultraviolet light will need to maintain a supplemental disinfectant capable of maintaining a detectable disinfectant residual. (7-1-24)

iii. Analysis for disinfectant residual must be conducted at a location at or prior to the first service connection at least daily and records of these analyses are to be kept by the supplier of water for at least one (1) year. A report of all daily chlorine residual measurements for each calendar month must be submitted to the Department no later than the tenth day of the following month. The frequency of measuring disinfectant residuals must be sufficient to detect variations in demand or changes in water flow. (7-1-24)

iv. The Department may, in its discretion, require a treatment rate higher than that specified in Subsection 552.04.a.i. (7-1-24)

b. PWSs using only groundwater that add disinfectant for the purpose of maintaining a disinfectant residual in the distribution system, when the source(s) is not at risk of microbial contamination, are subject to analysis for disinfectant residual made at a frequency that is sufficient to detect variations in demand or changes in water flow. (7-1-24)

c. PWSs using only groundwater that add chlorine for other purposes, such as oxidation of metals or taste and odor control, when the source(s) is known to be free of microbial contamination, must ensure that chlorine residual entering the distribution system after treatment is less than four (4.0) mg/L. The requirements in Subsection 552.04.b.ii. also apply if the PWS maintains a chlorine residual in the distribution system. (7-1-24)

05. Fluoridation. (7-1-24)

a. Commercial sodium fluoride, sodium silico fluoride and hydrofluosilicic acid which conform to the applicable American Water Works Association (AWWA) Standards, incorporated by reference into these rules at Subsection 002.01, are acceptable. Use of other chemicals must be specifically approved by the Department. (7-1-24)

b. Fluoride compounds are to be stored in covered or unopened shipping containers. (7-1-24)

c. Provisions must be made to minimize the quantity of fluoride dust. Empty bags, drums, or barrels are to be disposed of in a manner that will minimize exposure to fluoride dusts. (7-1-24)

d. Daily records of flow and amounts of fluoride added must be kept. An analysis for fluoride in finished water must be made at least weekly. Records of these analyses are to be kept by the supplier of water for five

(5) years. (7-1-24)

06. Cross Connection Control Program - Community Water Systems. The water purveyor is responsible through its cross connection control program to take reasonable and prudent measures to protect the PWS against contamination and pollution from cross connections through premises isolation, internal or in-plant isolation, fixture protection, or some combination of premises isolation, internal isolation, and fixture protection. Pursuant to Section 543, all suppliers of water for community PWSs must implement a cross connection control program to prevent the entrance to the PWS of materials known to be toxic or hazardous. The water purveyor is responsible to enforce the PWS's cross connection control program. The program will at a minimum include: (7-1-24)

a. An inspection program to locate cross connections and determine required suitable protection. For new connections, PWS owners must verify suitable protection was installed prior to providing water service. (7-1-24)

b. Required installation and operation of adequate backflow prevention assemblies. Appropriate and adequate backflow prevention assembly types for various facilities, fixtures, equipment, and uses of water must be selected from the Uniform Plumbing Code, the AWWA Recommended Practice for Backflow Prevention and Cross Connection Control (M14), the USC Foundation Manual of Cross Connection Control, or other sources deemed acceptable by the Department. The assemblies must meet the requirements of Section 543 and comply with local ordinances. (7-1-24)

c. Annual inspections and testing of all installed backflow prevention assemblies by a tester licensed by a licensing authority recognized by the Department. Testing must be done in accordance with the test procedures published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research. See the USC Foundation Manual of Cross-Connection Control referenced in Subsection 002.02. (7-1-24)

d. Discontinuance of service to any structure, facility, or premises where suitable backflow protection has not been provided for a cross connection. (7-1-24)

e. Assemblies that cannot pass annual tests or those found to be defective are to be repaired, replaced, or isolated within ten (10) business days. If the failed assembly cannot be repaired, replaced, or isolated within ten (10) business days, water service to the failed assembly must be discontinued. (7-1-24)

07. Cross Connection Control - Non-Community Water Systems. All suppliers of water for non-community water systems must ensure that cross connections do not exist or are isolated from the potable water system by an approved backflow prevention assembly. Backflow prevention assemblies must be inspected and tested annually for functionality by an Idaho licensed tester, as specified in Subsections 552.06.c. and 552.06.e. (7-1-24)

08. Start-up Procedures For Seasonal Systems Subject To Subsections 100.01.a., c., and d. (7-1-24)

a. All seasonal PWS owners must demonstrate completion of a Department approved start-up procedure, including start-up sampling, prior to serving water to the public. The PWS owner must submit information on a Department provided or approved form that includes a statement certifying that the PWS owner or operator followed proper start-up procedures. The form must be submitted to the Department within 30 (thirty) days following the PWS's start-up date. Start-up sampling must include total coliform samples submitted to a certified laboratory demonstrating the absence of total coliform within thirty (30) days prior to serving water to the public. (7-1-24)

b. The Department may exempt any seasonal PWS from Subsection 552.08.a. if the entire distribution system remains pressurized during the entire period that the PWS is not operating, except that the PWSs that monitor less frequently than monthly must still monitor during the vulnerable period designated by the Department. The Department may exempt a seasonal PWS from Subsection 552.08.a. if the owner or operator of the PWS meets all of the following conditions: (7-1-24)

i. Requests an exemption in writing to the Department for approval; (7-1-24)

ii. Demonstrates a clean compliance history as defined in Section 003 for a minimum of five (5) years;

(7-1-24)

iii. Has no uncorrected significant deficiencies from the most recent sanitary survey; and (7-1-24)

iv. Total coliform samples submitted to a certified laboratory within 30 (thirty) days prior to serving water to the public demonstrate the absence of total coliform. (7-1-24)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.11 – GROUND WATER QUALITY RULE

DOCKET NO. 58-0111-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

LINK: LSO Rules Analysis Memo

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2026 Idaho State Legislature for final approval. Pursuant to Section 67-5224, Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105, 39-107, 39-120, and 39-126, Idaho Code.

DESCRIPTIVE SUMMARY: Rulemaking was initiated in compliance with Executive Order No. 2020-01, Zero-Based Regulation (EO 2020-01), issued by Governor Brad Little on January 16, 2020. A detailed summary of the reason for adopting the rule is set forth in the proposed rule published in the Idaho Administrative Bulletin, September 3, 2025, Vol. 25-9, pages 260–278. DEQ received no public comments, and the rule has been adopted as initially proposed. The board meeting documents are available at Ground Water Quality Rule: Docket No. 58-0111-2501 | Idaho Department of Environmental Quality.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

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:

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance with questions concerning the rulemaking, contact the undersigned.

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0165
Diane.Cutler@deq.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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, 39-120, and 39-126, 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, 2025. If no such written request is received, a public hearing will not be held. Three public meetings were held during the negotiated rulemaking process.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking in compliance with Executive Order No. 2020-01, Zero-Based Regulation (EO 2020-01), issued by Governor Little on January 16, 2020. Pursuant to EO 2020-01, each rule chapter effective on June 30, 2020, shall be reviewed by the agency that promulgated the rule. The review will be conducted according to a schedule established by the Division of Financial Management, Office of the Governor (DFM), posted at: Link. This is one of the DEQ rule chapters up for review in 2025. The goal of the rulemaking is to perform a critical and comprehensive review of the entire chapter in an attempt to reduce overall regulatory burden, streamline various provisions and increase clarity and ease of use.

In line with the Zero-Based Regulation Executive Order, DEQ removed the majority of a table that outlined primary federal drinking water standards and, instead, adopted the standards by reference, which maintains consistency with intent of using the federal drinking water standards for the groundwater rule and removes words and inconsistencies. By doing so, the rule now mirrors the federal drinking water standards for uranium, arsenic, and PFAS.

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. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2026 Idaho State Legislature, the rule will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

FEE SUMMARY: This rulemaking does not impose or increase a fee beyond what was previously submitted to and reviewed by the Idaho Legislature in prior rules. This rule chapter includes a point of compliance application fee. The fee is authorized by Idaho Code § 39-119.

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

NEGOTIATED RULEMAKING: Negotiated rulemaking was conducted pursuant to Section 67-5220, Idaho Code. On March 5, 2025, the Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking was published in the Idaho Administrative Bulletin. At the conclusion of the negotiated rulemaking process, DEQ submitted the draft rule to the Division of Financial Management for review. DEQ formatted the draft for publication as a proposed rule and is now seeking public comment. The negotiated rulemaking record, which includes the negotiated rule drafts, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/groundwater-quality-docket-no-58-0111-2501/.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule.

Incorporation by reference allows DEQ to keep its rules up to date with federal regulations and simplifies compliance for the regulated community. An electronic link to the incorporated material is available in the rule. This rulemaking does not propose to adopt amendments to materials previously incorporated by reference. The following sections of 40 CFR Part 141 are proposed for incorporation by reference into IDAPA 58.01.11 for the first time:

- 40 CFR 141.61(a) and (c) - organic contaminants
- 40 CFR 141.62(b) - inorganic contaminants
- 40 CFR 141.64 - disinfection byproducts
- 40 CFR 141.66 - radionuclides

IDAHO CODE SECTION 39-107D STATEMENT: This rule proposes to regulate an activity not regulated by the federal government and has previously been approved as meeting the requirements of Section 39-107D, Idaho Code, in Docket No. 58-0111-1901.

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

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before September 24, 2025. Submit written comments to the undersigned.

Dated this 3rd day of September, 2025.

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 58-0111-2501

58.01.11 – ~~GROUND WATER~~ GROUNDWATER QUALITY RULE

000. LEGAL AUTHORITY.

~~The Idaho Legislature has given the Board of Environmental Quality authority to promulgate the Ground Water Quality Rule pursuant to~~ Sections 39-105, 39-107, 39-120, and 39-126, Idaho Code. ~~The authority to formulate and adopt rules as are necessary and feasible to protect the environment and health of the citizens of the state is vested in the Director and Board pursuant to Sections 39-105 and 39-107, Idaho Code. Under Section 39-120, Idaho Code, the Board is authorized to adopt, by rule, ambient ground water quality standards. Under Section 39-126, Idaho Code, all state agencies shall incorporate the Ground Water Quality Plan, adopted by the legislature, in the administration of their programs and are granted authority to promulgate rules to protect ground water quality as necessary to administer such programs.~~ ~~(3-24-22)~~( )

001. ~~TITLE AND~~ SCOPE.

~~**01. Title**. This rule is titled IDAPA 58.01.11, Rules of the Department of Environmental Quality, IDAPA 58.01.11, "Ground Water Quality Rule." (3-24-22)~~

~~**02. Scope**. Under Section 39-120, Idaho Code, the Department of Environmental Quality is designated as the primary agency to coordinate and administer ground water quality protection programs for the state.~~ This rule establishes minimum requirements for protection of ~~ground water~~ groundwater quality through standards and an aquifer categorization process. ~~The requirements of this rule shall~~ and serves as a basis for ~~the administration of~~ administering programs ~~which address ground water~~ that address groundwater quality. This rule does not ~~in and of~~

~~itself~~ create a permit program. ~~(3-24-22)~~( )

002. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal agency actions authorized under this chapter pursuant to IDAPA 58.01.23, "Contested Case Rules and Rules for Protection and Disclosure of Records." (3-24-22)

~~**003. WRITTEN INTERPRETATIONS.**~~
~~The Department of Environmental Quality may have written statements which pertain to the interpretation of the rules of this chapter. If available, such written statements can be inspected and copied, at cost, at the Department of Environmental Quality, 1410 North Hilton, Boise, ID 83706-1255.~~ ~~(3-24-22)~~

003. INCORPORATION BY REFERENCE.
The following sections of 40 CFR Part 141, National Primary Drinking Water Regulations, revised as of July 1, 2025, are incorporated by reference: 40 CFR 141.61(a) and (c), organic contaminants; 40 CFR 141.62(b), inorganic contaminants; 40 CFR 141.64, disinfection byproducts; and 40 CFR 141.66, radionuclides. ( )

004. REFERENCED MATERIAL.
Statistical Guidance for Determining Background Ground Water Quality and Degradation, Department of Environmental Quality. ( )

0045. -- 0056. (RESERVED)

~~**006. POLICIES.**~~
~~It is the intent of the Department to implement, through this rule, the following policies from the Protection and Prevention Sections of the Idaho Ground Water Quality Plan, adopted by the legislature, 1992 Session Law, Chapter 310, Page 922. These policies are:~~ ~~(3-24-22)~~

~~**01. Ground Water Quality Protection**. It is the policy of the state of Idaho to maintain and protect the existing high quality of the state's ground water.~~ ~~(3-24-22)~~

~~**02. Existing and Projected Future Beneficial Uses**. The policy of the state of Idaho is that existing and projected future beneficial uses of ground water shall be maintained and protected, and degradation that would impair existing and projected future beneficial uses of ground water and interconnected surface water shall not be allowed.~~ ~~(3-24-22)~~

~~**03. Categorization of Ground Water**. The policy of the state of Idaho is to provide differential protection for the state's ground water resources. A ground water categorization system should be established for aquifers or portions of aquifers. The categorization system should be based on vulnerability of the ground water, existing and projected future beneficial uses of the ground water, existing quality of the ground water, and social and economic considerations.~~ ~~(3-24-22)~~

~~**04. Ground Water Quality Standards**. The policy of the state of Idaho is to establish ground water quality standards for biological, radiological, and chemical constituents.~~ ~~(3-24-22)~~

~~**05. Prevention of Ground Water Contamination**. The policy of the state of Idaho is to prevent contamination of ground water from all regulated and nonregulated sources of contamination to the maximum extent practical.~~ ~~(3-24-22)~~

~~**06. Mining**. The policy of the state of Idaho is to protect ground water and allow for the extraction of minerals above and within ground water.~~ ~~(3-24-22)~~

007. DEFINITIONS.
The terms "Board," "Department," and "Person" are defined in Section 39-103, Idaho Code. The term "Ground water" (Groundwater) is defined in Section 39-121, Idaho Code. ( )

01. Agricultural Chemical. Any pesticide, nutrient, or fertilizer used for the benefit of agricultural production or pest management. ~~(3-24-22)~~( )

02. Aquifer. A geological unit of permeable saturated material capable of yielding economically significant quantities of water to wells and springs. (3-24-22)

03. Beneficial Uses. Various uses of ~~ground water~~ groundwater in Idaho including, but not limited to, domestic water supplies, industrial water supplies including drinking water supplies, agricultural water supplies, aquacultural water supplies, and mining. A beneficial use is defined as actual current or projected future uses of ~~ground water~~ groundwater. ~~(3-24-22)~~( )

04. Best Available Method. Any system, process, or method ~~which~~ that is available to the public for commercial or private use to minimize the ~~impact of~~ degradation from point or nonpoint sources of contamination ~~on ground water~~ of groundwater quality. ~~(3-24-22)~~( )

05. Best Management Practice. A practice or combination of practices determined to be the most effective and practical means of preventing or reducing contamination ~~to ground water~~ of groundwater and interconnected surface water from nonpoint and point sources to achieve water quality goals and protect the beneficial uses of the water. ~~(3-24-22)~~( )

06. Best Practical Method. Any system, process, or method that is established and in routine use ~~which could~~ that can be used to minimize the ~~impact of~~ degradation from point or nonpoint sources of contamination on ~~ground water~~ groundwater quality. ~~(3-24-22)~~( )

~~**07. Board**. The Idaho Board of Environmental Quality.~~ ~~(3-24-22)~~

0~~8~~7. Cleanup. The removal, treatment, or isolation of a contaminant from ~~ground water~~ groundwater through the directed efforts of humans or the removal or treatment of a contaminant in ~~ground water~~ groundwater through management practice or the construction of barriers, trenches and other similar facilities for prevention of contamination, as well as the use of natural processes such as ~~ground water~~ groundwater recharge, natural decay, and chemical or biological decomposition. ~~(3-24-22)~~( )

0~~9~~8. Constituent. Any chemical, ion, radionuclide, synthetic organic compound, microorganism, waste or other substance occurring in ~~ground water~~ groundwater. ~~(3-24-22)~~( )

~~10~~09. Contaminant. Any chemical, ion, radionuclide, synthetic organic compound, microorganism, waste, or other substance ~~which~~ that does not occur naturally in ~~ground water~~ groundwater or ~~which~~ that naturally occurs at a lower concentration. ~~(3-24-22)~~( )

1~~1~~0. Contamination. The direct or indirect introduction into ~~ground water~~ groundwater of any contaminant caused in whole or in part by human activities. ~~(3-24-22)~~( )

1~~2~~1. Crop Root Zone. The zone that extends from the surface of the soil to the depth of the deepest crop root and is specific to a species of plant, group of plants, or crop. (3-24-22)

1~~3~~2. Degradation. The lowering of ~~ground water~~ groundwater quality as measured in a statistically significant and reproducible manner. ~~(3-24-22)~~( )

~~**14. Department**. The Department of Environmental Quality.~~ ~~(3-24-22)~~

1~~5~~3. Extraction. Physical removal of ore or waste rock from mineral-bearing deposits. Extraction does not include processing, which is the removal of target minerals from ores by physical or chemical methods. (3-24-22)

~~**16. Ground Water**. Any water of the state which occurs beneath the surface of the earth in a saturated geological formation of rock or soil.~~ ~~(3-24-22)~~

1~~7~~4. ~~Ground Water~~ Groundwater Quality Standard. Values, either numeric or narrative, assigned to any constituent for the purpose of establishing minimum levels of protection. ~~(3-24-22)~~( )

185. Highly Vulnerable ~~Ground Water~~ Groundwater. ~~Ground water~~ Groundwater characterized by a relatively high potential for contaminants to enter ~~and/~~or be transported within the flow system. Determinations of ~~ground water~~ groundwater vulnerability will include consideration of land use practices and aquifer characteristics. ~~(3-24-22)~~( )

196. Irreplaceable Source. A ~~ground water~~ groundwater source serving a beneficial use(s) where the reliable delivery of comparable quality and quantity of water from an alternative source in the region ~~would~~ may be economically infeasible or precluded by institutional constraints. ~~(3-24-22)~~( )

~~20~~17. Mine Operator. Any person authorized to engage in mining activities, including without limitation those authorized by law, lease, contract, permit~~,~~ or plan of operation. It does not include a governmental agency that grants mineral leases or similar contracts or permits unless the agency is engaged in mining activities. ~~(3-24-22)~~( )

~~21~~18. Mining Activity. Recovery of a mineral from mineral-bearing deposits, which includes reclamation, extraction, excavation, overburden placement, disposal of tailings resulting from processing, and disposal of mineral extraction wastes, including tailings that are the result of extraction, waste rock, and other extraction wastes uniquely associated with mining. (3-24-22)

~~22~~19. Mining Area. The area on or within ~~which~~ that one (1) or more mining activities occur. The Department ~~shall~~ will determine the boundaries of the mining area ~~as provided in Section 401~~. Distinct mining activities may constitute separate mining areas. ~~(3-24-22)~~( )

230. Natural Background Level. The level of any constituent in the ~~ground water~~ groundwater within a specified area as determined by representative measurements of the ~~ground water~~ groundwater quality unaffected by human activities. ~~(3-24-22)~~( )

~~**24. Person**. Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state or federal governmental department, agency or instrumentality, or any legal entity which is recognized by law as the subject of rights and duties.~~ ~~(3-24-22)~~

251. Point of Compliance. The vertical surface where the Department determines compliance with ~~ground water~~ groundwater quality standards as provided in Subsection 400.05 and Section 401. ~~(3-24-22)~~( )

262. Practical Quantitation Level. The lowest concentration of a constituent that can be reliably quantified among laboratories within specified limits of precision and accuracy during routine laboratory operating conditions. Specified limits of precision and accuracy are the criteria listed in the calibration specifications or quality control specifications of an analytical method. (3-24-22)

27~~3~~. Projected Future Beneficial Uses. Various uses of ~~ground water~~ groundwater, such as drinking water, aquaculture, industrial, mining, or agriculture, that are practical and achievable in the future based on hydrogeologic conditions, water quality, future land use activities, and social/economic considerations. ~~(3-24-22)~~( )

284. Recharge Area. An area ~~in which~~ where water infiltrates into the soil or geological formation from, including but not limited to precipitation, irrigation practices and seepage from creeks, streams, and lakes, and percolates to one (1) or more aquifers. ~~(3-24-22)~~( )

295. Reclamation. The process of restoring an area affected by a mining activity to its original or another beneficial use, considering previous uses, possible future uses~~,~~ and surrounding topography. The objective is to re-establish a diverse, self-perpetuating plant community~~,~~ and to minimize erosion, remove hazards, and maintain water quality. ~~(3-24-22)~~( )

~~30~~26. Remediation. Any action taken (1) to control the source of contamination, (2) to reduce the level of contamination, (3) to mitigate the effects of contaminants, ~~and/~~or (4) to minimize contaminant movement. Remediation includes providing alternate drinking water sources when needed. ~~(3-24-22)~~( )

~~31~~27. **Site Background Level**. The ~~ground water~~ groundwater quality at the hydraulically upgradient site boundary. ~~(3-24-22)~~( )

008. -- ~~010.~~ ~~(RESERVED)~~

~~011. INCORPORATION BY REFERENCE.~~
~~Codes, standards and regulations may be incorporated by reference in this rule pursuant to Section 67-5229, Idaho Code. Such incorporation by reference shall constitute full adoption by reference, including any notes or appendices therein, unless expressly provided otherwise in this rule. Codes, standards or regulations adopted by reference throughout this rule are available in the following locations:~~ ~~(3-24-22)~~

~~01. Department of Environmental Quality~~. ~~Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255.~~ ~~(3-24-22)~~

~~02. Law Library~~. ~~State Law Library, 451 W. State Street, P.O. Box 83720, Boise, ID 83720-0051.~~ ~~(3-24-22)~~

~~03. U.S. Government Printing Office~~. ~~U.S. Government Printing Office, Superintendent of Documents, Washington, D.C. 20402, or U.S. Government Bookstore, Room 194 Federal Bldg., 915 Second Ave., Seattle, WA 98174.~~ ~~(3-24-22)~~

~~012. --~~ 149. (RESERVED)

150. IMPLEMENTATION.
This rule establishes minimum requirements to maintain and protect ~~ground water~~ groundwater quality. This rule applies to all activities with the potential to degrade ~~ground water~~ groundwater quality. ~~(3-24-22)~~( )

01. ~~Ground Water~~ Groundwater Quality Standards. The numerical and narrative standards in Sections 200 and 301 identify minimum levels of protection for ~~ground water~~ groundwater quality and ~~shall~~ will be used as a basis for: ~~(3-24-22)~~( )

a. Evaluating or comparing ~~ground water~~ groundwater quality when developing or modifying best available methods, best management practices, or best practical methods; ~~(3-24-22)~~( )

b. Identifying permit conditions; (3-24-22)

c. Establishing cleanup levels; and (3-24-22)

d. Determining appropriate actions when ~~ground water~~ groundwater quality standards are exceeded. ~~(3-24-22)~~( )

02. Aquifer Categorization. Aquifers of the state ~~shall~~ will be categorized based on vulnerability of the ~~ground water~~ groundwater, existing and projected future beneficial uses of the ~~ground water~~ groundwater, existing water quality, and social and economic considerations. There ~~shall~~ will be three (3) aquifer categories, Sensitive Resource, General Resource, and Other Resource, to provide different levels of protection. The level of protection required for each category and application of standards to these categories are shown in Table I.

Table ~~1~~I. Level of Protection and Application of Standards to Aquifer Categories

Category	Level of Protection	Application of Standards
Sensitive Resource	Apply best management practices and best available methods. This category provides the highest level of ~~ground water~~ groundwater protection.	May apply stricter standards than in Section 200.

Table ~~4~~I. Level of Protection and Application of Standards to Aquifer Categories		
Category	**Level of Protection**	**Application of Standards**
General Resource	Apply best management practices and best practical methods to the maximum extent practical.	Apply numerical and narrative standards in Section 200.
Other Resource	Apply best management practices and best practical methods to the maximum extent practical.	May apply less strict standards than in Section 200.

~~(3-24-22)~~( )

a. All aquifers where there are activities with the potential to degrade ~~ground water~~ groundwater quality are categorized in Section 300. Those aquifers where no activities with the potential to degrade ~~ground water~~ groundwater quality are occurring will remain uncategorized until such activities are commenced. If no action is taken to categorize an aquifer when an activity(ies) with the potential to degrade ~~ground water~~ groundwater quality is initiated, the aquifer will automatically be categorized as General Resource. ~~(3-24-22)~~( )

b. Categorization ~~should~~ will be considered when an activity with the potential to degrade ~~ground water~~ groundwater quality is proposed over an aquifer or portion of an aquifer ~~which~~ that presently has no such activities and, based on the criteria in Section 350, the aquifer may be most appropriately categorized as Sensitive Resource or Other Resource. ~~(3-24-22)~~( )

c. Recategorization ~~should~~ will be considered when information on vulnerability of the ~~ground water~~ groundwater, existing and projected future beneficial uses of the ~~ground water~~ groundwater, existing quality of the ~~ground water~~ groundwater~~,~~ and social and economic considerations, in conjunction with one (1) or more of the criteria in Section 350, demonstrates that the aquifer or portion of an aquifer may be more appropriate in another category. ~~(3-24-22)~~( )

03. ~~Ground Water~~Groundwater-Surface Water Interconnection. The beneficial uses of interconnected surface water ~~shall~~ will be recognized when evaluating ~~ground water~~ groundwater quality protection. The implementation of water quality programs ~~shall~~ ensure that the quality of ~~ground water~~ groundwater that discharges to surface water does not impair the identified beneficial uses of the surface water and that surface water infiltration does not impair beneficial uses of ~~ground water~~ groundwater. ~~(3-24-22)~~( )

04. Interagency Coordination. The Department will coordinate with other federal, state, and local agencies to pursue interagency agreements when necessary to ensure implementation of this rule for activities ~~which have~~ with the potential to degrade ~~ground water~~ groundwater quality. ~~(3-24-22)~~( )

151. -- 199. (RESERVED)

200. ~~GROUND WATER~~ GROUNDWATER QUALITY STANDARDS.
The following numerical and narrative standards apply to all ~~ground water~~ groundwater of the state and shall not be exceeded unless otherwise allowed in this rule. ~~(3-24-22)~~( )

01. Numerical ~~Ground Water~~ Groundwater Quality Standards. ~~(3-24-22)~~( )

a. The Primary Constituent Standards are based on protection of human health and are identified in Table II for the bacteriological contaminants. For chemical and radiological contaminants, the following sections of 40 CFR Part 141, National Primary Drinking Water Regulations, are incorporated by reference into these rules: 40 CFR 141.61(a) and (c), organic contaminants; 40 CFR 141.62(b), inorganic contaminants; 40 CFR 141.64, disinfection byproducts; and 40 CFR 141.66, radionuclides.

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

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

Table II–. Primary Constituent Standards		
Chemical Abstract Service Number	**Constituent**	**Standard (mg/l L unless otherwise specified)**
~~100-42-5~~	~~Styrene~~	~~0.1~~
~~1746-01-6~~	~~2,3,7,8-TCDD (Dioxin)~~	~~3.0 x 10-8~~
~~127-18-4~~	~~Tetrachloroethylene~~	~~0.005~~
~~108-88-3~~	~~Toluene~~	~~1~~
~~*[1]~~	~~Total Trihalomethanes [the sum of the concentrations of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform), and trichloromethane (chloroform)]~~	~~0.1~~
~~8001-35-2~~	~~Toxaphene~~	~~0.003~~
~~93-72-1~~	~~2,4,5-TP (Silvex)~~	~~0.05~~
~~120-82-1~~	~~1,2,4-Trichlorobenzene~~	~~0.07~~
~~71-55-6~~	~~1,1,1-Trichloroethane~~	~~0.2~~
~~79-00-5~~	~~1,1,2-Trichloroethane~~	~~0.005~~
~~79-01-6~~	~~Trichloroethylene~~	~~0.005~~
~~75-01-4~~	~~Vinyl Chloride~~	~~0.002~~
~~1330-20-7~~	~~Xylenes (total)~~	~~10~~
~~*[1]~~	~~Gross alpha particle activity (including radium-226, but excluding radon and uranium)~~	~~15 pCi/l~~
~~*[1]~~	~~Combined beta/photon emitters~~	~~4 millirems/year effective dose equivalent~~
~~*[1]~~	~~Combined Radium - 226 and radium 228~~	~~5 pCi/l~~
~~*[1]~~	~~Strontium 90~~	~~8 pCi/l~~
~~*[1]~~	~~Tritium~~	~~20,000 pCi/l~~
7439-92-1	Lead	0.010
7440-50-8	Copper	1.3
*[1]	Total Coliform[2]	1 colony forming unit/100 ml
	Escherichia coliform (E. coli)	Less than 1 viable colony or colony forming unit/100 ml using any EPA approved method
	Fecal coliform	Less than 1 viable colony or colony forming unit/100 ml using any EPA approved method
Table Footnotes		
*[1]No Chemical Abstract Service Number exists for this constituent.		

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

~~(3-24-22)~~( )

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

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

~~(3-24-22)~~( )

c. Sample preservation and analytical procedures to determine compliance with the standards identified in Subsection 200.01 ~~shall~~ must be in accordance with ~~the following~~ Subsections 200.01.c.i and ii., except that cyanide ~~shall~~ must be analyzed as weak acid dissociable cyanide ~~using a~~, as defined in IDAPA 58.01.13, "Rules for Ore Processing by Cyanidation," or other methods approved by the Department: ~~(3-24-22)~~( )

i. ~~Environmental Protection Agency, Code of Federal Regulations, Title 40, Parts 141 and 143, revised as of July 2001~~40 CFR Part 141, National Primary Drinking Water Regulations, Subpart C, Monitoring and Analytical Requirements, provided in IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems"; or

~~(3-24-22)~~( )

ii. Another method approved by the Department. (3-24-22)

02. Narrative ~~Ground Water~~ Groundwater Quality Standards. Contaminant concentrations, alone or in combination with other contaminants or properties, ~~shall~~ may not cause the ~~ground water~~ groundwater to be hazardous, deleterious, carcinogenic, mutagenic, teratogenic, or toxic. Determinations of specific numerical levels when applying this standard ~~shall~~ must be based on: ~~(3-24-22)~~( )

a. Best scientific information currently available on adverse effects of the contaminant(s); (3-24-22)

b. Protection of a beneficial use; or (3-24-22)

c. Practical quantitation levels for the contaminant(s), if they exceed the levels identified in Subsection 200.02.a. or 200.02.b. (3-24-22)

03. Natural Background Level. If the natural background level of a constituent exceeds the standard in this section, the natural background level ~~shall~~ will be used as the standard. ~~(3-24-22)~~( )

201. -- 299. (RESERVED)

300. CATEGORIZED AQUIFERS OF THE STATE.
Aquifers or portions of aquifers in the state are categorized as follows: (3-24-22)

01. Sensitive Resource. (3-24-22)

a. Spokane Valley -- Rathdrum Prairie Aquifer. (3-24-22)

i. In addition to the ~~ground water~~ groundwater quality standards in Section 200, the following narrative standard applies: the aquifer ~~shall~~ may not be degraded, as it relates to beneficial uses, as a result of point source or nonpoint source activity unless it is demonstrated by the person proposing the activity that such change is justifiable as a result of necessary economic or social development. ~~(3-24-22)~~( )

02. General Resource. All aquifers or portions of aquifers where there are activities with the potential to degrade ~~ground water~~ groundwater quality of the aquifer~~,~~ unless otherwise listed in Subsection 300.01 or 300.03. Once an activity with the potential to degrade the ~~ground water~~ groundwater quality of an uncategorized aquifer or portion of an aquifer is initiated, the uncategorized aquifer ~~shall~~ will automatically become General Resource unless petitioned into the Sensitive Resource or Other Resource category. ~~(3-24-22)~~( )

03. Other Resource. (3-24-22)

301. MANAGEMENT OF ACTIVITIES WITH THE POTENTIAL TO DEGRADE AQUIFERS.
The evaluation of activities for all aquifer categories should include water quality and hydrogeological modeling that consider existing and future conditions. ( )

01. Sensitive Resource Category Aquifers. (3-24-22)

a. Activities ~~with the potential to degrade Sensitive Resource aquifers shall~~ must be managed in a manner which maintains or improves existing ~~ground water~~ groundwater quality through the use of best management practices and best available methods except when a point of compliance is set pursuant to Section 401. ~~(3-24-22)~~( )

b. Numerical and narrative standards identified in Section 200 ~~shall~~ apply to aquifers or portions of aquifers categorized as Sensitive Resource. In addition, stricter numerical and narrative standards, for specified constituents, may be adopted pursuant to Section 350 on a case by case basis and listed in Section 300. ~~(3-24-22)~~( )

02. General Resource Category Aquifers. (3-24-22)

a. Activities ~~with the potential to degrade General Resource aquifers shall~~ must be managed in a manner which maintains or improves existing ~~ground water~~ groundwater quality through the use of best management practices and best practical methods to the maximum extent practical except when a point of compliance is set pursuant to Section 401. ~~(3-24-22)~~( )

b. Numerical and narrative standards identified in Section 200 ~~shall~~ apply to aquifers or portions of aquifers categorized as General Resource. ~~(3-24-22)~~( )

03. Other Resource Category Aquifers. (3-24-22)

a. Activities ~~with the potential to degrade Other Resource aquifers shall~~ must be managed in a manner which maintains existing ~~ground water~~ groundwater quality, except for those identified constituents which may have a less stringent standard, through the use of best management practices and best practical methods to the maximum extent practical except when a point of compliance is set pursuant to Section 401. ~~(3-24-22)~~( )

b. Numerical and narrative standards identified in Section 200 ~~shall~~ apply to aquifers or portions of aquifers categorized as Other Resource. In addition, less strict numerical and narrative standards, for specified constituents, may be adopted pursuant to Section 350 on a case by case basis and listed in Section 300. ~~(3-24-22)~~( )

302. -- 349. (RESERVED)

350. PROCEDURES FOR CATEGORIZING OR RECATEGORIZING AN AQUIFER.
The following process ~~shall~~ will be used for categorizing or recategorizing an aquifer. ~~(3-24-22)~~( )

01. Criteria for Aquifer Categories. The following criteria ~~shall~~ will be considered when a petition to categorize or recategorize aquifers or portions of aquifers is submitted to the Board~~:~~. ~~(3-24-22)~~( )

a. For Sensitive Resource aquifers, the groundwater in an aquifer or portion of an aquifer: ~~(3-24-22)~~( )

i. ~~The ground water in an aquifer or portion of an aquifer i~~Is of a better quality than the ~~ground water~~ groundwater quality standards in Section 200 and maintenance of this quality is needed to protect an identified beneficial use(s); ~~(3-24-22)~~( )

ii. ~~The ground water in an aquifer or portion of an aquifer i~~Is considered highly vulnerable; ~~(3-24-22)~~( )

iii. ~~The ground water in an aquifer or portion of an aquifer r~~Represents an irreplaceable source for the identified beneficial use(s); ~~(3-24-22)~~( )

iv. ~~The ground water quality in an aquifer or portion of an aquifer h~~Has been degraded and there is a need for additional protection measures to maintain or improve the water quality or prevent impairment of a beneficial use; ~~(3-24-22)~~( )

v. ~~The ground water within an aquifer or portion of an aquifer i~~Is shown to be hydrologically interconnected with surface water and additional protection is needed to maintain the quality of either surface or ~~ground water~~ groundwater. Hydrologic interconnections can include either natural or induced ~~ground water~~ groundwater recharge or discharge areas; or ~~(3-24-22)~~( )

vi. ~~The ground water within an aquifer or portion of an aquifer d~~Demonstrates other criteria which justify the need for additional protection. ~~(3-24-22)~~( )

b. For General Resource aquifers: (3-24-22)

i. An activity with the potential to degrade ~~ground water~~ groundwater quality is initiated over an aquifer or portion of an aquifer which presently has no such activities; ~~(3-24-22)~~( )

ii. The ~~ground water~~ groundwater in an aquifer or portion of an aquifer: ( )

(1) ~~i~~Is currently being used for drinking water or another beneficial use which requires similar protection; or ~~(3-24-22)~~( )

~~iii~~(2). ~~The ground water in an aquifer or portion of an aquifer h~~Has a projected future beneficial use of drinking water or another beneficial use which requires similar protection. ~~(3-24-22)~~( )

c. For ~~o~~Other ~~r~~Resource aquifers: ~~(3-24-22)~~( )

i. The ~~ground water~~ groundwater quality within an aquifer or portion of an aquifer does not meet one (1) or more of the ~~ground water~~ groundwater quality standards in Section 200; and allowing the ~~ground water~~ groundwater quality to remain at this level does not impair existing or projected future beneficial uses within the aquifer or portion of an aquifer; ~~(3-24-22)~~( )

ii. The projected ~~ground water~~ groundwater quality within an aquifer or portion of an aquifer will not meet one (1) or more of the ~~ground water~~ groundwater quality standards in Section 200 as a result of activities over or within the aquifer or portion of an aquifer~~;~~, and allowing the proposed degradation will not impair existing or projected future beneficial uses; ~~(3-24-22)~~( )

iii. Human caused conditions or sources of contamination have resulted in ~~ground water~~ groundwater quality standards in Section 200 being exceeded, and the contamination cannot be remedied for economical or technical reasons, or remediation would cause more environmental damage to correct than to leave in place; or ~~(3-24-22)~~( )

iv. The ~~ground water~~ groundwater within an aquifer or portion of an aquifer demonstrates other criteria which justify the need for categorization as an Other Resource. ~~(3-24-22)~~( )

02. Petition Process. The Department or any other person may petition the Board to initiate rulemaking to categorize or recategorize an aquifer or portion of an aquifer pursuant to ~~IDAPA 58.01.23, "Contested Case Rules and Rules for Protection and Disclosure of Records."~~ Section 67-5230, Idaho Code. In addition to the information required in a rulemaking ~~P~~petition ~~pursuant to IDAPA 58.01.23~~, the following information ~~shall~~ must be submitted in writing by the ~~P~~petitioner for the identified aquifer or portion of an aquifer: ~~(3-24-22)~~( )

a. Current category, if applicable; (3-24-22)

b. Proposed category and an explanation of how one (1) or more of the criteria in Subsection 350.01 are met; ~~(3-24-22)~~( )

c. An explanation of why the categorization or recategorization is being proposed; (3-24-22)

d. Location, description, and areal extent; ~~(3-24-22)~~( )

e. General location and description of existing and projected future ~~ground water~~ groundwater beneficial uses; ~~(3-24-22)~~( )

f. Documentation of the existing ~~ground water~~ groundwater quality; ~~(3-24-22)~~( )

g. Documentation of aquifer characteristics, where available, including, but not limited to: (3-24-22)

i. Depth to ~~ground water~~ groundwater; ~~(3-24-22)~~( )

ii. Thickness of the water bearing section; (3-24-22)

iii. Direction and rate of ~~ground water~~ groundwater flow; ~~(3-24-22)~~( )

iv. Known recharge and discharge areas; and (3-24-22)

v. Geology of the area; and ~~(3-24-22)~~( )

h. Identification of any proposed standards, for specified constituents, ~~which would be stricter~~ that are more or less strict than the ~~ground water~~ groundwater quality standards in Section 200, or any standards to be applied in addition to those in Section 200~~;~~, and a rationale for the proposed standards. ~~(3-24-22)~~( )

03. Preliminary Department Review. Prior to submission of a petition to the Board to categorize or recategorize an aquifer, any person may seek a preliminary review of the petition from the Department. The Department ~~shall~~ will respond to the petitioner with comments within forty-five (45) days. ~~(3-24-22)~~( )

351. -- 399. (RESERVED)

400. ~~GROUND WATER~~ GROUNDWATER CONTAMINATION.

01. Releases Degrading ~~Ground Water~~ Groundwater Quality. No person ~~shall~~ may cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that: ~~(3-24-22)~~( )

a. Causes a ~~ground water~~ groundwater quality standard to be exceeded; ~~(3-24-22)~~( )

b. Injures a beneficial use of ~~ground water~~ groundwater; or ~~(3-24-22)~~( )

c. Is not in accordance with a permit~~;~~, consent order, or applicable best management practice, best available method, or best practical method. ~~(3-24-22)~~( )

02. Measures Taken in Response to Degradation. (3-24-22)

a. Except when a point of compliance is set pursuant to Section 401, when a numerical standard is not exceeded, but degradation of ~~ground water~~ groundwater quality is detected and deemed significant by the Department, the Department ~~shall~~ will take one (1) or more of the following actions: ~~(3-24-22)~~( )

i. Require a modification of regulated activities to prevent continued degradation; (3-24-22)

ii. Coordinate with the appropriate agencies and responsible persons to develop and implement prevention measures for activities not regulated by the Department; (3-24-22)

iii. Allow limited degradation of ~~ground water~~ groundwater quality for the constituents identified in Subsection 200.01.a. if it can be demonstrated that: ~~(3-24-22)~~( )

(1) Best management practices, best available methods, or best practical methods, as appropriate for the aquifer category, are being applied; and ~~(3-24-22)~~( )

(2) The degradation is justifiable based on necessary and widespread social and economic considerations; or (3-24-22)

iv. Allow degradation of ~~ground water~~ groundwater quality up to the standards in Subsection 200.01.b., if it can be demonstrated that: ~~(3-24-22)~~( )

(1) Best management practices are being applied; and (3-24-22)

(2) The degradation will not ~~adversely impact~~ impair a beneficial use. ~~(3-24-22)~~( )

b. The following criteria ~~shall~~ will be considered when determining the significance of degradation:

~~(3-24-22)~~( )

i. Site specific hydrogeologic conditions; (3-24-22)

ii. Water quality, including seasonal variations; (3-24-22)

iii. Existing and projected future beneficial uses; (3-24-22)

iv. Related public health issues; and (3-24-22)

v. Whether the degradation involves a primary or secondary constituent in Section 200. (3-24-22)

03. Contamination Exceeding a ~~Ground Water~~ Groundwater Quality Standard. The discovery of any contamination exceeding a ~~ground water~~ groundwater standard that poses a threat to existing or projected future beneficial uses of ~~ground water~~ groundwater ~~shall~~ requires appropriate actions, as determined by the Department, to prevent further contamination. These actions may consist of investigation and evaluation, or enforcement actions if necessary to stop further contamination or clean up existing contamination~~, as required under the Environmental Protection and Health Act, Section 39-108, Idaho Code~~. ~~(3-24-22)~~( )

04. Agricultural Chemicals. Agricultural chemicals found in intermittently saturated soils within the crop root zone will not be considered ~~ground water~~ groundwater contaminants as long as the chemicals remain within the crop root zone, and have been applied in a manner consistent with all appropriate regulatory ~~requirements~~ provisions. ~~(3-24-22)~~( )

05. Site-Specific ~~Ground Water~~ Groundwater Quality Levels or Points of Compliance. The Department may allow site-specific ~~ground water~~ groundwater quality levels, for any aquifer category, that vary from a standard(s) in Section 200 or Section 300, or may allow site-specific points of compliance, based on consideration of effects to human health and the environment, for: ~~(3-24-22)~~( )

a. Remediation conducted under the Department's oversight; (3-24-22)

b. Permits issued by the Department; (3-24-22)

c. Situations where the site background level varies from the ~~ground water~~ groundwater quality standard; ~~(3-24-22)~~( )

d. Dissolved concentrations of secondary constituents listed in Section 200 of this rule. The Department may allow the use of dissolved concentrations for secondary constituents if the requesting person demonstrates that doing so will not adversely affect human health and the environment; or (3-24-22)

e. Other situations authorized by the Department in writing. (3-24-22)

401. MINING.

01. Request for Setting Point(s) of Compliance and Standards Applicable to Mining Activities. At the request of a mine operator, pursuant to this section, the Department ~~shall~~ will set a point of compliance, or points of compliance, at which the mine operator ~~shall~~ must protect current and projected future beneficial uses of the ~~ground water~~ groundwater and meet the ~~ground water~~ groundwater quality standards as described in Section 200 or as allowed under Subsection 400.05. Degradation of ~~ground water~~ groundwater is allowed at a point of compliance if the mine operator implements the level of protection during mining activities appropriate for the aquifer category as specified in Table ~~I~~I of Subsection 150.02. If a request is not made, the mine operator must meet the ~~ground water~~ groundwater quality standards as described in Subsection 150.01 in ~~ground water~~ groundwater both within and beyond the mining area unless the Department establishes the point(s) of compliance consistent with Subsection 401.03. ~~(3-24-22)~~( )

02. Application Process. (3-24-22)

a. If the mine operator requests a point(s) of compliance~~, or points of compliance,~~ the mine operator ~~shall~~ must make a written application to the Department. The application ~~shall~~ must be accompanied by a fee of two thousand five hundred dollars ($2,500)~~. The application shall~~ and include the following information in sufficient detail to allow the Department to establish point(s) of compliance: ~~(3-24-22)~~( )

i. Name, location, and mailing address of the mining operation; (3-24-22)

ii. Name, mailing address, and phone number of the mine operator; (3-24-22)

iii. Land ownership status of the mining operation (federal, state, private, or public); ~~(3-24-22)~~( )

iv. The legal structure (corporation, partnership, etc.) and residence of the mine operator; (3-24-22)

v. The legal description, to the quarter-quarter section, of the location of the proposed mining operation; (3-24-22)

vi. Evidence the mine operator is authorized by the Secretary of State to conduct business in the state of Idaho; (3-24-22)

vii. A general description of the operational plans for the mining operation from construction through final reclamation. This description ~~shall~~ must include any proposed phases for construction, operations, and reclamation and a map that identifies the location of all mining activities; ~~(3-24-22)~~( )

viii. A preconstruction topographic site map or aerial photos extending at least one (1) mile beyond the outer limits of the mining area, identifying and showing the location and extent of the following features: (3-24-22)

(1) All wells, perennial and intermittent springs, adit discharges, wetlands, surface waters, and irrigation ditches; ~~(3-24-22)~~( )

(2) All public and private drinking water supply source(s) within one (1) mile of the mining area; (3-24-22)

(3) All service roads and public roads; (3-24-22)

(4) All buildings and structures within one (1) mile of the mining area; (3-24-22)

(5) All special resource waters within one (1) mile of the mining area; and (3-24-22)

(6) All Clean Water Act Section 303(d) listed streams, and their listed impairments, within one (1) mile of the mining area; (3-24-22)

ix. To the extent such information is available, a description and location of underground mine workings and adits and a description of the structural geology that may influence ~~ground water~~ groundwater flow and direction; ~~(3-24-22)~~( )

x. Information regarding the relevant factors set forth in Subsection 401.03; and (3-24-22)

xi. A proposed point of compliance, or points of compliance. (3-24-22)

b. Within thirty (30) days of receipt of an application, the Department ~~shall~~ will issue a written notice to the mine operator indicating: ~~(3-24-22)~~( )

i. That the application is complete; or (3-24-22)

ii. That the Department is rejecting the application as incomplete. In such a case, the Department ~~shall~~ will provide a list of deficiencies. Upon a determination that the application is incomplete, the Department ~~shall~~ will refund one-half (1/2) of the application fee. ~~(3-24-22)~~( )

c. The Department ~~shall~~ will establish the point(s) of compliance within one hundred eighty (180) days after receipt of a complete application unless the Department determines that additional time is necessary due to unusual circumstances. ~~(3-24-22)~~( )

03. Setting the Point(s) of Compliance. The point(s) of compliance ~~shall~~ will be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections 401.03.a. through 401.03.h., but in no event ~~shall~~ may the point(s) of compliance be within the boundary of the mining area. The mining area boundary means the outermost perimeter of the mining area (projected in the horizontal plane) as it would exist at the completion of the mining activity. The point(s) of compliance ~~shall~~ will be set so that, outside the mining area boundary, there is no ~~injury~~ impairment to current or projected future beneficial uses of ~~ground water~~ groundwater and there is no violation of water quality standards applicable to any interconnected surface waters. The Department's determination regarding the point(s) of compliance ~~shall~~ will be based on an analysis and consideration of all relevant factors including, but not limited to: ~~(3-24-22)~~( )

a. The hydrogeological characteristics of the mining area and surrounding land, including any dilution characteristics of the aquifer and any natural attenuation supported by site-specific data; (3-24-22)

b. The concentration, volume, and physical and chemical characteristics of contaminants resulting from the mining activity, including the toxicity and persistence of the contaminants; (3-24-22)

c. The quantity, quality, and direction of flow of ~~ground water~~ groundwater underlying the mining area; ~~(3-24-22)~~( )

d. The proximity and withdrawal rates of current ~~ground water~~ groundwater users; ~~(3-24-22)~~( )

e. A prediction of projected future beneficial uses; (3-24-22)

f. The availability of alternative drinking water supplies; (3-24-22)

g. The existing quality of the ~~ground water~~ groundwater, including other sources of contamination and their cumulative ~~impacts~~ effects on the ~~ground water~~ groundwater; and ~~(3-24-22)~~( )

h. Public health, safety, and welfare effects. (3-24-22)

04. ~~Ground Water~~ Groundwater Monitoring and Reporting. The Department ~~shall~~ will require ~~ground water~~ groundwater monitoring and reporting whenever the Department sets the point(s) of compliance. The Department ~~shall~~ will not require ~~ground water~~ groundwater monitoring that duplicates ~~ground water~~ groundwater monitoring required by other state or federal agencies as long as the mine operator provides the data to the Department. ~~(3-24-22)~~( )

a. A ~~ground water~~ groundwater monitoring system required under Subsection 401.04 ~~shall~~ must be designed to: ~~(3-24-22)~~( )

i. Represent the quality of background ~~ground water~~ groundwater that has not been affected by the mining activity; and ~~(3-24-22)~~( )

ii. Represent the quality of ~~ground water~~ groundwater passing the point(s) of compliance ~~in order~~ to determine compliance with ~~ground water~~ groundwater quality standards or effectiveness of best management practices. ~~(3-24-22)~~( )

b. When practicable, indicator monitoring wells or other devices may be required. Such indicator wells and other devices ~~shall~~ may not be used to determine compliance with the ~~ground water~~ groundwater quality standards, but instead may be used to evaluate modeling results, ~~to~~ predict the quality of ~~ground water~~ groundwater at the point(s) of compliance, or ~~to~~ determine the effectiveness of best management practices. ~~(3-24-22)~~( )

c. All monitoring wells ~~shall~~ must be constructed (well depth, well screen size, well screen interval,

gravel pack, etc.) and developed so that ~~ground water~~ groundwater samples represent the quality of ~~ground water~~ groundwater that is relevant to current and future beneficial uses. ~~(3-24-22)~~( )

05. Coordination with Other State or Federal Agencies/Public Notice. Before setting the point(s) of compliance or requiring ~~ground water~~ groundwater monitoring, the Department ~~shall~~ will coordinate with and seek recommendations from other state or federal agencies ~~that have~~ with regulatory authority over the mining activities. The Department may provide public notice and an opportunity for public comment prior to setting or changing the point(s) of compliance. The Department ~~shall~~ will issue a public notice after it sets the point(s) of compliance. ~~(3-24-22)~~( )

06. Limitations. Section 401 addresses only those contaminants that naturally occur in the mining area ~~ground water~~ groundwater or in the surrounding rock or soil and are present in concentrations above the natural background level as a result of mining activities. ~~(3-24-22)~~( )

07. Application of Provisions. The provisions ~~set out~~ in Section 401 apply to new mining activities ~~commencing after July 1, 2009~~. All consent orders, compliance schedules, and other agreements adopted or issued by the Department prior to July 1, 2009, pertaining to ~~ground water~~ groundwater protection at mine sites ~~shall~~ will remain in full force and effect. ~~(3-24-22)~~( )

08. Change in Point(s) of Compliance/~~Ground Water~~ Groundwater Monitoring. ~~(3-24-22)~~( )

a. A change in the point(s) of compliance may be requested by the mine operator when there is a change in, or new information regarding, the mining activity or any of the factors set forth in Subsection 401.03. A change requested by the mine operator ~~shall~~ must include an identification of the new proposed point(s) of compliance, a description of the cause for the change, and any data supporting the change. The mine operator's request ~~shall~~ will be handled as an application submitted pursuant to Subsection 401.02.a. and ~~shall~~ will be subject to all other provisions of Section 401. ~~(3-24-22)~~( )

b. The Department may initiate a change in the point(s) of compliance if there is a change in, or new information regarding, the mining activity or any of the factors set forth in Subsection 401.03, and the Department determines that the change is necessary to ensure there is no ~~injury~~ impairment to current or projected future beneficial uses of ~~ground water~~ groundwater and no violation of water quality standards applicable to any interconnected surface waters. The Department ~~shall~~ will notify the mine operator in writing of the Department's intent to change the point(s) of compliance. The Department ~~shall~~ will make its final decision to change the point(s) of compliance within sixty (60) days of the notice to the mine operator unless the Department and the mine operator agree more time is necessary to make the decision. ~~(3-24-22)~~( )

c. The Department may require additional or new ~~ground water~~ groundwater monitoring or indicator wells when the Department changes the point(s) of compliance. The Department may also require additional or different ~~ground water~~ groundwater monitoring or indicator wells if the Department determines, based upon a change in or new information regarding the mining activity or any of the factors listed in Subsection 401.03, that the monitoring no longer meets the ~~requirements set forth~~ provisions in Subsection 401.04. The mine operator may also request a change in the monitoring. ~~(3-24-22)~~( )

402. -- 999. (RESERVED)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.12 – RULES FOR ADMINISTRATION OF WASTEWATER AND DRINKING WATER LOAN FUNDS

DOCKET NO. 58-0112-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

LINK: LSO Rules Analysis Memo

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2026 Idaho State Legislature for final approval. Pursuant to Section 67-5224, Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1, 36 and 76, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: Rulemaking was initiated in compliance with Executive Order No. 2020-01, Zero-Based Regulation (EO 2020-01), issued by Governor Brad Little on January 16, 2020. A detailed summary of the reason for adopting the rule is set forth in the proposed rule published in the Idaho Administrative Bulletin, September 3, 2025, Vol. 25-9, pages 279–302. DEQ received no public comments, and the rule has been adopted as initially proposed.

The board meeting documents are available at Rules for Administration of Wastewater and Drinking Water Loan Funds: Docket No. 58-0112-2501 | Idaho Department of Environmental Quality.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

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:

Not applicable.

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

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0165
Diane.Cutler@deq.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 Chapters 1, 36, and 76, 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 17, 2025. If no such written request is received, a public hearing will not be held. Two public meetings were held during the negotiated rulemaking process.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking in compliance with Executive Order No. 2020-01, Zero-Based Regulation (EO 2020-01), issued by Governor Little on January 16, 2020. Pursuant to EO 2020-01, each rule chapter effective on June 30, 2020, shall be reviewed by the agency that promulgated the rule. The review will be conducted according to a schedule established by the Division of Financial Management, Office of the Governor (DFM), posted at: Link. This is one of the DEQ rule chapters up for review in 2025. The goal of the rulemaking is to perform a critical and comprehensive review of the entire chapter in an attempt to reduce overall regulatory burden, streamline various provisions, and increase clarity and ease of use.

DEQ added flexibility in professional liability insurance that had been requested in a previous rulemaking. This flexibility allows for a reduction in the amount of coverage based upon demonstration that public funds and project risk are protected.

A definition of affordability was added as well as points associated with affordability. A new tiered system to determine affordability was added that recognizes varying degrees of disadvantaged communities and affordability indicators. By establishing Tier 1, Tier 2, and Tier 3 criteria, DEQ can better tailor financial assistance based on varying levels of economic hardship and affordability challenges, helping to ensure that support is directed where it is most impactful.

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. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2026 Idaho State Legislature, the rule will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

FEE SUMMARY: This rulemaking does not impose or increase a fee beyond what was previously submitted to and reviewed by the Idaho Legislature in prior rules. This rule chapter includes a loan fee imposed when necessary to offset costs of administering of the loan program and to provide direct planning and project assistance to funding applicants. The fee is authorized by Idaho Code §§ 39-119 and 39-3627(4).

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 resulting from this rulemaking: Not applicable.

NEGOTIATED RULEMAKING: Negotiated rulemaking was conducted pursuant to Section 67-5220, Idaho Code. On April 2, 2025, the Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking was published in the Idaho Administrative Bulletin. At the conclusion of the negotiated rulemaking process, DEQ submitted the draft rule to the Division of Financial Management for review. DEQ formatted the draft for publication as a proposed rule and is now seeking public comment. The negotiated rulemaking record, which includes the negotiated rule drafts, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/drinking-water-and-wastewater-loans-docket-no-58-0112-2501/.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: Not applicable.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rulemaking, contact MaryAnna Peavey at maryanna.peavey@deq.idaho.gov or (208) 373-0122.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before September 24, 2025. Submit written comments to the undersigned.

Dated this 3rd day of September, 2025.

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 58-0112-2501

58.01.12 – RULES FOR ADMINISTRATION OF WASTEWATER AND DRINKING WATER LOAN FUNDS

000. LEGAL AUTHORITY.
~~The Idaho Board of Environmental Quality, pursuant to authority granted in~~ Chapters 1, 36, and 76, Title 39, Idaho Code~~, did adopt the following rules for the administration of the Wastewater and Drinking Water Loan Funds~~.
~~(3-24-22)~~( )

001. ~~TITLE AND~~ SCOPE.

~~**01. Title**. These rules are titled IDAPA 58.01.12, "Rules for Administration of Wastewater and Drinking Water Loan Funds."~~ ~~(3-24-22)~~

~~**02. Scope**. The provisions of t~~These rules ~~will~~ establish administrative procedures ~~and requirements~~ for establishing, implementing and administering two (2) state loan programs for providing financial assistance to eligible applicants of wastewater and drinking water projects. The U.S. Environmental Protection Agency provides annual capitalization grants to the state of Idaho for these programs. Financial assistance projects must be in conformance with the ~~requirements~~ provisions of ~~the~~ Subchapter VI of the federal Clean Water Act (33 U.S.C. Sections 1381 et seq.) and the Safe Drinking Water Act (42 U.S.C. Section 300j et seq.). ~~(3-24-22)~~( )

002. (RESERVED)

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, "Contested Case Rules and Rules for Protection and Disclosure of Records." (3-24-22)

004. ~~INCORPORATION BY REFERENCE AND AVAILABILITY OF~~ REFERENCED MATERIAL.

~~**01. Incorporation by Reference**. These rules do not contain documents incorporated by reference.~~ ~~(3-24-22)~~

02~~.~~1. ~~Availability of Referenced Material~~Customer Handbook Grants And Loans Program (Handbook). ~~The "Customer Handbook Grants and Loans Program" (Handbook) is a~~ Available at the Idaho Department of Environmental Quality, Drinking Water Protection and Finance Division, 1410 N. Hilton, Boise, ID 83706-1255, (208) 373-0502, or ~~DEQ website~~ https://www.deq.idaho.gov. ~~(3-24-22)~~( )

02. Idaho Standards for Public Works Construction. This document is available for a fee from the Local Highway Technical Assistance Council (LHTAC) at LHTAC, 3330 Grace Street, Boise, ID, 83703, (208)344-0565, http://lhtac.org/resources/ispwc. ( )

~~**005. CONFIDENTIALITY.**~~
~~Information obtained by the Department under these rules is subject to public disclosure pursuant to the provisions of Chapter 1, Title 74, Idaho Code, and IDAPA 58.01.21, "Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality."~~ ~~(3-24-22)~~

~~**006. POLICY.**~~
~~It is the policy of the Idaho Board of Environmental Quality through the Idaho Department of Environmental Quality, to administer the Wastewater Loan Fund for the purpose of protecting and enhancing the quality and value of the water resources of the state of Idaho by financially assisting in the prevention, control and abatement of water pollution and the Drinking Water Loan Fund for the purpose of providing assistance to eligible public drinking water systems for the planning, design, and construction of facilities to ensure safe and adequate drinking water. It is also the intent of the Idaho Board of Environmental Quality to assign a priority rating to those projects that will most significantly improve the quality of the waters of the state and most adequately protect the public health.~~ ~~(3-24-22)~~

005. -- 006. (RESERVED)

007. DEFINITIONS.
~~For the purpose of the rules contained in this chapter, the following definitions apply:~~The terms "Board," "Department," "Director" and "State" are defined in Section 39-103, Idaho Code. The term "Public Drinking Water System" (which includes "Community Water System," and "Non-community Water System") is defined in IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems." The terms "Wastewater," and "Wastewater System" are defined in IDAPA 58.01.16, "Wastewater Rules." ~~(3-24-22)~~( )

01. Affordability. An applicant's ability to pay for drinking water or wastewater service and infrastructure improvements while maintaining reasonable water and sewer rates for residents. ( )

02. Annual User Rate. The rate for drinking water or wastewater service for residential users based on all operating, maintenance, replacement and debt service costs for the existing system and for upgrades of proposed alternative. ( )

0~~1~~3. Applicant. An eligible system or nonpoint source project sponsor that has the ability to establish and maintain a loan repayment. ( )

~~**a.** When used in the context of wastewater loan fund, applicant is defined as a municipality or nonpoint source project sponsor that has the ability to establish and maintain a loan repayment source. Individuals and for-profit corporations are not eligible.~~ ~~(3-24-22)~~

~~**b.** When used in the context of drinking water loan fund, applicant is defined as any eligible system making application for drinking water loan funds.~~ ~~(3-24-22)~~

~~**02. 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 most cost-effective and practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality needs.~~ ~~(3-24-22)~~

~~**03. Board**. The Idaho Board of Environmental Quality.~~ ~~(3-24-22)~~

04. Categorical Exclusion (CE). Category of actions which do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental information document nor an environmental impact statement is required. (3-24-22)

~~**05. Close-or-Closing**. The date on which the loan recipient issues and physically delivers to the Department the bond or note evidencing the loan to the loan recipient, specifically determining the principal, interest and fee amounts that shall be repaid and the schedule for payment. (3-24-22)~~

~~**06. Collector Sewer**. That portion of the wastewater treatment facility whose primary purpose is to receive sewage from individual residences and other individual public or private structures and which is intended to convey wastewater to an interceptor sewer or a treatment plant. (3-24-22)~~

~~**07. Community Water System**. A public drinking water system that: (3-24-22)~~

~~**a.** Serves at least fifteen (15) service connections used by year round residents of the area served by the system; or (3-24-22)~~

~~**b.** Regularly serves at least twenty-five (25) year-round residents. (3-24-22)~~

~~**08. Construction**. The erection, building, acquisition, alteration, reconstruction, improvement or extension of wastewater treatment or drinking water facilities, including preliminary planning to determine the economic and engineering feasibility, the engineering, architectural, legal, fiscal and economic investigations, reports and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of wastewater treatment or drinking water facilities; the inspection and supervision of the construction; and start-up of the associated facilities. (3-24-22)~~

0~~9~~5. **Contaminant**. Any physical, chemical, biological, or radiological substance or matter in water. (3-24-22)

~~**10. Department**. The Idaho Department of Environmental Quality. (3-24-22)~~

~~**11. Director**. The Director of the Idaho Department of Environmental Quality or his/her designee. (3-24-22)~~

~~12~~06. **Disadvantaged Community**. ~~The service area of a wastewater treatment facility or a public water system that meets affordability criteria established by the Department of Environmental Quality after public review and comment~~ A community or service area of a drinking water or wastewater system that meets the affordability criteria in Section 021 and may be eligible for loan modification, additional subsidy, or assistance. ~~(3-24-22)~~( )

~~13~~07. **Disadvantaged Loans**. Loans made to a disadvantaged community. (3-24-22)

~~**14. Distribution System**. Any combination of pipes, tanks, pumps, and other equipment that delivers water from the source(s), treatment facility(ies), or a combination of source(s) and treatment facility(ies) to the consumer. Chlorination may be considered as a function of a distribution system. (3-24-22)~~

~~15~~08. **Eligible Costs**. Costs which are necessary for planning, designing and/or constructing drinking water or wastewater ~~treatment facilities~~ systems, or implementation of water pollution control projects. To be eligible, costs must be reasonable and not ineligible costs. The determination of eligible costs ~~shall~~ will be made by the Department pursuant to Section 041. ~~(3-24-22)~~( )

~~16~~09. **Environmental Impact Statement (EIS)**. A document prepared by the applicant when the Department determines that the proposed construction project ~~may~~ will significantly affect the environment. The major purpose of the EIS will be to describe fully the significant impacts of the project and how these impacts can be either avoided or mitigated. The environmental review procedures contained in Chapter 5 of the Handbooks may be used as guidance when preparing the EIS. ~~(3-24-22)~~( )

1~~7~~0. **Environmental Information Document (EID)**. Any written environmental assessment prepared

by the applicant describing the environmental impacts of a proposed wastewater or drinking water construction project. This document will be of sufficient scope to enable the Department to assess the environmental impacts of the proposed project ~~and ultimately determine if an EIS is warranted~~. ~~(3-24-22)~~( )

181. Financial Management System. Uniform method of recording, summarizing and analyzing financial information about the loan applicant. (3-24-22)

192. Finding of No Significant Impact (FONSI). A document prepared by the Department presenting the reasons why an action, not otherwise excluded, will not have a significant effect on the human environment and for which an EIS will not be prepared. It ~~shall~~ must include the environmental assessment or a summary of it and shall note any other environmental documents related to it. ~~(3-24-22)~~( )

~~**20. Handbook**. The "Customer Handbook Grants and Loans Program." (3-24-22)~~

~~21~~13. Implementation Plan. ~~Completed~~ Nonpoint source project implementation plan or work plan provides detailed documentation of the proposed project including list of tasks, schedule of tasks, agency/contractor/entity responsible for implementation of the project tasks, adequate time schedules for completion of all budget tasks, and the anticipated results of the project. ~~(3-24-22)~~( )

~~22~~14. Ineligible Costs. Costs which are not eligible for funding pursuant to these rules. (3-24-22)

~~**23. Interceptor Sewer**. That portion of the wastewater treatment facility whose primary purpose is to transport domestic sewage or nondomestic wastewater from collector sewers to a treatment plant. (3-24-22)~~

~~24~~15. Loan Recipient. An applicant who has been awarded a loan. (3-24-22)

~~**25. Managerial Capability**. The capability of the loan applicant to support the proper financial and technical operation of the system. (3-24-22)~~

~~**26. Maximum Contaminant Level (MCL)**. The maximum permissible level of a contaminant in water which is delivered to any user of a public water system. (3-24-22)~~

~~**27. Noncommunity Water System**. A public water system that is not a community water system. (3-24-22)~~

~~**28. Nondomestic Wastewater**. Wastewaters originating primarily from industrial or commercial processes which carry little or no pollutants of human origin. (3-24-22)~~

~~29~~16. Nonpoint Source Pollution. Water pollution that enters the waters of the state from nonspecific and diffuse sources and is the result of runoff, precipitation, drainage, seepage, hydrological modification or land disturbing activities. (3-24-22)

~~30~~17. Nonpoint Source Project Sponsor. Any applicant for wastewater loan funds to address nonpoint source pollution. (3-24-22)

18. Nonprofit Noncommunity Water System. A public drinking water system that is not a community water system and is governed by 26 U.S.C Section 501 of the Internal Revenue Code and includes, but is not limited to, state agencies, municipalities and nonprofit organizations such as churches and schools. ( )

~~31~~19. Operation and Maintenance Manual. For wastewater or drinking water facilities, a guidance and training manual outlining the optimum operation and maintenance of the facilities and their components. For nonpoint source water pollution control projects, a plan that incorporates applicable sections of the Natural Resources Conservation Service Field Office Technical Guide, for implementation of best management practices. (3-24-22)

~~32~~20. Planning Document. A document which describes the condition of a public wastewater or drinking water system and presents a cost effective and environmentally sound alternative to achieve or maintain regulatory compliance. Engineering reports and facility plans are examples of such planning documents. The

planning documents ~~shall~~ must be prepared by or under the responsible charge of an Idaho licensed professional engineer and ~~shall~~ bear the imprint of the engineer's seal. Requirements for planning documents prepared using loan funds are provided in Section 030 ~~of these rules~~ and in the Handbook~~s~~. ~~(3-24-22)~~( )

~~**33. Plan of Operation**. A schedule of specific actions and completion dates for construction, start-up and operation of the facility or for implementation of wastewater or drinking water projects. (3-24-22)~~

~~**34. 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 to the waters of the state. This term as used in these rules 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. (3-24-22)~~

~~**35. Pollutant**. Any chemical, biological, or physical substance whether it be solid, liquid, gas, or a quality thereof, which if released into the environment can, by itself or in combination with other substances, create a nuisance or render that environment harmful, detrimental, or injurious to public health, safety or welfare or to domestic, commercial, industrial, recreational, aesthetic or other beneficial uses. (3-24-22)~~

~~36~~21. **Priority List**. An integrated list of proposed wastewater ~~treatment facility~~ system and nonpoint source pollution control projects rated as described in Section 020; or a list of proposed drinking water projects rated by severity of risk to public health, the necessity to ensure compliance with IDAPA 58.01.08, Idaho Rules for Public Drinking Water Systems, and the Safe Drinking Water Act (42 U.S.C. Section 300j et seq.), population affected, and need on a household basis for protection of Idaho's public drinking water. ~~(3-24-22)~~( )

~~**37. Public Drinking Water System/Public Water System/Water System**. A system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen (15) service connections, regardless of the number of water sources or configuration of the distribution system, or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any "special irrigation district." A public water system is either a "community water system" or a "noncommunity water system." (3-24-22)~~

~~38~~22. **Readiness to Proceed**. The progress which a loan applicant has made toward~~s~~ completion of ~~time-consuming~~ tasks necessary to ~~complete a loan application~~ receive a loan (e.g. bond election, local improvement district formation, judicial confirmation towards debt authority, completion of facility plan). ~~(3-24-22)~~( )

~~39~~23. **Reserve Capacity**. That portion of the facility that is designed and incorporated in the constructed facilities to handle future demand upon the system. (3-24-22)

~~40~~24. **Sewer Use Ordinance/Sewer Use Resolution**. An ordinance or resolution that requires new sewers and connections to be properly designed and constructed, prohibits extraneous sources of inflow, and prohibits introduction of wastes into the sewer in an amount that endangers the public safety or the physical or operational integrity of the wastewater ~~treatment facility~~ system. ~~(3-24-22)~~( )

~~**41. State**. The state of Idaho. (3-24-22)~~

~~42~~25. **Supplemental Grants**. ~~A state funded g~~ Grant funds awarded in conjunction with a loan ~~from the water pollution control loan account~~ or as a standalone to the project. ~~(3-24-22)~~( )

~~43~~26. **Suspension**. An action by the Director to suspend a loan contract prior to project completion for a specified cause. Suspended contracts may be reinstated. (3-24-22)

~~44~~27. **Sustainability**. Sustainability will include efforts for energy and water conservation, extending the life of capital assets, green building practices, and other environmentally innovative approaches to infrastructure repair, replacement and improvement. (3-24-22)

~~45~~28. **Termination**. An action by the Director to permanently terminate a loan contract prior to project completion for a specific cause. Terminated contracts will not be reinstated. (3-24-22)

~~46~~29. **User Charge System**. A system of rates and service charges applicable to specific types of users, including any legal enforcement mechanism ~~as may be required and which~~ that provides sufficient reserves and/or revenues for debt retirement, operation and maintenance, and replacement of the installed equipment or structures. ~~(3-24-22)~~( )

~~47. **Wastewater**. A combination of the liquid and water-carried wastes from dwellings, commercial buildings, industrial plants, institutions and other establishments, together with any groundwater, surface water and storm water that may be present; liquid and water that is physically, chemically, biologically, or rationally identifiable as containing excreta, urine, pollutants or domestic or commercial wastes; sewage. (3-24-22)~~

~~48. **Wastewater Treatment Facility**. Any facility, including land, equipment, furnishings and appurtenances thereof, used for the purpose of collecting, treating, neutralizing or stabilizing wastewater and removing pollutants from wastewater including the treatment plant, collectors, interceptors, outfall and outlet sewers, pumping stations, sludge treatment and handling systems, land disposal systems; a sewage treatment plant. (3-24-22)~~

~~49~~30. **Water Pollution Control Project**. Any project that contributes to the removal, curtailment, or mitigation of pollution of the surface waters or groundwater of the state, or the restoration of the quality of said waters, and conforms to any applicable planning document which has been approved ~~and/or adopted such as~~ in the State Water Quality Management Plan. This includes the planning, design, construction/implementation or any other distinct stage or phase of a project. ~~(3-24-22)~~( )

~~50~~31. **Water System Protection Ordinance**. An ordinance adopted pursuant to Chapter 32, Title 42, Idaho Code, or other applicable law that requires new connections to be properly designed and constructed, which prohibits cross-connections with non-potable water sources and in all ways protects the water system from injection of contaminants, and that provides for fees for service from users or classes of users. (3-24-22)

008. ELIGIBLE SYSTEMS.

01. ~~Basic~~ Eligible Drinking Water ~~Considerations~~ Systems. ~~Public and private c~~ Community public water systems and nonprofit noncommunity water systems. ~~(3-24-22)~~( )

02. ~~Basic~~ Eligible Wastewater ~~Considerations~~ Systems. ~~Municipal or non-profit owned wastewater point source treatment facilities, lagoons, reuse facilities, and systems using nonpoint source methodologies of wastewater disposal~~ Counties, cities, special service districts, other governmental entities, and nonprofit corporations with authority to collect, treat, or dispose of wastewater or otherwise provide direct water quality benefits. ~~(3-24-22)~~( )

03. Assistance to Ensure Compliance. Public water systems are not eligible for ~~project loans may receive assistance if~~ a loan unless: ~~(3-24-22)~~( )

a. The use of the assistance will ensure compliance; (3-24-22)

b. The owner or operator of the system agrees to undertake feasible and appropriate changes in operations (including ownership, management, accounting, rates, maintenance, consolidation, alternative water supply, or other procedures); and ~~(3-24-22)~~( )

c. The Department determines that the measures are necessary to ensure ~~that~~ the system has the technical, managerial, and financial capability to ~~comply with state and federal drinking water requirements over the long term; and~~ achieve compliance. ~~(3-24-22)~~( )

~~**d.** Prior to providing assistance under this section to a public water system that is in significant noncompliance with any requirement of IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," and the Safe Drinking Water Act (42 U.S.C. Section 300j et seq.), the Department conducts a review to determine whether~~

~~this section applies to the system.~~ ~~(3-24-22)~~

009. INELIGIBLE SYSTEMS.

~~01.~~ ~~Basic Considerations~~. ~~Systems not eligible for project loans are described in Subsection 009.02.~~ ~~(3-24-22)~~

~~02.~~ ~~Systems Not Eligible~~. ~~The following systems will not be considered eligible for project loans:~~ ~~(3-24-22)~~

~~a~~**01. Ineligible Wastewater Systems**. Wastewater systems ~~that are~~ owned by individuals or for-profits; ~~(3-24-22)~~( )

~~b~~**02. Ineligible Drinking Water Systems**. Drinking water systems in significant noncompliance with any requirement of IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," and the Safe Drinking Water Act (42 U.S.C. Section 300j et seq.)~~;~~. ~~(3-24-22)~~( )

~~c. Drinking water systems under disapproval designation as outlined in IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems"; or~~ ~~(3-24-22)~~

~~d~~**03. Delinquent Systems**. Systems delinquent in payment of fines, state revolving fund loans, penalties, or fee assessments due to ~~DEQ~~ the Department. ~~(3-24-22)~~( )

010. FINANCIAL AND MANAGEMENT CAPABILITY ANALYSIS.
No loans ~~shall~~ will be awarded for projects unless the applicant has demonstrated and certified that it has the legal, technical, managerial, and financial capabilities ~~as~~ provided ~~for~~ in these rules to ensure construction, operation and maintenance, and to repay principal ~~and~~, interest, ~~which would~~ and any fees that may be due on a loan. ~~(3-24-22)~~( )

01. Information Needed. ~~Before an application will be considered complete, the applicant must submit all necessary information on a form prescribed by the Department along with substantiating documentation. The information may include, but not be limited to, demographic information of the applicant, estimated construction or implementation costs, annual operating costs, and information regarding the financing of the project, including the legal debt limit of the applicant and the existence and amount of any outstanding bonds or other indebtedness which may affect the project~~ Applicants are to submit a completed application for financial and management capability analysis as outlined in Section 040. ~~(3-24-22)~~( )

02. Incorporated Nonprofit Applicants. (3-24-22)

a. In addition to all other information required to be submitted by these rules, an incorporated nonprofit applicant must demonstrate to the satisfaction of the Department by its articles of incorporation and/or bylaws, that the corporation is: ~~(3-24-22)~~( )

i. ~~The corporation is n~~Nonprofit and lawfully incorporated pursuant to Chapter 3, Title 30, Idaho Code; ~~(3-24-22)~~( )

ii. ~~The corporation is a~~Authorized to incur indebtedness to construct, improve or repair wastewater or drinking water facilities and/or implement water pollution control nonpoint source projects; ~~(3-24-22)~~( )

iii. ~~The corporation is a~~Authorized to secure indebtedness by pledging corporation assets, including any revenues raised through a user charge system; ~~(3-24-22)~~( )

iv. ~~The corporation is c~~Capable of raising revenues sufficient to repay a loan~~.~~; and ~~(3-24-22)~~( )

~~i~~v. ~~The corporation c~~Exists either perpetually or for a period long enough to repay a project loan~~; and.~~ ~~(3-24-22)~~( )

b. The Department may impose conditions on the making of a facility loan or water pollution control nonpoint source project to an incorporated nonprofit applicant ~~which~~ that are necessary to carry out the provisions of these rules and ~~the provisions of~~ Chapters 1, 36, and or 76, Title 39, Idaho Code. ~~(3-24-22)~~( )

03. Cost Allocation. An applicant proposing a wastewater, drinking water or nonpoint source project designed to serve two (2) or more entities must show how the costs will be allocated among the participating entities. Such applicants must provide an executed intermunicipal service agreement which, at a minimum, incorporates the following information: (3-24-22)

a. The basis upon which the costs are allocated; (3-24-22)

b. The formula by which the costs are allocated; and (3-24-22)

c. The manner in which the cost allocation system will be implemented. (3-24-22)

04. Waivers. The ~~requirement~~ provision in Subsection 010.03 may be waived by the Department if the applicant can demonstrate: ~~(3-24-22)~~( )

a. Such an agreement is already in place; (3-24-22)

b. There is documentation of a service relationship in the absence of a formal agreement; or (3-24-22)

c. An applicant exhibits sufficient financial strength to continue the project if one (1) or more of the applicants fails to participate. (3-24-22)

011. -- 019. (RESERVED)

020. PRIORITY RATING SYSTEM.
~~Projects are identified for placement on priority lists by surveying eligible entities directly on an annual basis. Limited loan funds are awarded to projects based on priority ratings and readiness to proceed. Projects are rated by the Department on a standard priority rating form using public health, sustainability, the condition of the existing system and water quality criteria.~~ ~~(3-24-22)~~

01. Purpose. A priority rating system ~~shall~~ will be utilized by the Department to annually allot available funds to wastewater and drinking water projects determined eligible for funding assistance under these rules. ~~(3-24-22)~~( )

~~**02. Wastewater Priority Rating**. The priority rating system shall be based on a numerical point system. Priority criteria shall contain the following points:~~ ~~(3-24-22)~~

~~**a.** Public health emergency or hazard certified by the Idaho Board of Environmental Quality, the Department, a District Health Department or by a District Board of Health -- one hundred and fifty (150) points.~~ ~~(3-24-22)~~

~~**b.** Regulatory compliance issues (e.g., noncompliance and resulting legal actions relating to infrastructure deficiencies at a wastewater facility) -- up to one hundred (100) points.~~ ~~(3-24-22)~~

~~**c.** Watershed restoration (e.g., implementation of best management practices or initiation of construction at wastewater collection and treatment facilities as part of an approved total maximum daily load plan, implementation of nonpoint source management actions in protection of a threatened water, or is part of a special water quality effort) -- up to one hundred (100) points.~~ ~~(3-24-22)~~

~~**d.** Watershed protection from impacts (e.g., improvement of beneficial use(s) in a given water body, evidence of community support, or recognition of the special status of the affected water body) -- up to one hundred (100) points.~~ ~~(3-24-22)~~

~~**e.** Preventing impacts to uses (nonpoint source pollution projects) -- up to one hundred (100) points.~~

~~(3-24-22)~~

~~**f.** Sustainability efforts (e.g., prospective efforts at energy conservation, water conservation, extending the life of capital assets, green building practices, and other environmentally innovative approaches to infrastructure repair, replacement and improvement) -- up to fifty (50) points.~~ ~~(3-24-22)~~

~~**g.** Affordability (current system user charges exceed state affordability guidelines) -- ten (10) points.~~ ~~(3-24-22)~~

0~~3~~2. Priority Rating for Drinking Water ~~Priority Rating~~ Systems. The priority rating system ~~shall~~ will be based on a numerical points system. Priority criteria ~~shall~~ will contain the following points. ~~(3-24-22)~~( )

a. ~~Public Health Hazard.~~ Any documented condition that creates, or may create, a public health hazard or danger to the consumer's health, which may include any one (1) or more of the following, may be awarded a maximum of one hundred (100) points: ~~(3-24-22)~~( )

i. ~~Documented u~~Unresolved violations of the primary drinking water standards including maximum contaminant levels, action levels, and treatment techniques (to include maximum contaminant levels for acute and chronic ~~contaminates~~ contaminants); ~~(3-24-22)~~( )

ii. ~~Documented u~~Unresolved violations of pressure requirements; ~~(3-24-22)~~( )

iii. ~~Documented r~~Reduction in source capacity that impacts the system's ability to reliably serve water; ~~(3-24-22)~~( )

iv. ~~Documented s~~Significant deficiencies (e.g., documented in a sanitary survey) in the physical system that are causing the system to not reliably serve safe drinking water; or ~~(3-24-22)~~( )

v. ~~Documented u~~Unregulated contaminants ~~that have been~~ shown by EPA to be a risk to public health. ~~(3-24-22)~~( )

b. General Conditions of Existing Facilities. Points ~~shall~~ will be given based on deficiencies, which ~~would~~ may not constitute a public health hazard, for pumping, treating, and delivering drinking water - up to sixty (60) points. ~~(3-24-22)~~( )

c. Sustainability ~~E~~efforts (e.g., prospective efforts at energy conservation, water conservation, extending the life of capital assets, green building practices, and other environmentally innovative approaches to infrastructure repair, replacement and improvement) - up to fifty (50) points. ~~(3-24-22)~~( )

d. ~~Consent Order, Compliance Agreement Schedule, or Court Order. Points shall be given if the system is operating under and in compliance with a Consent Order, Compliance Agreement Schedule, or Court Order and the proposed construction project will address the Consent Order, Compliance Agreement Schedule, or Court Order~~Regulatory compliance issues (e.g., noncompliance and resulting legal actions relating to infrastructure deficiencies of drinking water system) - up to thirty (30) points. ~~(3-24-22)~~( )

e. Incentives. Bonus points ~~shall~~ will be awarded to systems ~~that promote~~ including such things as source water protection, ~~conservation,~~ economy, proper operation and maintenance, and monitoring - up to ten (10) points. ~~(3-24-22)~~( )

f. Affordability. ~~Points shall be given when current system user charges exceed state affordability guidelines - ten (10)~~ Systems that meet the state affordability criteria and are defined as a disadvantaged community - up to fifty (50) points. ~~(3-24-22)~~( )

03. Priority Rating for Wastewater Systems. The priority rating system will be based on a numerical point system. Priority criteria will contain the following points: ( )

a. Regulatory compliance issues (e.g., noncompliance and resulting legal actions relating to infrastructure deficiencies of a wastewater system) - up to one hundred (100) points. ( )

b. Watershed restoration (e.g., implementation of best management practices or initiation of construction at wastewater collection and treatment facilities as part of an approved total maximum daily load plan, implementation of nonpoint source management actions in protection of a threatened water, or is part of a special water quality effort) - up to one hundred (100) points. ( )

c. Watershed protection from impacts (e.g., improvement of beneficial use(s) in a given water body, evidence of community support, or recognition of the special status of the affected water body) - up to one hundred (100) points. ( )

d. Preventing impacts to uses (nonpoint source pollution projects) - up to one hundred (100) points. ( )

e. Sustainability efforts (e.g., prospective efforts at energy conservation, water conservation, extending the life of capital assets, green building practices, and other environmentally innovative approaches to infrastructure repair, replacement and improvement) - up to fifty (50) points. ( )

f. Affordability. Systems that meet the state affordability criteria and are defined as a disadvantaged community – up to fifty (50) points. ( )

~~**04. Rating Forms**. Rating criteria for Section 020 set forth in rating forms that are available in the Handbooks.~~ ~~(3-24-22)~~

054. Priority List. A list ~~shall~~ will be developed from projects rated according to Section 020, submitted for public review and comment, and submitted to the Board for approval. ~~(3-24-22)~~( )

a. ~~Priority Reevaluation.~~ Whenever significant changes occur, which in the Department's judgment ~~would~~ may affect the design parameters or treatment requirements by either increasing or decreasing the need for or scope of any project, a reevaluation of that priority rating will be conducted. ~~(3-24-22)~~( )

b. ~~Project Bypass.~~ A project that does not or will not meet the Department schedule that allows for timely utilization of loan funds may be bypassed, substituting in its place the next highest ranking project(s) that is ready to proceed. An eligible applicant that is bypassed will be notified in writing of the reasons for being bypassed. ~~(3-24-22)~~( )

065. Amendment of a Priority List. The Director may amend a ~~P~~priority ~~L~~list as set forth in Section 995 ~~of these rules~~. ~~(3-24-22)~~( )

021. DISADVANTAGED LOANS AND AFFORDABILITY.
~~Disadvantaged Loan Awards. In conjunction with the standard loans, t~~The Department may award disadvantaged loans to applicants deemed a disadvantaged community using the following criteria: ~~(3-24-22)~~( )

01. ~~Qualifying for a~~ Disadvantaged ~~Loan~~ Community. In order to qualify for a disadvantaged loan, ~~a loan applicant must have a residential user rate~~ A disadvantaged community may be designated by the Department as a Tier 1, Tier 2, or Tier 3 disadvantaged community if the following affordability criteria are met: ( )

a. Tier 1 disadvantaged community is considered disadvantaged if the community: ( )

i. Is at or below state median household income (MHI); or ( )

ii. Has an MHI equal to or less than one hundred twenty-five percent (125%) of the state MHI and the system meets one (1) of the following four (4) criteria: ( )

(1) Greater than the state poverty rate; ( )

(2) Greater than the state unemployment rate; ( )

(3) The population trend over the most recent five years shows a stagnant or decreasing trend; or ( )

(4) Annual user rate exceeds one and one-half percent of community's MHI. ( )

b. Tier 2 disadvantaged community is considered disadvantaged if the criteria in Subsection 021.01.a. is met and the annual user rates, based on all operating, maintenance, replacement, and debt service costs (both for the existing system and for upgrades of proposed alternative) for either drinking water or wastewater services ~~that~~ exceed two percent (2%) of the applicant community's MHI ~~median household income or, if the user rate is between one and one-half percent (1½%) and two percent (2%) of the applicant community's median household income, the community must also have: unemployment that exceeds the state average; and a decreasing population. The applicant shall agree to a thirty (30) year loan unless the design life of the project is documented to be less than thirty (30) years. The annual user rate would be based on all operating, maintenance, replacement, and debt service costs (both for the existing system and for upgrades). If the applicant's service area is not within the boundaries of a municipality, or if the applicant's service area's median household income is not consistent with the municipality as a whole, the applicant may use the census data for the county in which it is located or may use a representative survey, conducted by a Department approved, objective third party, to verify the median household income of the applicant's service area~~. ~~(3-24-22)~~( )

c. Tier 3 disadvantaged community is considered disadvantaged if the criteria in Subsections 021.01.a. and 021.01.b. are met and the MHI of the applicant's community is less than eight tenths (0.8) the current statewide MHI. ( )

d. Special conditions and adjustments may include the following. ( )

i. If the applicant's service area is not within the boundaries of a municipality, or if the applicant's service area's MHI is not consistent with the municipality as a whole, the applicant may use the census data for the county or the most representative area in which it is located or may use a representative survey, conducted by a Department approved, objective third party, to verify the MHI of the applicant's service area. ( )

ii. The affordability criteria may be adjusted by the Department on a case-by-case basis if there is a demonstration of special conditions and if approved by the Board as part of the Intended Use Plan. ( )

02. ~~Adjustment of Loan Terms~~Disadvantage Loans. ~~DEQ will equally apportion funds available for principal forgiveness to all prospective disadvantaged loan recipients. For wastewater loan funding, the length of the repayment period is set at the borrower's discretion, up to the maximum repayment period of thirty (30) years. For drinking water loan funding, extensions of repayment term to thirty (30) years are only allowed for disadvantaged applicants. Consistent with achieving user rates as per the criteria set forth in Section 021, and where possible with available funds, loan terms may be adjusted in the following order: decreasing the interest rate and providing principal forgiveness~~ The Department will prioritize loan modifications to Tier 3 disadvantaged communities, then Tier 2 and Tier 1 disadvantaged communities such that the loan modifications do not result in user rates below two percent (2%) of the MHI. ~~(3-24-22)~~( )

a. A disadvantaged loan may be a thirty (30) year loan unless the design life of the project is documented to be less than thirty (30) years. For wastewater loan funding, the length of the repayment period is set at the loan recipient's discretion, up to the maximum repayment period of thirty (30) years. ( )

~~a~~b. ~~Decreasing Interest Rate.~~ The ~~loan~~ interest rate may be reduced from the rate established by the ~~Director for standard loans~~ Department to a rate that results in an annual user rate ~~equaling the criteria set forth in Section 021. The interest rate may be reduced to as low as zero percent (0%)~~ equal to two percent (2%) of the MHI. If the annual user rate still exceeds two percent (2%) of the MHI with the rate reduction, then the community may be provided with principal forgiveness. ~~(3-24-22)~~( )

~~b.~~ ~~Principal Forgiveness. If even at zero percent (0%) interest, the annual user rate per residential user still exceeds the criteria set forth in Section 021, then the principal that causes the user charge to exceed the criteria~~

~~set forth in Section 021 may be partially forgiven or reduced. The principal reduction cannot exceed fifty percent (50%) of the total loan, unless the user rate will exceed $100 per month (in which case the principal reduction may exceed fifty percent (50%). Principal forgiveness terms may be revised (from initial estimates established in the annual Intended Use Plan) based upon final construction costs, such that loan terms do not result in user rates that are below the criteria set forth in Section 021.~~ ~~(3-24-22)~~

c. Principal forgiveness will be allocated proportionally among prioritized disadvantaged communities in the Intended Use Plan. The principal forgiveness may be revised from the initial estimates in the Intended Use Plan based upon review of the total indebtedness. ( )

d. The Department may make adjustments to the disadvantaged loan terms on a case-by-case basis if special conditions exist and are outlined in the Intended Use Plan for Board approval. ( )

022. SUPPLEMENTAL GRANTS.
In conjunction with loans, the Department may award ~~state funded~~ supplemental grants~~, not to exceed ninety percent (90%) of total eligible costs, to loan recipients in the following manner:~~ as determined by Director and Board approval. ~~(3-24-22)~~( )

~~**01. Projects Not Funded by Loans**. Planning and design projects may receive grant assistance up to ninety percent (90%) funding of eligible costs not funded by a loan; and~~ ~~(3-24-22)~~

~~**02. Costs in Excess of Financial Ability**.~~ ~~(3-24-22)~~

~~**a.** Loan recipients may receive supplemental grant assistance for eligible costs that exceed the amount a loan recipient is able to pay. In order to qualify for a supplemental grant, a loan recipient must have the following:~~ ~~(3-24-22)~~

~~i. An annual user rate per household which exceeds one and one-half percent (1 1/2%) of the median household income from the most recent census data. If the loan recipient's service area is not within the boundaries of a municipality, the loan recipient may use the census data for the county in which it is located or may use an income survey approved by the Department; and~~ ~~(3-24-22)~~

~~ii. The annual user rate includes all operating, maintenance, replacement and debt service costs, both for the existing system and for upgrades.~~ ~~(3-24-22)~~

~~**b.** If a loan recipient meets the requirement of Section 022, a supplemental grant may be made for the amount of the project that causes the annual user rate for wastewater service per household to exceed one and one-half percent (1 1/2%) of the median household income, subject to available funds.~~ ~~(3-24-22)~~

023. -- 029. (RESERVED)

030. PROJECT SCOPE AND FUNDING.
Loan funds awarded under this program may be used to prepare a facility planning document which identifies the cost effective and environmentally sound alternative to achieve or maintain compliance with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," the Safe Drinking Water Act, 42 U.S.C., Sections 300j et seq., IDAPA 58.01.16, "Wastewater Rules," and the Clean Water Act, 33 U.S.C. Sections 1381 et seq., and which is approvable by the Department. Loan funds may also be used for design and construction of the chosen alternative and project specific efforts committed to in the Letter of Interest submitted for the project. ~~(3-24-22)~~( )

01. Nonpoint Source Implementation Funding. Eligible nonpoint source water pollution control projects may be funded when all of the following criteria are met: (3-24-22)

a. Consistent with and implements the Idaho Nonpoint Source Management Plan. (3-24-22)

b. Data is used to substantiate a nonpoint source pollutant problem or issue exists and is described or directly referenced. (3-24-22)

c. Completed project implementation plan or work plan. (3-24-22)

d. Project commitment documentation through demonstrated ability for loan repayment. (3-24-22)

e. The project includes documentation that the project owner(s), manager(s), or the sponsoring agency will maintain the project for the life of the project (e.g., Maintenance Agreement). (3-24-22)

f. The project provides adequate tracking and evaluation of the effectiveness of the water quality improvements being funded by either the project owner/manager or the sponsoring agency throughout the life of the project. (3-24-22)

g. The project demonstrates nexus/benefit to municipality through a letter of support from one (1) or more affected municipalities. (3-24-22)

02. Facility Funding. ( )

a. Projects may ~~be funded in steps~~ include: ~~(3-24-22)~~( )

~~a~~i. ~~Step 1.~~ Planning document prepared in accordance with the Handbook~~.~~; ~~(3-24-22)~~( )

~~b~~ii. ~~Step 2.~~ Design which includes the preparation of the detailed engineering plans and specifications necessary for the bidding and construction of the project~~.~~; ~~(3-24-22)~~( )

~~c~~iii. ~~Step 3.~~ Construction, which includes bidding and actual construction of the project~~.~~ or ~~(3-24-22)~~( )

~~d~~iv. ~~Step 4.~~ A combination of ~~Step 2 and Step 3~~ planning, design and construction listed above. ~~(3-24-22)~~( )

~~e~~**b.** ~~Combination Step Funding. Projects may be funded in any combination of the steps with the approval of the Department. Separate loans may be awarded for Step 1 or Step 2 projects. If a Step 1 or Step 2 project proceeds to construction, either the Step 1 or Step 2 loan, or both, may be consolidated with the Step 3 loan.~~ If a project does not proceed to construction, ~~outstanding Step 1 and Step 2~~ loans for planning and design will be amortized and a repayment schedule prepared by the Department. ~~(3-24-22)~~( )

~~f~~**c.** ~~Cost Effective Requirement. Step 2, Step 3 or Step 4 l~~Loans ~~shall~~ for construction will not be awarded until a final cost effective and environmentally sound alternative has been selected ~~by~~ in the ~~Step 1~~ planning document and approved by the Department. ( )

i. If the planning document has not been completed pursuant to IDAPA 58.01.22, "Rules for Administration of Planning Grants for Drinking Water and Wastewater Facilities," then the loan recipient ~~shall provide an opportunity for the public to comment on the draft planning document. The public comment period shall be held after alternatives have been developed and the Department has approved the draft planning document. The loan recipient shall provide written notice of the public comment period and hold at least one (1) public meeting within the jurisdiction of the loan recipient during the public comment period. At the public meeting, the draft planning document shall be presented by the loan recipient with an explanation of the alternatives identified. The cost effective and environmentally sound alternative selected shall consider public comments received from those affected by the proposed project. After the public meeting and public comment period, the final alternative will be selected and the Environmental Information Document will be prepared~~ must complete the following~~.~~: ~~(3-24-22)~~( )

(1) Public comment period is held after alternatives have been developed and the Department has approved the draft planning document; ( )

(2) Provide written notice of the public comment period and hold at least one (1) public meeting within the jurisdiction of the grant recipient during the public comment period; ( )

(3) Present the draft planning document with an explanation of the alternatives identified; ( )

(4) Consider public comments received from those affected by the proposed project; and ( )

ii. After the public meeting and public comment period, the final alternative is selected and the state environmental review process completed. ( )

~~g~~**d.** ~~Funding For Wastewater Reserve Capacity.~~ Funding for reserve capacity of a wastewater treatment ~~plant~~ facility will not exceed a twenty (20) year population growth and funding for reserve capacity of ~~an interceptor~~ a wastewater collection system will not exceed a forty (40) year population growth as determined by the Department. ~~(3-24-22)~~( )

~~h~~**e.** ~~Funding for Drinking Water Reserve Capacity.~~ Funding for reserve capacity of a drinking water system ~~shall~~ will not exceed a twenty (20) year population growth, except that distribution and transmission lines which may be planned for a forty (40) year useful life. ~~(3-24-22)~~( )

03. Professional Services. The engineering firm selected must meet the following qualifications at a minimum: ( )

a. Be a registered professional engineer currently licensed by the Idaho Board of Professional Engineers and Land Surveyors; ( )

b. Not be debarred or otherwise prevented from providing services under another federal or state financial assistance program; and ( )

c. Be covered by professional liability insurance in accordance with Section 050. ( )

031. LIMITATION OF PRELOAN ENGINEERING REVIEWS.
Preloan engineering documents prepared by consulting engineers will be reviewed by Department staff only when ~~accompanied by a certificate that~~ the consulting engineer carries professional liability insurance in accordance with Section 050. ~~(3-24-22)~~( )

032. LOAN FEE.

01. Loan Fee. The Department may elect to impose a loan fee when necessary to offset the costs of administering the loan program, to provide planning assistance, or to otherwise facilitate the operation of the loan efforts. The loan fee ~~shall~~ will not exceed one percent (1%) of the unpaid balance of the loan at the time each loan payment is due. ~~(3-24-22)~~( )

02. Effect on Loan Interest Rate. The loan interest rate, as described in Section 050, will be reduced by the corresponding percentage of the loan fee. (3-24-22)

03. Payment of Loan Fee. The loan fee ~~shall~~ will be due and payable concurrently with scheduled loan principal and interest repayments over the repayment period. ~~(3-24-22)~~( )

033. -- 039. (RESERVED)

040. LOAN APPLICATION AND REVIEW.

01. Submission of Application. Those eligible systems that received high priority ranking and are ready to proceed ~~shall~~ will be invited to ~~submit an application~~ apply. The applicant ~~shall~~ must submit to the Department, a completed application on a form as prescribed by the Department. ~~(3-24-22)~~( )

02. Application ~~Requirements~~. Applications ~~shall~~ must contain the following documentation, as applicable: ~~(3-24-22)~~( )

a. The construction funding application and all the accompanying documentation requested. This information may include, but is not limited to, financial control policy, managerial policies, financial statements,

annual operating costs, and information regarding the financing, including the legal debt limit of the applicant, and the existence and amount of any outstanding bonds or other funding which may affect the project; ( )

~~a~~**b.** ~~A lawful~~If applicable, a resolution passed by the governing body authorizing an elected official or officer of the applicant to execute a loan contract and sign subsequent loan disbursement requests; ~~(3-24-22)~~( )

~~b~~**c.** Contracts for engineering or other technical services and the description of costs and tasks set forth therein ~~shall~~ must be in sufficient detail for the Department to determine whether the costs associated with the tasks are eligible costs pursuant to Section 041; ~~(3-24-22)~~( )

~~**c.** Justification for the engineering firm selected. An engineering firm selected by the applicant must at a minimum: (3-24-22)~~

~~i. Be a registered professional engineer currently licensed by the Idaho Board of Professional Engineers and Land Surveyors; (3-24-22)~~

~~ii. Not be debarred or otherwise prevented from providing services under another federal or state financial assistance program; and (3-24-22)~~

~~iii. Be covered by professional liability insurance in accordance with Section 050 of these rules. A certification of liability insurance shall be included in the application; (3-24-22)~~

d. A description of other costs, not included in the contracts for engineering or other technical services, for which the applicant seeks funding. The description of the costs and tasks for such costs must be in sufficient detail for the Department to determine whether the costs are eligible costs pursuant to Section 041; (3-24-22)

e. A demonstration that the obligation to pay the costs for which funding is requested is the result or will be the result of the applicant's compliance with applicable requirements for competitive bidding ~~requirements~~ for construction and ~~requirements for~~ professional service contracts, including without limitation, the ~~requirements set forth~~ provisions in Sections 67-2801 et seq., 67-2320, ~~59-1026,~~ and 42-3212, Idaho Code; ~~(3-24-22)~~( )

~~**f.** Step 1 -- Scope of work describing the work tasks to be performed in the preparation of the planning document if required in accordance with Section 030, a schedule for completion of the work tasks and an estimate of staff hours and costs to complete the work tasks; (3-24-22)~~

~~**g.** Step 2 -- Design, or Step 4 -- Design and Construction: (3-24-22)~~

~~i. Planning document, including a final environmental document and decision in accordance with Section 042; (3-24-22)~~

~~ii. Financial and management capability analysis as provided in Section 010; and (3-24-22)~~

~~iii~~**f.** Intermunicipal service agreements between all entities within the scope of the project, if applicable; (3-24-22)

~~**h.** Step 3 -- Construction: (3-24-22)~~

~~i~~**g.** Documented evidence of all necessary easements and land acquisition, if applicable; ~~(3-24-22)~~( )

~~ii. Biddable plans and specifications of the approved wastewater treatment facility alternative; (3-24-22)~~

~~iii. A plan of operation and project schedule; (3-24-22)~~

~~iv. A user charge system, sewer use or water system protection ordinance and financial management~~

~~system; and~~ ~~(3-24-22)~~

~~v. A staffing plan and budget;~~ ~~(3-24-22)~~

~~i. Step 4 -- Design and Construction. Loan applicants must submit all documentation specified in Section 040 prior to advertising for bids on construction contracts;~~ ~~(3-24-22)~~

~~j~~**h.** Nonpoint ~~S~~source ~~I~~implementation ~~F~~funding: ~~(3-24-22)~~( )

i. Information demonstrating that the project is consistent with and implements the Idaho Nonpoint Source Management Plan; (3-24-22)

ii. Data that substantiates a nonpoint source pollution problem or issue exists, and how it will be addressed by the project; ~~(3-24-22)~~( )

iii. A project implementation plan or workplan; (3-24-22)

iv. Project commitment documentation that demonstrates the ability for loan repayment; (3-24-22)

v. Documentation that the project owner, manager or sponsoring agency will maintain the project for the life of the project; (3-24-22)

vi. A demonstration that there will be adequate tracking and evaluation of the effectiveness of the water quality improvements being funded by either the project owner/manager or the sponsoring agency throughout the life of the project; and (3-24-22)

vii. A description of the nexus/benefit to a municipality and a letter of support from one (1) or more affected municipalities, if applicable. ~~(3-24-22)~~( )

03. Determination of Completeness of Application. The Department will review the application to determine whether it includes all of the information ~~required by~~ listed in Section 040. ~~(3-24-22)~~( )

04. Notification of Incompleteness of Application. ~~Written n~~ Notification if an application is incomplete, including an explanation of missing documentation will be sent to the applicant. The applicant may provide the missing documentation. ~~(3-24-22)~~( )

05. Reapplication for Loan. The action of disapproving, recalling or terminating a loan in no way precludes or limits ~~the former~~ an applicant from reapplying for another loan when the project deficiencies are resolved and project readiness is secured. ~~(3-24-22)~~( )

041. DETERMINATION OF ELIGIBILITY OF COSTS.
The Department will review the application, including ~~any~~ necessary contracts ~~required~~ to be submitted with the application, to determine whether the costs are eligible costs for funding. ~~(3-24-22)~~( )

01. Eligible Costs. Eligible costs are those determined by the Department to be: (3-24-22)

a. Necessary ~~costs~~; ~~(3-24-22)~~( )

b. Reasonable ~~costs~~; and ~~(3-24-22)~~( )

c. ~~Costs that a~~Are not ineligible as described in Section 041. ~~(3-24-22)~~( )

02. Necessary Costs. The Department will determine whether costs are necessary by comparing the tasks for which the costs will be incurred to the scope of the project as described in the ~~plan of study for facility~~ planning documents, the project implementation plan or work plan for nonpoint source projects, and any other relevant information in the application that describes the scope of the project to be funded. ~~(3-24-22)~~( )

03. Reasonable Costs. Costs will be determined by the Department to be reasonable if the obligation to pay the costs is the result of or will be the result of the applicant's compliance with applicable requirements for competitive bidding ~~requirements~~ for construction and ~~requirements for~~ professional service contracts, including without limitation, the ~~requirements set forth~~ provisions in Sections 67-2801 et seq., 67-2320, 59-1026, and 42-3212, Idaho Code. ~~(3-24-22)~~( )

04. Examples of Costs That May Be Eligible. Examples of costs that may be eligible, if determined necessary~~,~~ and reasonable ~~and not ineligible costs include~~: ~~(3-24-22)~~( )

a. Costs of salaries, benefits, and expendable material the applicant incurs in the project except ordinary operating expenses of local government, such as salaries and expenses of mayors, city council members, attorneys, commissioners, board members, or managers; (3-24-22)

b. Costs under construction contracts bid and executed in compliance with state public works construction laws; (3-24-22)

c. Professional and consulting services utilizing a lump sum contract, a negotiated hourly rate contract, a time and materials contract, or cost plus a fixed fee contract; (3-24-22)

d. Planning directly related to the projects; (3-24-22)

e. System evaluations; (3-24-22)

f. Financial and management capability analysis; (3-24-22)

g. Preparation of construction drawings, specifications, estimates, and construction contract documents; (3-24-22)

h. Landscaping; (3-24-22)

i. Removal and relocation or replacement of utilities for which the applicant is legally obligated to pay; (3-24-22)

j. Material acquired, consumed, or expended specifically for the project; (3-24-22)

k. A reasonable inventory of laboratory chemicals and supplies necessary to initiate plant operations; (3-24-22)

l. Preparation of an operation and maintenance manual; (3-24-22)

~~**m.** Preparation of a plan of operation;~~ ~~(3-24-22)~~

~~**n**~~**m.** Start-up services; (3-24-22)

~~**o**~~**n.** Project identification signs; (3-24-22)

~~**p**~~**o.** Public participation for alternative selection; (3-24-22)

~~**q**~~**p.** Development of user charge and financial management systems; (3-24-22)

~~**r**~~**q.** Development of sewer use or water system protection ordinance; (3-24-22)

~~**s**~~**r.** Staffing plans and budget development; (3-24-22)

~~**t**~~**s.** Certain direct and other costs as determined eligible by the Department; (3-24-22)

~~**u**~~**t.** Costs of complying with the ~~Federal Water Pollution Control Act (P.L. 92-500)~~ Clean Water Act as

amended, 33 USC Section 1251 et seq. and the Safe Drinking Water Act (42 U.S.C. Section 300j et seq, loan requirements applied to specific projects; and (3-24-22)( )

~~v~~**u.** Site acquisition costs, including right of way, plant site, wastewater land application sites and sludge disposal areas. Land purchase ~~shall~~ must be from a willing seller. (3-24-22)( )

05. Ineligible Project Costs. Costs which are ineligible for funding include, but are not limited to: (3-24-22)

a. Basin or area wide planning not directly related to the project; (3-24-22)

b. Bonus payments not legally required for completion of construction before a contractual completion date; (3-24-22)

c. Personal injury compensation or damages arising out of the project; (3-24-22)

d. Fines or penalties due to violations of, or failure to comply with, federal, state, or local laws; (3-24-22)

e. Costs outside the scope of the approved project; (3-24-22)

f. Ordinary operating expenses of local government, such as salaries and expenses of mayors, city council members, attorneys, commissioners, board members, or managers; (3-24-22)

g. Construction of privately owned wastewater ~~treatment facilities~~ systems; (3-24-22)( )

h. Cost of land in excess of that needed for the proposed project; (3-24-22)

i. Cost of refinancing existing indebtedness; (3-24-22)

j. Engineering costs incurred without professional liability insurance; (3-24-22)

k. Costs of condemnation; (3-24-22)

l. Reserve funds; ~~and~~ (3-24-22)( )

m. All costs related to assessment, defense and settlement of disputes; and ( )

~~m~~**n.** Costs incurred prior to acceptance of the loan unless specifically approved in writing as eligible pre-award costs by the Department. (3-24-22)

06. Notification Regarding Ineligible Costs. Prior to providing a loan offer, the Department will notify the applicant if certain costs are not eligible for funding and the reasons for the Department's determination. ~~If such costs are included in the engineering contract, the Department will also provide notification to the engineer.~~ The applicant may provide the Department with additional information in response to the notice. (3-24-22)( )

07. Eligible Costs and the Loan Offer. The loan offer ~~shall~~ will reflect those costs determined by the Department to be eligible costs. The loan offer, however, may include estimates of some eligible costs ~~that have not yet been set~~, such as construction costs. Actual eligible costs may differ from ~~such~~ estimated costs set forth in the loan offer. In addition, loan disbursements may be increased or decreased if eligible costs are modified as provided in Section 060. (3-24-22)( )

042. ENVIRONMENTAL REVIEW.

01. Environmental Documentation. Guidance on how to complete an environmental review is found in the Handbook. ~~For eligible projects funded solely with non-federal funds (e.g. State Revolving Loan Fund repayments), see Section 042.~~ For eligible projects, the loan recipient ~~shall~~ must complete an environmental review

~~as part of and in conjunction with a planning document~~. Projects funded exclusively as nonpoint or estuary management projects may not be required to complete an environmental review. The loan recipient ~~shall~~ must consult with the Department at an early stage in the loan application process to determine the ~~required~~ necessary level of environmental review. Based on review of existing information, and assessment of environmental impacts, the loan recipient ~~shall~~ must complete one (1) of the following per the Department's instruction: ~~(3-24-22)~~( )

a. ~~Submit a request for~~ Categorical Exclusion (CE) with supporting backup documentation as specified by the Department; ~~(3-24-22)~~( )

b. ~~Prepare an~~ Environmental Information Document (EID) in a format specified by the Department; or ~~(3-24-22)~~( )

c. ~~Prepare an~~ Environmental Impact Statement (EIS) in a format specified by the Department. ~~(3-24-22)~~( )

02. ~~**Categorical Exclusions**~~**CE**. ~~If the loan recipient requests a CE, t~~ The Department will ~~review the request and, based upon the supporting documentation,~~ take one (1) of the following actions: ~~(3-24-22)~~( )

a. Determine if the action is consistent with categories eligible for exclusion whereupon the Department will issue a notice of CE from substantive environmental review. Once the CE is granted for the selected alternative(s), the Department will publish a notice of CE in a local newspaper in the geographical area of the proposed project to inform the public of this action, following which the planning document can be approved and the loan award can proceed; or ~~(3-24-22)~~( )

b. Determine if the action is not consistent with categories eligible for exclusion and that issuance of a CE is not appropriate. If a CE is not issued, the Department will notify the loan recipient to prepare an EID. (3-24-22)

03. ~~**Environmental Information Document Requirements**~~**EID**. When an EID is required, the loan recipient ~~shall~~ must prepare the EID in accordance with the following ~~Department procedures~~: ~~(3-24-22)~~( )

a. Various laws and executive orders related to environmentally sensitive resources ~~shall~~ must be considered as the EID is prepared~~.~~ and ~~A~~appropriate state and federal agencies ~~shall be~~ consulted regarding these laws and executive orders; ~~(3-24-22)~~( )

b. A full range of relevant impacts, both direct and indirect, of the proposed project ~~shall~~ must be discussed in the EID, including measures to mitigate adverse impacts, cumulative impacts, and impacts that ~~shall~~ will cause irreversible or irretrievable commitment of resources; and ~~(3-24-22)~~( )

c. The Department will review the draft EID and either request additional information about one (1) or more potential impacts~~,~~ or draft a "finding of no significant impact" (FONSI). ~~(3-24-22)~~( )

04. ~~**Final Finding of No Significant Impact**~~**FONSI**. The Department will publish the draft FONSI in a local newspaper in the geographical area of the proposed project and will allow a minimum thirty (30) day public comment period. Following the required period of public review and comment, and after any public concerns about project impacts are addressed, the FONSI will become final. The Department will assess the effectiveness and feasibility of the mitigation measures identified in the FONSI and EID prior to the issuance of the final FONSI ~~and approval of the planning document~~. ~~(3-24-22)~~( )

05. ~~**Environmental Impact Statement (EIS) Requirements**~~**EIS**. If an ~~(~~EIS~~)~~ is required, the loan recipient ~~shall~~ must: ~~(3-24-22)~~( )

a. Consult with all affected federal and state agencies, and other interested parties, to determine the required scope of the document; (3-24-22)

b. Prepare and submit a draft EIS to all interested agencies, and other interested parties, for review and comment; (3-24-22)

c. Conduct a public meeting which may be in conjunction with a planning document meeting; and (3-24-22)

d. Prepare and submit a final EIS incorporating all agency and public input for Department review and approval. (3-24-22)

06. Final EIS. Upon completion of the EIS by the loan recipient and approval by the Department of all requirements listed in Section 042, the Department will issue a record of decision, documenting the mitigation measures to be required of the loan recipient. The loan agreement can be completed once the final EIS has been approved by the Department. (3-24-22)

07. Partitioning the Environmental Review. Under certain circumstances, the building of a component/partition of a system may be justified in advance of all environmental review requirements for the remainder of the system. The Department will approve partitioning the environment review in accordance with established procedures. ~~(3-24-22)~~( )

08. Use of Environmental Reviews Conducted by Other Agencies. If environmental review for the project has been conducted by another state, federal, or local agency, the Department may, at its discretion, issue its own determination by adopting the document and public participation process of the other agency. (3-24-22)

09. Validity of Review. Environmental reviews, once completed by the Department, are valid for five (5) years from the date of completion. If a loan application is received for a project with an environmental review which is more than five (5) years old, the Department will reevaluate the project, environmental conditions and public views and will: (3-24-22)

a. Reaffirm the earlier decision; or (3-24-22)

b. ~~Require~~Request supplemental information to the earlier EIS, EID, or request for CE. Based upon a review of the updated document, the Department will issue and distribute a revised notice of CE, FONSI, or record of decision. ~~(3-24-22)~~( )

10. Exemption From Review. Loan projects may be exempt from certain federal crosscutting authorities at the discretion of the Department as long as in any given year the annual amount of loans, equal to the most recent federal capitalization grant, complies with all of the federal crosscutting authorities. (3-24-22)

043. -- 049. (RESERVED)

050. LOAN OFFER AND ACCEPTANCE.

01. Loan Offer. Loan offers will be delivered to successful applicants by representatives of the Department ~~or by registered mail~~. ~~(3-24-22)~~( )

02. Acceptance of Loan Offer. Applicants have sixty (60) days in which to officially accept the loan offer on prescribed forms furnished by the Department. The sixty (60) day acceptance period commences from the date indicated on the loan offer notice. If the applicant does not accept the loan offer within the sixty (60) day period the loan funds may be offered to the next project of priority. (3-24-22)

03. Acceptance Executed as a Contract Agreement. Upon signature by the Director and upon signature by the authorized representative of the eligible applicant, the loan offer ~~shall~~ will become a contract. Upon accepting a loan offer, an eligible applicant becomes a loan recipient. The disbursement of funds pursuant to a loan contract is subject to a finding by the Director that the loan recipient has complied with all loan contract conditions and has prudently managed the project. The Director may, as a condition of disbursement, require that a loan recipient vigorously pursue any claims it has against third parties who will be paid in whole or in part, directly or indirectly, with loan funds. No third party ~~shall~~ may acquire any rights against the state or its employees from a loan contract. ~~(3-24-22)~~( )

04. Estimate of Reasonable Cost. All loan contracts will include the eligible costs of the project. Some eligible costs may be estimated, and disbursements may be increased or decreased as provided in Section 060. ~~(3-24-22)~~( )

05. Terms of Loan Offers. The loan offer ~~shall~~ will contain such terms as are prescribed by the Department including~~,~~ but not limited to: ~~(3-24-22)~~( )

a. Terms consistent with these rules, the project ~~step~~ to be funded under the loan offer, and Title 39, Chapter 36, Idaho Code; ~~(3-24-22)~~( )

b. Special clauses as determined necessary by the Department for the successful investigation, design, construction and management of the project; (3-24-22)

c. Terms consistent with applicable state and federal laws pertaining to planning documents, design, and construction, including the Public Works Contractors License Act and the Public Contracts Bond Act, Chapter 19, Title 54, Idaho Code, and the federal Clean Water Act and Safe Drinking Water Act requirements for projects funded with loan moneys of federal origin; (3-24-22)

d. Requirement for the prime engineering firm(s) and their principals retained for engineering services to carry professional liability insurance to protect the public from the engineer's negligent acts and errors and omissions of a professional nature. The total aggregate of the engineer's professional liability insurance ~~shall~~ must be one hundred thousand dollars ($100,000) or twice the amount of the engineer's fee, whichever is greater. Professional liability insurance must cover all such services rendered for all project phases, whether or not such services or phases are state funded, until the certification of project performance is accepted by the Department~~;~~. The required professional liability insurance amount may be reduced if a written request is submitted for the Department's review and approval demonstrating that the reduced coverage will adequately protect public funds and the project from financial risk associated with engineering errors or omissions. The request must include: ~~(3-24-22)~~( )

i. A justification for reduced coverage; and ( )

ii. An alternative insurance or coverage mechanisms, if applicable, demonstrating other financial protections that provide an equivalent or greater level of coverage; ( )

e. The project ~~shall~~ must be bid, contracted, and constructed according to ~~the current edition of Idaho Standards for Public Works Construction unless the loan recipient has approved and adopted~~ acceptable public works construction standards approved by the Department, which may include the current edition of Idaho Standards for Public Works Construction and the Handbook referenced in Section 004 or other acceptable public works construction standards; ~~(3-24-22)~~( )

f. The loan interest rate for loans made during the state fiscal year beginning July 1 will be established by the Director. The interest rate will be a fixed rate in effect for the life of the loan. The rate may equal but ~~shall~~ not exceed the current market rate; ~~(3-24-22)~~( )

g. The loan fee pursuant to Section 032; (3-24-22)

h. All loans must be fully amortized within a period not to exceed thirty (30) years after project completion. The loan contract will be appended with a schedule of loan repayments stating the due dates and the amount due upon project completion. The loan recipient may elect for either a schedule of semi-annual or annual repayments at the time the loan is finalized; and (3-24-22)

i. Repayment default will occur when a scheduled loan repayment is thirty (30) days past due. If default occurs, the Department may invoke all available remedies included but not limited to appropriate loan contract provisions and/or bond covenants. ~~(3-24-22)~~( )

051. ACCOUNTING AND AUDITING PROCEDURES.
Loan recipients must maintain project accounts in accordance with generally accepted accounting principles. Projects may be audited on an annual basis according to government auditing standards issued by the U.S. Governmental

Accountability Office. (3-24-22)

052. -- 059. (RESERVED)

060. DISBURSEMENTS.

01. Loan Disbursements. Requests to the Department for actual disbursement of loan proceeds will be made by the loan recipient on forms provided by the Department. (3-24-22)

02. Loan Increases. An increase in the loan amount as a result of an increase in eligible project costs ~~will~~ may be considered, provided funds are available. Documentation supporting the need for an increase must be submitted to the Department for approval prior to incurring any costs above the eligible cost ceiling. ~~(3-24-22)~~( )

03. Loan Decreases. If the actual eligible cost is determined by the Department to be lower than the estimated eligible cost the loan amount ~~will~~ may be reduced proportionately. ~~(3-24-22)~~( )

04. Project Review to Determine Final Eligible Costs. A project review by the Department or a Department designee will determine the final eligible costs. (3-24-22)

05. Final Disbursement. The final loan disbursement consisting of five percent (5%) of the total loan amount ~~shall~~ will not be made until final inspection, final review, and a final loan repayment schedule have been completed. ~~(3-24-22)~~( )

061. LOAN CONSOLIDATION.
If two (2) or more loans are consolidated into one (1) loan, the interest rate for the consolidated loan will be at the same rate as the loan being consolidated with the lowest interest rate. (3-24-22)

062. -- 079. (RESERVED)

080. SUSPENSION OR TERMINATION OF LOAN CONTRACTS.

01. Causes. The Director may suspend or terminate any loan contract prior to final disbursement for failure by the loan recipient or its agents, including engineering firm(s), contractor(s) or subcontractor(s) to perform. A loan contract may be suspended or terminated for good cause including, but not limited to, the following: (3-24-22)

a. Commission of fraud, embezzlement, theft, forgery, bribery, misrepresentation, conversion, malpractice, misconduct, malfeasance, misfeasance, falsification or unlawful destruction of records, or receipt of stolen property, or any form of tortious conduct; or (3-24-22)

b. Commission of any crime for which the maximum sentence includes the possibility of one (1) or more years' imprisonment or any crime involving or affecting the project; or (3-24-22)

c. Violation(s) of any term of the loan contract; or (3-24-22)

d. Any willful or serious failure to perform within the scope of the project, ~~plan of operation~~ and project schedule, terms of engineering subagreements, or contracts for construction; or ~~(3-24-22)~~( )

e. Debarment of a contractor or subcontractor for good cause by any federal or state agency from working on public work projects funded by that agency. (3-24-22)

02. Notice. The Director will notify the loan recipient in writing and by certified mail of the intent to suspend or terminate the loan contract. The notice of intent ~~shall~~ will state: ~~(3-24-22)~~( )

a. Specific acts or omissions which form the basis for suspension or termination; and (3-24-22)

b. That the loan recipient may be entitled to appeal the suspension or termination pursuant to ~~IDAPA~~

~~58.01.23, "Contested Case Rules and Rules for Protection and Disclosure of Records."~~ Section 003. ~~(3-24-22)~~( )

~~**03. Determination**. A determination will be made by the Board pursuant to IDAPA 58.01.23, "Contested Case Rules and Rules for Protection and Disclosure of Records." (3-24-22)~~

043. Reinstatement of Suspended Loan. Upon written request by the loan recipient with evidence that the cause~~s~~(s) for suspension no longer exists, the Director may, if funds are available reinstate the loan contract. If a suspended loan contract is not reinstated, the loan will be amortized and a repayment schedule prepared in accordance with provisions of the loan contract. ~~(3-24-22)~~( )

054. Reinstatement of Terminated Loan. No terminated loan ~~shall~~ will be reinstated. Terminated loans will be amortized and a repayment schedule prepared in accordance with provisions of the loan contract. ~~(3-24-22)~~( )

081. -- 994. (RESERVED)

995. WAIVERS ~~OF REQUIREMENTS AND AMENDMENT OF PRIORITY LIST~~.
The Director may amend the ~~P~~priority ~~L~~list and grant a waiver from the ~~requirements~~ provisions of these rules on a case-by-case basis upon full demonstration ~~by the loan recipient requesting the waiver~~ that the following conditions exist. ~~See also Section 020 of these rules.~~ ~~(3-24-22)~~( )

~~**01. Health Hazard**. A significant public health hazard exists; (3-24-22)~~

~~**02. Water Contamination**. A significant water contamination problem exists; (3-24-22)~~

~~**03. Pollution**. A significant point source of pollution exists causing a violation of Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, "Water Quality Standards"; or (3-24-22)~~

01. Public Health Protection. The requirement is not necessary for the protection of public health and the environment and does not affect the priority ranking status of the project. ( )

042. Affordability Criteria Exceeded. The project will exceed affordability criteria adopted by the Department in the event the waiver is not granted. (3-24-22)

996. -- 999. (RESERVED)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.13 – RULES FOR ORE PROCESSING BY CYANIDATION

DOCKET NO. 58-0113-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

LINK: LSO Rules Analysis Memo

EFFECTIVE DATE: The amendment to temporary rule is effective December 3, 2025. This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2026 Idaho State Legislature for final approval. Pursuant to Section 67-5224, Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that the Board has adopted a pending rule and amended a temporary rule. This action is authorized by Sections 39-105, 39-107, and 39-118A, Idaho Code.

DESCRIPTIVE SUMMARY: This rulemaking updates IDAPA 58.01.13 for consistency with Idaho Code § 39-118A recently revised under Senate Bill 1170, which directs DEQ to commence an administrative review and bring the rules into compliance with revised Idaho Code § 39-118A by July 1, 2025. In June 2025, the Board adopted a temporary rule that enabled DEQ to comply with the July 1, 2025, effective date of Senate Bill 1170. In July 2025, DEQ published the temporary-proposed rule, inviting the public to comment on the rule - Idaho Administrative Bulletin, July 2, 2025, Vol. 25-7, pages 149 through 170. After consideration of public comments, the proposed rule has been revised at Sections 007 and 050. Revisions were also made in Subsections 100.03, 100.03.r., and 100.03.r.i. for clarification to Contents of Application. Additionally, non-substantive formatting changes to rule citations were made throughout the rule for consistency with statewide rule publication standards. The remainder of the rule has been adopted as initially proposed.

The text of the proposed rule has been amended in accordance with Section 67-5227, Idaho Code. To maintain regulatory consistency while the pending rule awaits legislative approval, the Board amended the temporary rule with the same revisions made to the pending rule. The board meeting documents are available at Rules for Ore Processing by Cyanidation: Docket No. 58-0113-2501 | Idaho Department of Environmental Quality.

TEMPORARY RULE JUSTIFICATION: In accordance with Section 67-5226(1), Idaho Code, the Governor finds that the following provisions require this rule to become effective before it has been submitted for legislative review:

Section 67-5226(1)(b), Idaho Code, compliance with deadlines in amendments to governing law; and Section 67-5226(1)(c), Idaho Code, reducing a regulatory burden that would otherwise impact individuals or businesses. The amendment to temporary rule is effective December 3, 2025. An earlier effective date is necessary to maintain regulatory consistency while the pending rule awaits legislative approval.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: 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: Not applicable.

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

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0165
diane.cutler@deq.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The temporary rule is effective July 1, 2025.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226(1), Idaho Code, notice is hereby given that this agency has adopted a temporary rule and has initiated proposed rulemaking. This action is authorized by Sections 39-105, 39-107, and 39-118A, 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 July 16, 2025. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: Under Senate Bill 1170 (S1170), the 2025 Idaho Legislature amended Chapter 1, Title 39, Idaho Code, with the addition of new Section 39-118A, Idaho Code, which directs DEQ to commence an administrative review of IDAPA 58.01.13, Rules for Ore Processing by Cyanidation, and bring the rules into compliance with new Section 39-118A, Idaho Code, by July 1, 2025. To accomplish this, the Idaho Board of Environmental Quality (Board) adopted a temporary rule that updates IDAPA 58.01.13 by removing rule text that is now in statute and revising the remaining rule for consistency with the new provisions in Section 39-118A, Idaho Code. As provided in S1170, Section 3, IDAPA 58.01.13 Sections 100.04, 300, 400, 450, and 550 were null and void upon passage and approval of S1170 on March 31, 2025. Those rule sections have been deleted from IDAPA 58.01.13 in the Idaho Administrative Code without the need for rulemaking. Notice of this action was published in the May 7, 2025, Idaho Administrative Bulletin, Vol. 25-5, page 80, Docket No. 58-0113-2500, Notice of Revocation of Final 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. If a pending rule is adopted by the Board and approved by concurrent resolution (CR) of the 2025 Idaho Legislature, the final rule will become effective on July 1, 2026, unless otherwise specified in the CR. To ensure that the temporary rule remains effective until the final rule becomes effective, it will be necessary for the Legislature to approve the temporary rule by CR during the 2026 legislative session. Pursuant to Section 67-5291(3), Idaho Code, a temporary rule will expire upon adjournment sine die of the legislative session if not approved by CR.

TEMPORARY RULE JUSTIFICATION: In accordance with Section 67-5226(1), Idaho Code, the Governor finds that the following provisions require this rule to become effective before it has been submitted for legislative review: Section 67-5226(1)(b), Idaho Code, compliance with deadlines in amendments to governing law; and Section 67-5226(1)(c), Idaho Code, reducing a regulatory burden that would otherwise impact individuals or businesses. An earlier effective date is necessary to meet the 2025 Idaho Legislature's directive in Section 39-118A, Idaho Code, (S1170) to adopt a temporary rule by July 1, 2025.

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 resulting from this rulemaking: Not applicable.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. DEQ determined that negotiated rulemaking is not feasible due to time constraints and the narrow scope of this rulemaking. In Section 39-118A, Idaho Code, the 2025 Idaho Legislature directs DEQ to promulgate a rule by July 1, 2025. The scope of this rulemaking is limited to making revisions necessary for compliance and consistency with the new provisions in Section 39-118A, Idaho Code (S1170).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: Not applicable.

IDAHO CODE SECTION 39-107D STATEMENT: This rule proposes to regulate an activity not regulated by the federal government and has previously been approved as meeting the requirements of Section 39-107D, Idaho Code, in Omnibus Rule Docket No. 58-0000-2000F (negotiated under Docket No. 58-0113-1901). DEQ initiated this proposed rulemaking for compliance and consistency with Section 39-118A, Idaho Code, as revised by the 2025 Idaho Legislature under S1170.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rulemaking, contact Adam McMahon at Adam.McMahon@deq.idaho.gov or 208-373-0450.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before July 23, 2025. Submit written comments to the undersigned.

Dated this 2nd day of July, 2025.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0113-2501

Italicized red text that is *double underscored* indicates amendments to the proposed text as adopted in the pending rule.

58.01.13 – RULES FOR ORE PROCESSING BY CYANIDATION

000. LEGAL AUTHORITY.

~~Title 39, Chapter 1, Idaho Code, grants the authority to the Board of Environmental Quality to adopt rules, regulations and standards to protect the environment and the health of the State; grants authority to the Director to issue permits as prescribed by law and by the rules of the Board; and requires Department of Environmental Quality review and approval of plans and specifications for all new facilities, or for modifications or expansions to existing facilities, that process ore by cyanidation; and authorizes the Director to require reasonable fees for processing permit applications and for services rendered by the Department~~Sections 39-105, 39-107, and 39-118A, Idaho Code.

~~(3-24-22)~~( )

001. ~~TITLE,~~ SCOPE AND INTENT.

~~01.~~ ~~Title~~. ~~These rules are titled IDAPA 58.01.13, "Rules for Ore Processing by Cyanidation."~~ ~~(3-24-22)~~

~~02.~~ ~~Scope and Intent~~. ~~(3-24-22)~~

~~a~~01. **Scope and Intent**. These rules establish the procedures and requirements for the issuance and maintenance of a permit to construct, operate and close ~~that portion of~~ a cyanidation facility ~~that is intended to contain, treat or dispose of process water or process-contaminated water containing cyanide~~. The provisions of these rules also establish requirements for water quality that address performance, construction, operation and closure ~~of that portion~~ of any cyanidation facility ~~that is intended to contain, treat, or dispose of process water~~. These rules are intended to ensure that ~~process water and process-contaminated water~~ cyanide-containing materials, including spent ore, tailings, and process water, generated in ~~ore processing operations that utilize cyanide as a primary leaching agent~~ cyanidation, and cyanidation pollutants ~~associated with the cyanidation process~~ are safely contained, controlled, and treated so that they do not ~~interfere with the~~ impair beneficial use~~s~~ of waters ~~and do not endanger public safety or the environment~~ or degrade waters. ~~(3-24-22)~~( )

~~b~~02. **Compliance**. Compliance with a permit issued under these rules does not release the permittee from liability for any unauthorized discharge to or any unauthorized degradation of waters caused by the facility. ~~(3-24-22)~~( )

(BREAK IN CONTINUITY OF SECTIONS)

007. DEFINITIONS.

The terms "Application," "As-built Submittal," "Component or Phase," "eCyanidation," "Ceyanidation F~~f~~acility," "Cyanidation Pollutants," "Issued for Construction Data Package," "Major Modification or Material Modification," and "Permit" are defined in 39-118A, Idaho Code. The terms "Department," "Director," ~~"State,"~~ "Person," and "Waters" ~~have the meaning provided for that term in~~ are defined in Section 39-103, Idaho Code. The term "ground water" ~~has the meaning provided~~ is defined in Section 39-121, Idaho Code. The terms "Beneficial Use" and "Best Management Practices (BMPs)" are defined in IDAPA 58.01.02. ~~(3-24-22)~~( )

~~**01. Beneficial Use**. As defined in IDAPA 58.01.02, "Water Quality Standards," Section 010, as amended. (3-24-22)~~

~~**02. Best Management Practices (BMPs)**. As defined in IDAPA 58.01.02, "Water Quality Standards," Section 010, as amended. (3-24-22)~~

0~~3~~1. **Degradation**. When referring to surface water, "degradation" has the meaning provided in IDAPA 58.01.02, ~~*"Water Quality Standards,"*~~ Section 010. When referring to ground water, "degradation" has the meaning provided in IDAPA 58.01.11, ~~*"Ground Water Quality Rule,"*~~ Section 007. ~~(3-24-22)~~( )

0~~4~~2. **Discharge**. When used without qualification, any spilling, leaking, emitting, escaping, leaching, or disposing of a cyanidation pollutant into waters. ~~(3-24-22)~~( )

0~~5~~3. **Idaho Pollutant Discharge Elimination System (IPDES) Permit**. A permit issued by the Department for the purpose of regulating discharges into surface waters. (3-24-22)

0~~6~~4. **Land Application**. A process or activity involving application of liquids or slurries potentially containing cyanide from the cyanidation facility to the land surface for the purpose of treatment, neutralization, disposal, or ground water recharge. (3-24-22)

0~~7~~5. **Liner**. A continuous layer of natural or man-made materials beneath and, if applicable, on the sides of ponds, tailings impoundments, or leach pads that restricts the downward and lateral movement of liquids. (3-24-22)

~~**08. Material Modification or Material Expansion**. (3-24-22)~~

~~**a.** Any change to a permitted cyanidation facility, except as provided in Subsection 007.08.b., that the Department determines will: (3-24-22)~~

~~i. Cause or increase the potential to cause degradation of waters, such as a new cyanidation process or~~

~~cyanidation facility component;~~ ~~(3-24-22)~~

~~ii. Significantly change the capacity, location, or process of an existing cyanidation facility component; or~~ ~~(3-24-22)~~

~~iii. Change the site condition in a manner that is not adequately described in the original permit application.~~ ~~(3-24-22)~~

~~**b.** Reclamation and closure related activities at a cyanidation facility with an existing permit that did not actively add cyanide after January 1, 2005 is not material modification or material expansion of the cyanidation facility.~~ ~~(3-24-22)~~

0~~9~~6. **Material Stabilization**. Managing or treating spent ore, tailings or other solids and/or sludges resulting from the cyanidation process to minimize water or all other applied solutions from migrating through the material and transporting pollutants associated with the cyanidation facility to ensure that all discharges comply with all applicable standards and criteria. (3-24-22)

~~10~~07. **Neutralization or Neutralized**. Treatment of process water such that discharge or final disposal of the process water does not, or will not, violate any applicable standards and criteria. (3-24-22)

~~11~~08. **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 IDAPA 58.01.02~~, "*Water Quality Standards*."~~ ORW constitutes an outstanding national or state resource that requires protection from point and nonpoint source activities that may lower water quality. ~~*(3-24-22)*~~( )

~~12~~09. **Permanent Closure**. Those activities that result in neutralization, material stabilization and decontamination of cyanidation facilities and the facilities' final reclamation. (3-24-22)

1~~3~~0. **Permanent Closure Plan**. ~~A description of the procedures, methods, and schedule that will be implemented to treat and dispose of cyanide-containing materials including spent ore, tailings, and process water and in controlling and monitoring discharges and potential discharges for a reasonable period of time based on site-specific conditions in manner that~~ As defined in Chapter 15, Title 47, Idaho Code, and meets the intent and purpose of Section 39-118A, Idaho Code~~; Chapter 15, Title 47, Idaho Code;~~, and all applicable rules. ~~(3-24-22)~~( )

~~**14. Permit**. When used without qualification, any written authorization by the Director, issued pursuant to the application, public participation and appeal procedures in these rules, governing location, operation and maintenance, monitoring, seasonal and permanent closure, discharge response, and design and construction of a new cyanidation facility or a material expansion or material modification to a cyanidation facility.~~ ~~(3-24-22)~~

1~~5~~1. **Permittee**. The person in whose name a permit is issued and who is to be the principal party responsible for compliance with these rules and the conditions of a permit. (3-24-22)

~~**16. Person**. An individual, corporation, partnership, association, state, municipality, commission, federal agency, special district or interstate body.~~ ~~(3-24-22)~~

~~**17. Pollutant**. Chemicals, chemical waste, process water, biological materials, radioactive materials, or other materials that, when discharged, cause or contribute adverse effects to any beneficial use, or for any other reason, may impact waters.~~ ~~(3-24-22)~~

1~~8~~2. **Pond**. A process component that stores, confines, or otherwise significantly impedes the horizontal and downward movement of process water. This term does not include tailings impoundments or non-earthen containers such as vats and tanks. (3-24-22)

1~~9~~3. **Post-Closure**. The period of time after completion of permanent closure when the permittee is monitoring the effectiveness of the closure activities. Post-closure lasts a minimum of twelve (12) months but may extend until the cyanidation facility is shown to be in compliance with the stated permanent closure objectives and

requirements of Chapter 15, Title 47, Idaho Code, and all applicable rules. (3-24-22)

~~20~~14. **Process Water**. Any liquid intentionally or unintentionally introduced into any portion of the cyanidation process~~. *Such liquid may contain cyanide or other minerals, meteoric water, ground or surface water, elements and compounds added to the process solutions for leaching or the general beneficiation of ore, or hazardous materials that result from the combination of these materials*~~ *which may contain cyanide pollutants*. ~~*(3-24-22)*~~*( )*

~~21~~15. **Seasonal Closure**. Annual cessation of operations that is due to weather. (3-24-22)

~~22~~16. **Sensitive Resource Aquifer**. Any aquifer or portion of an aquifer listed in IDAPA 58.01.11, ~~*Ground Water Quality Rule,*~~ Subsection 300.01. ~~*(3-24-22)*~~*( )*

~~23~~17. **Tailings Impoundment**. A process component that is the final depository for processed ore from the mining, milling, or chemical extraction process. (3-24-22)

~~24~~18. **Temporary Closure**. Any cessation of operations exceeding thirty (30) days, other than seasonal or permanent. (3-24-22)

~~25~~19. **Treatment or Treated**. Any method, technique or process, including neutralization, that changes the physical, chemical, or biological character or composition of a waste for the purpose of disposal, or the end result of such action. (3-24-22)

2~~6~~0. **Water Balance**. An inventory and accounting process, capable of being reconciled, that integrates all potential sources of water that are entrained in the cyanidation facility or may enter into or exit from the cyanidation facility. The inventory must include the water holding capacity of specific structures within the facility that contain process water. The water balance is used to ensure that all process water and ~~other~~ cyanidation pollutants can be contained as engineered and designed within a factor of safety as determined in the permanent closure plan. ~~(3-24-22)~~*( )*

2~~7~~1. **Water Management Plan**. A document that describes the results of the water balance and the methods that will be used to ensure that cyanidation pollutants are not discharged from a cyanidation facility into waters unless permitted or otherwise approved by the Department. ~~(3-24-22)~~*( )*

2~~8~~2. **Weak Acid Dissociable (WAD) Cyanide**. The cyanide concentration as determined by Method C, Weak Acid Dissociable Cyanide, D2036 of American Society of Testing Materials Book of Standards, "Standard Methods for the Examination of Water and Wastewater," Method 4500-CN- I, or other methods accepted by the scientific community and deemed appropriate by the Department. (3-24-22)

008. -- 009. (RESERVED)

010. APPLICABILITY TO FACILITIES WITH EXISTING PERMITS.
A cyanidation facility with an existing permit approved by the Department prior to July 1, 2005, is subject to the applicable laws and rules for ore processing by cyanidation in effect on June 30, 2005. ~~Material~~ Major modifications or material ~~expansions~~ modifications of such facilities are subject to Section 39-118A, Idaho Code. ~~(3-24-22)~~*( )*

011. -- 049. (RESERVED)

050. PRE-APPLICATION PROCESS AND PRELIMINARY DESIGN.

01. Pre-application Conference. Any person who intends to apply for a permit or proposes to construct or operate a facility that is intended to contain, treat, or dispose of process water and process-contaminated water generated in ore processing operations that utilize cyanide as a primary leaching agent should contact the Department during the initial stages of site characterization to schedule a pre-application conference. *Once a cost recovery agreement in accordance with Section 39-118A(7), Idaho Code, has been executed,* ~~*P*~~*p*rospective applicants are encouraged to begin meeting with agents of the Department at least one (1) year in advance of preliminary design submittal to discuss, at a minimum, the following. ~~*(3-24-22)*~~*( )*

a. Environmental baseline data requirements; waste characterization requirements; siting requirements; operation and maintenance plans; emergency and spill response plans; quality assurance/quality control plans; required contents for permit applications; agency cyanidation facility visits. (3-24-22)

b. The proposed water quality monitoring and reporting required in Subsection 200.11 and the monitoring well siting and construction plans required in Subsection 200.12. The applicant is encouraged to submit a report describing the purpose, objectives, location, and proposed construction of monitoring wells to the Department for review and comment during the initial stages of site characterization. (3-24-22)

c. The preliminary design report and alternative design proposals required prior to application submittal under Subsection 050.02. (3-24-22)

d. The permitting process, application procedures, public review and comment periods, and permit schedule. (3-24-22)

e. The timing of additional pre-application meetings. The pre-application conference may trigger a period of collaborative effort between the applicant, the Department, and the Idaho Department of Lands to develop an application that complies with rule requirements and ensures the facility will not ~~interfere with the~~ impair beneficial use~~s~~ of waters ~~and will not endanger public safety or the environment~~ or degrade waters. ~~(3-24-22)~~( )

~~**f.** *The cost recovery agreement* required under Subsection 100.04. *(3-24-22)*~~

02. Information Required for Preliminary Design Report. Submittal of a preliminary design report is mandatory. Upon submittal, the preliminary design report must include sufficient detail to determine the following: (3-24-22)

a. The general framework and design criteria for the project; (3-24-22)

b. How the project will address each applicable requirement in Subsection 100.03 and Sections 200 through 205, or why a specific requirement in Subsection 100.03 and Sections 200 through 205 is not applicable; (3-24-22)

c. How the design criteria were identified, or the approach the applicant will use to determine design criteria for which insufficient data is available at the time of the preliminary design; (3-24-22)

d. How the requirements of these rules will be met in the final permit application; and (3-24-22)

e. How design, construction, operation, and closure will ensure the facility will not ~~interfere with the~~ impair beneficial use~~s~~ of waters ~~and will not endanger public safety or the environment~~ or degrade waters. ~~(3-24-22)~~( )

03. Notice of Preliminary Design Approval or Disapproval. Unless otherwise provided in this Subsection 050.03, the Director will notify the applicant in writing of the decision to approve or disapprove a preliminary design report within thirty (30) days after the Department receives all information required by Subsection 050.02. For alternative design proposals submitted under Section 205, the Director will notify the applicant in writing of the decision for alternative design approval or disapproval within ninety (90) days after the Department receives all information required by Section 205. The time required to review and, if appropriate, approve the preliminary design report is separate from and not included as part of the one hundred eighty (180) day period for issuing notice of rejection or notice of approval of the permit under Section 39-118A(~~2~~11)(~~b~~a), Idaho Code. Approval of the preliminary design report does not authorize the construction, modification, or operation of the cyanidation facility. ~~(3-24-22)~~( )

051. -- 099. (RESERVED)

100. PERMIT AND PERMIT APPLICATION.

01. Permit Required. No person may construct a new cyanidation facility prior to obtaining a permit from the Director. No person may ~~materially expand or materially modify~~ make a major modification or material modification to a cyanidation facility prior to obtaining a modified permit for such ~~expansion or~~ modification pursuant to Section 750. ~~(3-24-22)~~( )

02. Permit Application. The owner or proposed operator of a cyanidation facility or the owner's or operator's authorized representative must: (3-24-22)

a. Make application to the Director in writing and in a manner or form prescribed herein; and (3-24-22)

b. Provide five (5) paper copies of the application to the Director, unless otherwise agreed to by the Department and the applicant. (3-24-22)

03. Contents of Application. A permit application and its contents will be used to determine if an applicant can locate, construct, operate, maintain, close, and monitor the proposed cyanidation facility in conformance with *Section 39-118A, Idaho Code, and* these and other applicable rules including, but not limited to, IDAPA 58.01.02, ~~*"Water Quality Standards";*~~ IDAPA 58.01.08, ~~*"Idaho Rules for Public Drinking Water Systems";*~~ IDAPA 58.01.05, ~~*"Rules and Standards for Hazardous Waste";*~~ IDAPA 58.01.06, ~~*"Solid Waste Management Rules";*~~ IDAPA 58.01.11, ~~*"Ground Water Quality Rule";*~~ and IDAPA 58.01.25~~, "Rules Regulating the Idaho Pollutant Discharge Elimination System Program*~~."~~ The application must include ~~*all of*~~ the ~~*following*~~ information *required by Section 39-118A(8), Idaho Code, and in this subsection,* in sufficient detail to allow the Director to ~~*make necessary application review decisions concerning*~~ *determine if the application is technically complete as defined in Section 39-118A(1)(o), Idaho Code, and is in* compliance with Sections 200 through 205 as applicable ~~and protection of human health and the environment.~~*, and Section 39-118A(8), Idaho Code.* ~~(3-24-22)~~( )

a. Name, location, and mailing address of the cyanidation facility. (3-24-22)

b. Name, mailing address, and phone number of the applicant, and a registered agent. (3-24-22)

c. Land ownership status of the cyanidation facility (federal, state, private, or public). (3-24-22)

d. Name, mailing address, and phone number of the applicant's construction and operations manager. (3-24-22)

e. The legal structure (corporation, partnership, etc.) and residence of the applicant. (3-24-22)

f. The legal description, to the quarter-quarter section, of the location of the proposed cyanidation facility. (3-24-22)

g. Evidence the applicant is authorized by the Secretary of State to conduct business in the State of Idaho. (3-24-22)

h. A general description of the operational plans for the cyanidation facility from construction through permanent closure. This description must include any proposed phases for construction, operations, and permanent closure. (3-24-22)

i. The design maximum daily throughput of ore through the cyanidation facility and the total projected volume of material to be processed during the life of the operation. (3-24-22)

j. Cyanidation facility layouts including water management systems designed to segregate storm water from process water. (3-24-22)

k. A geotechnical evaluation of all process water and process chemical containment systems within the proposed cyanidation facility. (3-24-22)

l. A preconstruction topographic site map or aerial photos extending at least one (1) mile beyond the outer limits of the cyanidation facility, identifying and showing the location and extent of the following features: (3-24-22)

i. All wells, perennial and intermittent springs, adit discharges, wetlands, surface waters, and irrigation ditches that may be affected by the cyanidation facility; (3-24-22)

ii. All process water supply source(s); (3-24-22)

iii. All public and private drinking water supply source(s) within at least one (1) mile of the cyanidation facility; (3-24-22)

iv. Identified floodplain areas (shown on USGS sectional Quadrangle maps); (3-24-22)

v. All service roads and public roads; (3-24-22)

vi. All buildings and structures within half (1/2) a mile of the cyanidation facility; (3-24-22)

vii. All outstanding resource waters and sensitive resource aquifers within one (1) mile of the cyanidation facility; and (3-24-22)

viii. All Clean Water Act Section 303(d) listed streams, and their listed impairments, within ten (10) miles of the site boundary that may be affected by the cyanidation facility. (3-24-22)

m. To the extent such information is available, a description and location of underground mine workings and adits and a description of the structural geology that may influence ground water flow and direction. (3-24-22)

n. A description of the proposed land application site. The description must include a potentiometric map, surface and subsurface soil characteristics, geology, hydrogeology and ground water quality. The description of these characteristics must be sufficient to determine anticipated impacts to the affected soils, associated vadose zone as well as anticipated changes in geochemistry that may affect surface and ground water quality. (3-24-22)

o. Siting diagram for land application sites, monitoring wells, lysimeters, surface or ground water discharge sites, or surface water monitoring locations. (3-24-22)

p. A description of measures to protect wildlife that may be affected by the facility. (3-24-22)

q. Proposed post-construction topographic maps. (3-24-22)

r. Engineering plans and specifications for all ~~portions~~ components or phases of the cyanidation facility must be submitted to the Department for review and approval. Preliminary designs for ~~*future*~~ components or phases of the cyanidation facility may be submitted as part of the permit application~~, *provided that,*~~ pursuant to ~~Subsection 500.02, the~~ Section 39-118A(18), Idaho Code. Department review and approval of ~~final plans and specifications~~ the issued for construction data package is required before construction of those components or phases may begin. All cyanidation facility engineering plans and specifications must bear the imprint of an Idaho licensed professional engineer that is both signed and dated by the engineer. These plans and specifications must, at a minimum, include all of the following information applicable to the proposed facility. ~~(3-24-22)~~( )

i. Designs *sufficient to demonstrate the facility's ability to* meet~~*ing*~~ applicable criteria in Sections 200 through 204. ~~(3-24-22)~~( )

ii. Any alternative design approved by the Department under Section 205. (3-24-22)

iii. The water balance, ore flow, and processing calculations demonstrating the logic behind sizing of facilities. (3-24-22)

iv. The general ore processing overview and analyses of chemical compatibility of containment materials with process chemicals and wastes, including a chemical mass balance at inputs and outputs from the cyanidation facility. (3-24-22)

v. Geotechnical data and analyses demonstrating the logic for plans and specifications of foundation materials and placement. (3-24-22)

vi. Requirements for site preparation. (3-24-22)

vii. Pumping and dewatering requirements. (3-24-22)

viii. Procedures for materials selection and placement for backfilling foundation areas. (3-24-22)

ix. Criteria for caps and covers used as source control measures. (3-24-22)

x. Criteria for ensuring stability of embankments for pads, ponds and tailings impoundments. (3-24-22)

xi. Procedures to classify and modify, if necessary, excavated fill, bedding and cover materials for buildings, pads, ponds, and tailings impoundments. (3-24-22)

xii. Plumbing and conveyance schematics and component specifications. (3-24-22)

xiii. Plan views and cross-section drawings of leach pad, permanent heaps, vats, process water storage ponds, tailings impoundments, and spent ore disposal areas. (3-24-22)

xiv. Leak detection and collection system plans and specifications including, but not limited to, schematics and narratives describing liner and geotextile material specifications, sumping capacity and layout, location of monitoring port(s), monitoring port components, construction operation and maintenance procedures for monitoring ports and pumping systems, including backup system, triggers for containment repairs, replacement or other contingency mitigation, frequency of monitoring, and monitoring parameters. (3-24-22)

xv. Provisions to protect containment systems from heavy equipment, fires, earthquakes, and other natural phenomena. (3-24-22)

xvi. Quality assurance/quality control procedures. (3-24-22)

xvii. The identity and qualifications of the person(s) directly responsible for supervising construction and quality assurance/quality control. (3-24-22)

s. Operation and maintenance plans that include all of the following~~.~~: ~~(3-24-22)~~( )

i. Maintenance plans, including routine service procedures for containment systems, process chemical storage, and disposal of contaminated water or soils~~, including petroleum-contaminated soils~~. ~~(3-24-22)~~( )

ii. A water management plan that provides for handling and containment of process water including the methods to manage and/or treat all process water and cyanidation pollutants, run-off or run-on water, emergency releases, and excess water due to flood, rain, snowmelt, or other similar events. The plan must include the basis for the designed containment volumes and estimations of the need for and operation of a land application site, injection wells, infiltration galleries or leach fields, or the need for an IPDES permit. The permittee will update the plan on a regular basis to reflect the reconciliation of the water balance changes in the project through construction, operation, maintenance, and permanent closure, including modifications to the cyanidation facility. ~~(3-24-22)~~( )

iii. A proposed water quality monitoring plan. (3-24-22)

iv. An emergency and spill response plan that describes procedures and methods to be implemented

for the abatement and clean up of any cyanidation pollutant that may be discharged from the cyanidation facility ~~during use, handling or disposal of processing chemicals, petrochemicals and/or fuels, and any other deleterious materials~~. ~~(3-24-22)~~( )

v. A seasonal/temporary closure plan, if applicable, that describes the procedures, methods, and schedule to be implemented for the treatment and disposal of process water and cyanidation pollutants, the control of drainage from the cyanidation facility during the period of closure, the control of drainage from the surrounding area, and the secure storage of process chemicals. ~~(3-24-22)~~( )

t. The permanent closure plan must be the same as the plan submitted to the Idaho Department of Lands pursuant to the Idaho Mind Land Reclamation Act, Chapter 15, Title 47, Idaho Code, and the rules promulgated thereunder. (3-24-22)

u. Characterization of cyanidation pollutants contained in or released from the cyanidation facility, including the potential for the cyanidation pollutants to cause degradation of waters. ~~(3-24-22)~~( )

101. -- 199. (RESERVED)

200. REQUIREMENTS FOR WATER QUALITY PROTECTION.
The following design and performance standards are intended as the minimum criteria for protection of public health and waters. These standards apply to all facilities unless the Department determines that other site-specific criteria, including an alternative design approved under Section 205, are appropriate to protect water quality and the public health. (3-24-22)

01. Professional Engineer. Plans and specifications for construction, alteration or expansion of any cyanidation facility must be prepared by or under the supervision of an Idaho licensed professional engineer and bear the imprint of the engineer's seal. Construction must be observed by an Idaho licensed professional engineer or a person under the supervision of an Idaho licensed professional engineer. (3-24-22)

02. Plans and Specifications. ~~Final plans and specifications for the construction of a cyanidation facility~~ An issued for construction data package must be submitted to and approved by the Department before construction may begin (Section 39-118A(18)(b), Idaho Code). All construction must be in compliance with ~~the plans and specifications approved by the Department~~ Section 39-118A(17), Idaho Code. Within thirty (30) days of the completion of such construction, ~~modification or expansion, complete and accurate plans and specifications depicting that actual construction, modification or expansion does not deviate from the original approved plans and specifications~~ an as-built submittal must be submitted to the Department (Section 39-118A(19), Idaho Code). ~~(3-24-22)~~( )

03. Manufacturer's Specifications. Manufacturer's specifications for materials and equipment necessary to meet the requirements of Subsection 100.03.r. and Sections 200 through 205 for containment of process water must be submitted to the Department with the plans and specifications required in Subsection 200.02 before construction may begin. (3-24-22)

04. Siting and Preparation. All cyanidation facilities including, but not limited to, the process building, laboratories, process chemical storage and containment facilities, plumbing fixtures that support process water, untreated or treated process water ponds, tailings impoundments, ore stock piles, and spent ore disposal areas must be appropriately sited and prepared for construction. Siting criteria must ensure that, at a minimum, the facilities are structurally sound and that containment systems can be adequately protected against factors such as wild fires, floods, land slides, storm water run-on, erosion, migrating stream channels, high ground water table, equipment operation, subsidence of underground workings, public access and public activities. All sites must be properly prepared prior to construction of foundations and facilities. Vegetation, roots, brush, large woody debris and other deleterious materials, top soil, historic foundations and plumbing, or other materials that may adversely affect appropriate construction and long term stability, must be removed from the footprint of the cyanidation facility unless approved by the Department. (3-24-22)

05. Process Water Storage Sizing Criteria. All aspects of the cyanidation facility that entrain, utilize, treat, discharge, pump, convey, or otherwise contain process water, treated process water, or run-off water from any

portion of the cyanidation facility must be included in the water balance. Each pond, tailings impoundment, and ditch containing process water must be designed to maintain a minimum two (2) foot freeboard during storage or conveyance of the design climatic events plus maximum expected normal operating levels. Leach pad design must provide containment of the maximum expected operating flows plus storm flows from the design climatic event. At a minimum, a cyanidation facility must be designed to contain the maximum expected normal operating water balance and the volume of run-on and run-off water associated with a climatic event that has a one percent (1%) annual exceedance probability. Snowmelt events will be considered in determining the maximum flow volume during the design climatic event. Contingency plans for managing excesses of all water included as a part of the water balance must be described in the water management strategy. Each structure that impounds process water or process-contaminated water must include a means of passing excess water unless otherwise approved by the Department. (3-24-22)

06. Minimum Plans and Specifications. Unless the Department approves an alternative design under Section 205, the plans and specifications for any portion of a cyanidation facility that will contain process water must satisfy the applicable general design criteria in Subsection 200.06 and the design criteria in Sections 201 through 204 for the type of facility receiving process water. These provisions establish minimum cyanidation pollutant control technologies and define the site and operating conditions that must be evaluated. ~~(3-24-22)~~( )

a. Cyanidation facility design must: (3-24-22)

i. Minimize releases of cyanidation pollutants into ground water or subsurface migration pathways so that any release will not cause unauthorized degradation of waters. ~~(3-24-22)~~( )

ii. Preclude any differential movement or shifting of the subgrade, soil layer, liner or contained material that endangers containment integrity as a result of the proposed range of operating conditions for each component and anticipated seismic activity at the site. (3-24-22)

iii. Include additional containment of process water, as requested by the Department, in areas where ground water is considered to be near the surface. Ground water is considered to be near the surface if: (3-24-22)

(1) The depth from the surface to ground water is less than one hundred (100) feet and the top one hundred (100) feet of the existing formation has a hydraulic conductivity greater than 10^{-5} cm/sec; (3-24-22)

(2) Open fractured or faulted geologic conditions exist in the bedrock from the surface to the ground water; or (3-24-22)

(3) There is an inability to document that all borings beneath the cyanidation facility have been adequately abandoned. (3-24-22)

iv. Not locate new process component containing process water within one thousand (1,000) feet of any dwelling that is occupied at least part of the year and not owned by the permittee. This does not apply to modifications at a facility that predates such a dwelling. (3-24-22)

v. Include measures for preventing wildlife contact with process water having a WAD cyanide concentration in liquid fraction exceeding fifty (50) mg/L. The Department may require additional measures if wildlife mortality is observed. (3-24-22)

vi. Implement measures to protect birds, other wildlife and livestock from adverse effects of cyanide process water and ~~other~~ cyanidation pollutants. ~~(3-24-22)~~( )

vii. Include a quality assurance/quality control plan for the construction of containment systems that provides a process for documenting owner acceptance of all underlying components of the containment system prior to construction of the overlying components. (3-24-22)

b. Liner systems must: (3-24-22)

i. Have a structurally stable subgrade for the overlying components and contained material. The

subgrade should be constructed to resist consolidation, excessive differential settlement that compromises liner performance, and uplift resulting from pressures inside or outside the containment unit to prevent distortion of overlying components. (3-24-22)

ii. Have a smooth rolled and compacted soil layer, or equivalent layer approved by the Department, in intimate contact with the overlying geomembrane liner with the following characteristics: (3-24-22)

(1) A minimum thickness of twenty-four (24) inches compacted to ninety-five percent (95%) of maximum dry density according to Standard Proctor Test ASTM D698 or Modified Proctor Test ASTM D1557; (3-24-22)

(2) Soil placed in a minimum of four (4) lifts that each have a compacted thickness of six (6) inches and a hydraulic conductivity less than or equal to 10^{-6} cm/sec; (3-24-22)

(3) An uppermost lift of soil that does not contain particles in excess of point seven five (0.75) inches (nineteen (19) mm) in largest dimension unless larger particles are consistent with the manufacturer's specifications for the overlying liner and approved by the Department; (3-24-22)

(4) No putrescible, frozen, or other deleterious materials. (3-24-22)

(5) No angular, sharp material regardless of diameter; and (3-24-22)

(6) Soil placed within two percent (2%) of optimum moisture content to achieve the specified compaction and hydraulic conductivity. (3-24-22)

iii. Include the following if an equivalent layer replacing the soil layer described in Subsection 200.06.b.ii. is proposed: (3-24-22)

(1) A layer that is not a geomembrane and has a liquid flow rate no greater than that of twenty-four (24) inches of compact soil with a hydraulic conductivity less than or equal to 10^{-6} cm/sec; (3-24-22)

(2) Materials with appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste, process water, or process-contaminated water to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation; (3-24-22)

(3) Materials that provide appropriate shear resistance of the upper and lower component interface to prevent sliding of the upper component including on slopes; (3-24-22)

(4) Certification from an Idaho licensed professional engineer that the liquid flow rate per unit area through the equivalent layer is no greater than the liquid flow rate through two (2) feet of compacted soil with a hydraulic conductivity less than or equal to 10^{-6} cm/sec, considering the maximum hydraulic head anticipated on the liner system and the thickness of the equivalent layer replacing the two (2) feet of compacted soil; and (3-24-22)

(5) Plans and specifications for an equivalent layer that substantially reflect the manufacturer's specifications and standards for construction, operation and maintenance unless otherwise approved by the Department. (3-24-22)

iv. Include geomembrane liners consisting of high density polyethylene, linear low-density polyethylene, or equivalent, rated as having a resistance to the passage of process water equal to or less than a hydraulic conductivity of 10^{-11} cm/sec. Each geomembrane liner will be constructed of materials with appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation and permanent closure. (3-24-22)

v. Be constructed according to manufacturer's standards, or Department-approved design standards, and protect against damage from cracking, sun exposure, ice, frost penetration or heaving, wildlife, wildfires, and

damage that may be caused by personnel or equipment operating in or around these facilities. (3-24-22)

vi. Have an appropriate coefficient of friction against sliding plus a factor of safety for each interface constructed on a slope. (3-24-22)

vii. Have minimum factors of safety, and the logic behind their selection, for the stability of the earthworks and the lining systems. (3-24-22)

viii. Include redundant systems for failures in primary power or pumping systems. (3-24-22)

ix. Have liner material that meets the manufacturer's quality assurance/quality control performance specifications. (3-24-22)

07. Process Buildings, Process Chemical Storage Containment Areas and General Facility Criteria. Storage, handling and use of all process chemicals, process wastes, process water and ~~pollutants associated with the cyanidation facility~~ cyanidation pollutants must be conducted within a clean, safe and secure work space to prevent unauthorized discharges to soils, ground water or surface water. The plans and specifications must contain sufficient detail, including pump capacity and plumbing for evacuation of collection sumps, triggering systems for sump evacuation, and monitoring and reporting requirements and, where appropriate, provide for: ~~(3-24-22)~~( )

a. Structural integrity of the foundation, walls and roof for process and process chemical storage buildings; (3-24-22)

b. Restriction of public access; (3-24-22)

c. Protection of wildlife; (3-24-22)

d. Internal sumps and spill cleanup plans; (3-24-22)

e. Grouted and sealed concrete stemmed walls and floors in the process buildings and process chemical storage and containment facilities; (3-24-22)

f. Vapor barriers and frost protection; (3-24-22)

g. Segregation of process chemicals according to compatibility; (3-24-22)

h. Communication systems; (3-24-22)

i. Fire suppression systems, internal and external; and (3-24-22)

j. Quality assurance/quality control for construction activities and construction materials. (3-24-22)

08. Cap and Cover Criteria. Caps and covers used as source control measures for facilities must be designed and constructed to minimize the interaction of meteoric waters, surface waters, and ground waters with wastes containing cyanidation pollutants that are likely to be mobilized and discharged to waters. Caps and covers designed for permanent closure must demonstrate permanence applicable to the permittee's designed and approved permanent closure plan. ~~(3-24-22)~~( )

09. Plumbing and Conveyance Criteria. Plumbing and conveyance systems must: (3-24-22)

a. Be structurally sound and chemically compatible with the materials being conveyed; (3-24-22)

b. Provide adequate primary and secondary containment; and (3-24-22)

c. Be protected against heat, cold, mechanical failures, impacts, fires, and other factors that may cause breakage and result in unauthorized discharges. (3-24-22)

10. Operation and Maintenance Plans. Operation and maintenance plans must be submitted to the Department for review and approval. Operation and maintenance plans must include, but are not limited to:(3-24-22)

a. An overall plan that includes techniques for evaluating the integrity and performance of all containment systems; (3-24-22)

b. Schedule for inspections of all containment systems; (3-24-22)

c. Schedule for inspections on piping and conveyance systems that carry process water; (3-24-22)

d. Response plans that detail specific actions that will result in mitigation of compromised or damaged containment systems; and (3-24-22)

e. Response plans that detail specific thresholds identified under ~~Subsection 200.11~~ Section 39-118A(9), Idaho Code, the locations and frequency at which the thresholds will be monitored, and actions that will result in mitigation of an exceedance of any threshold. ~~(3-24-22)~~( )

11. Water Quality Monitoring and Reporting. The water quality monitoring plan submitted with the application must be reviewed and, if appropriate, approved by the Department. The approved water quality monitoring plan must comply with Section 39-118A(9), Idaho Code, and: ~~(3-24-22)~~( )

a. Provide for physical, chemical and biological monitoring, including measurements of surface water flow, wildlife and bird mortality, and aquatic indicator species in potentially affected surface and ground water, as appropriate; (3-24-22)

b. Provide for sampling locations and frequency; (3-24-22)

c. Provide an assessment of the existing surface and ground water conditions prior to construction of the proposed cyanidation facility; (3-24-22)

d. Be site specific and dependent on location, design and operation of the cyanidation facilities included in the overall operating plan; (3-24-22)

~~**e.** Specify compliance points and associated water quality compliance criteria; (3-24-22)~~

~~**f.** Specify monitoring points and threshold concentrations that provide for early detection of discharges of pollutants; (3-24-22)~~

ge. Provide analytical methods and method detection limits for chemical analysis used in the determination of water quality; (3-24-22)

hf. Provide a quality assurance quality control plan for data collection and analysis; (3-24-22)

ig. Provide for appropriate and timely analytical data analyses including evaluations of water quality and quantity trends; (3-24-22)

jh. Provide an annual environmental monitoring and data analysis report of water quality and quantity trends; (3-24-22)

ki. Provide for the reporting and re-sampling of monitoring locations where detectable and statistically significant changes in water quality are found. The permittee must propose a statistical method to determine the significance of the changes in water quality; and (3-24-22)

lj. Provide for anticipated changes or modifications to monitoring plans, which may be the result of a phased approach to cyanidation facility construction, operations and permanent closure. (3-24-22)

12. Monitoring Wells Siting and Construction Plans. The applicant is encouraged to submit a report

describing the purpose, objectives, location and proposed construction of monitoring wells to the Department for review and comment during the initial stages of site characterization. A monitoring well siting and construction plan must be provided upon submittal of the preliminary design report under Subsection 050.02. (3-24-22)

a. Monitoring well siting and construction plans must provide for the following. (3-24-22)

i. A quality assurance/quality control plan for well construction. (3-24-22)

ii. A minimum of three (3) monitoring wells with one (1) located up gradient and two (2) located down gradient of primary components of the cyanidation facility to determine ground water flow direction. (3-24-22)

b. Siting and planning for additional wells or replacement wells may be required in the permit application and final permit. Specifically, additional wells may be required for: (3-24-22)

i. Large areas with multiple potential sources for cyanidation pollutants; ~~(3-24-22)~~( )

ii. Areas with complex geology, fractured bedrock; and (3-24-22)

iii. Areas with insufficient background hydrogeology. (3-24-22)

c. All monitoring well construction must also conform to the well construction rules listed in IDAPA 37.03.09~~, *"Well Construction Standards Rules."*~~ ~~(3-24-22)~~( )

d. Record diagrams including well construction details, well elevation and a detailed geologic log must be provided to the Department for each monitoring well. (3-24-22)

13. Land Application. Plans and specifications must include: (3-24-22)

a. An operation and maintenance plan including: (3-24-22)

i. Water balance for the land application site; (3-24-22)

ii. Pretreatment requirements and procedures; (3-24-22)

iii. Operating season for land application; (3-24-22)

iv. Seasonal closeout procedures; (3-24-22)

v. Special soils or vegetative amendments; (3-24-22)

vi. Storm water run-on/run-off controls; (3-24-22)

vii. Best management practices for all areas impacted by the land application system; and (3-24-22)

viii. A topographic map of the land application site and adjacent affected areas, of sufficient scale to facilitate site-specific analysis of soils, vegetation, surface water, and ground water; (3-24-22)

b. Chemical, physical, and volumetric characteristics of the material to be land applied; (3-24-22)

c. A complete description of the chemical and physical characteristics of the soils and applicable geology of the land application site; (3-24-22)

d. Methods of process water treatment, distribution and disposal; (3-24-22)

e. Hydraulic loading capacity of the soils; (3-24-22)

f. Constituent loading capacity of the site; (3-24-22)

g. Attenuation capacity of the vegetative covers and soils; (3-24-22)

h. Evapotranspiration capacity of the site; (3-24-22)

i. Testing and analytical procedures for water quality and soils samples prior to, during, and following the land application process; (3-24-22)

j. Trend analysis of the constituent loading in the affected soils, vegetation, and water quality of the affected surface or ground water systems; (3-24-22)

k. Reporting requirements including both frequency and form; and (3-24-22)

l. Standby power and pumps sufficient to maintain all treatment and distribution works. (3-24-22)

14. Temporary or Seasonal Closure. Temporary and seasonal closure plans for the entire cyanidation facility must be submitted by an applicant to the Department for review and approval prior to issuance of a final permit. Temporary and seasonal closure plans may, subject to Department approval pursuant to Section 750, be modified to provide for changes in operating conditions of the facilities and must incorporate a water management plan for the period of inactivity as well as during shut down and reactivation. (3-24-22)

a. Prior to seasonal closure, process buildings, process chemical storage, process water ponds, tailings impoundments, spent ore disposal areas and other ancillary facilities must be stabilized and/or conditioned to prevent any emergency or unauthorized discharges to surface or ground water. (3-24-22)

b. Subsequent to seasonal closure, process buildings, process chemical storage, process water ponds, tailings impoundments, spent ore disposal areas and other ancillary facilities must be maintained to prevent any emergency or unauthorized discharges to surface or ground water. Cyanidation facilities must be conditioned and maintained to provide: (3-24-22)

i. Material stabilization for all solids affected by process waters; (3-24-22)

ii. Optimum freeboard in all ponds, as dictated by the water management plan; (3-24-22)

iii. Fully functional power and pumping systems that are ready for use; both power and pumps are to incorporate redundant systems to allow for failure of either power or a pumping system. A failed power supply or pump is not an acceptable reason for an unauthorized discharge; (3-24-22)

iv. Protection of all containment; and (3-24-22)

v. Sufficient availability of qualified staff to restrict public access, fully implement the water quality monitoring plan, and initiate the emergency and spill response plan. (3-24-22)

15. Employee Education Program. Operators and staff of facilities must be properly oriented and trained to operate, maintain, and protect containment systems; waste disposal and discharge systems; and to implement monitoring and emergency and spill response plans. An applicant must submit an employee orientation and continuing training plan to the Department for review prior to issuance of a final permit. The plan must provide the format and contents for training, the general qualifications of the person(s) responsible for training and testing, and the person(s) or positions who must receive such training. (3-24-22)

(BREAK IN CONTINUITY OF SECTIONS)

204. DESIGN CRITERIA FOR TAILINGS IMPOUNDMENTS.

01. Engineered Liner System. In addition to meeting the general liner requirements in Subsection

200.06.b., the engineered liner system plans and specifications must provide for the following. (3-24-22)

a. Geomembrane liners with a minimum thickness of sixty (60) milli-inches (one point five (1.5) mm) or equivalent liners approved by the Department. (3-24-22)

b. A system to limit hydraulic head over the geomembrane liner that preserves the integrity and long-term performance of the liner system and includes the following: (3-24-22)

i. A system to reduce excess pore pressure within the tailings; and (3-24-22)

ii. A plan for managing the depth, area, and volume of process water occurring above the tailings surface and in direct contact with the liner, including thresholds and contingency measures to manage excess accumulation of process water in the facility. (3-24-22)

c. Monitoring points that will provide for early detection of discharges of cyanidation pollutants. ~~(3-24-22)~~( )

02. Enhanced Containment Criteria. An enhanced level of containment may be required by the Department for all of the tailings impoundment or for a portion thereof after considering the following factors: (3-24-22)

a. The anticipated characteristics of the material to be deposited; (3-24-22)

b. The characteristics of the soil and geology of the site; (3-24-22)

c. The methods employed and degree to which the hydraulic head on the liner is minimized; (3-24-22)

d. The extent of and methods used for material stabilization and recycling or neutralization of process water; (3-24-22)

e. Area and volume of process water; (3-24-22)

f. The depth from the surface to all ground water; (3-24-22)

g. The methods employed in depositing the impounded material; and (3-24-22)

h. The proximity to surface water and the ground water interactions with surface water. (3-24-22)

03. Tailings Treatment. Tailings impoundments are restricted to a maximum of fifty (50) mg/L WAD cyanide concentration in the liquid fraction unless otherwise approved by the Department. (3-24-22)

205. ALTERNATIVE PLANS AND SPECIFICATIONS FOR FACILITIES THAT CONTAIN PROCESS WATER.
An applicant may propose an alternative to the requirements identified in Subsection 200.06, Sections 201, 202, 203, or 204 based on site-specific conditions and best management practices to protect water quality and human health. All other requirements in Section 200 apply to alternative design proposals. (3-24-22)

01. Alternative Design Proposal. The applicant must demonstrate that the alternative design will protect water quality and human health by confirming that the alternative to the minimum design criteria is appropriate based on the WAD cyanide concentration and chemical characteristics of materials contained; the physical characteristics of the materials contained; site-specific soil, geology, hydrology, and hydrogeology characteristics; degree to which hydraulic head on the liner is minimized; area and volume of the facility; depth to ground water; methods employed in depositing the impounded material; potential for leaks and impacts to water quality; and risk to human health and the environment. The alternative design must provide an evaluation based on site-specific data, supported by best available science, and consistent with best management practices demonstrating that process water and process-contaminated water are contained and controlled or treated as necessary to protect

public safety and the environment, prevent unauthorized degradation of waters, and achieve all applicable water quality and ground water quality standards. The alternative design must include all applicable elements listed below. (3-24-22)

a. A hydrogeology assessment of site characteristics including depth to ground water; distance to surface water; hydrogeology and stratigraphy of the site; ground water and surface water interaction; and the quality, characteristics and existing and future beneficial uses of ground water and surface water that may be potentially affected by the facility. (3-24-22)

b. An engineering assessment detailing the design of each component of the containment system, including type and thickness of each component of the liner system; types of materials to be used and methods of placement of those materials; structures, devices and techniques for controlling drainage and minimizing solution loss; and method to control internal hydraulic head. (3-24-22)

c. A water quality assessment providing an analysis of potential for the facility to cause degradation of waters including the effect of ground water and surface water interactions, the potential for process water to reach waters, and the potential impact of process water on waters. (3-24-22)

02. Preliminary Design Submittal. Alternative design proposals must be provided to the Department upon submittal of the preliminary design report required in Section 050. (3-24-22)

03. Department Review. In evaluating alternative design proposals, the Department will consider the WAD cyanide concentration and other materials contained in facilities receiving process water, site hydrogeology, advances in liner technology, alternative designs implemented at other facilities receiving process water, and other site-specific factors in determining if an alternative is appropriate to protect water quality and the public health. (3-24-22)

04. Cost Recovery Agreement. As provided in ~~Subsection 100.04~~ Section 39-118A(7), Idaho Code, the applicant must enter into an agreement with the Department for actual costs incurred to process an alternative design proposal under this subsection. The Department may utilize a third-party to support Department review of the alternative design proposal. ~~(3-24-22)~~( )

206. – 499. (RESERVED)

500. PERMIT CONDITIONS.
The following conditions apply to and must be specified in all permits: (3-24-22)

01. Compliance Required. The applicant or permittee must comply with all conditions of the permit. Issuance or possession of a permit issued according to these rules does not relieve the applicant or permittee of the responsibility to comply with all other applicable local, state, and federal laws. (3-24-22)

02. Construction. Construction of individual components of a cyanidation facility may commence upon approval by the Department of the ~~final plans and specifications~~ issued for construction data package per Sections 39-118A(13)(c)(i) and 39-118A(18), Idaho Code, for that component. ~~(3-24-22)~~( )

03. ~~Record Plans and Specifications~~As-built Submittal. ~~An Idaho licensed professional engineer must confirm in writing that all record drawings and specifications are complete and accurate. These record plans and specifications~~ An as-built submittal must be submitted by the permittee to the Director within thirty (30) days after the completion of the construction of each ~~critical~~ component or phase of a cyanidation facility ~~development~~ as approved by the Department (Section 39-118A(19), Idaho Code). ~~The record plans and specifications must be accompanied by a final construction report. If the construction does not deviate from the approved plans and specifications, a statement to the effect must be submitted by the engineer.~~ The as-built submittal must include all the information required by Section 39-118A(1)(b), Idaho Code. The Department will review the ~~final construction report, including record plans and specifications and results of quality control and quality assurance testing,~~ as-built submittal to verify that the facility was constructed in compliance with and does not deviate from the approved ~~plans and specifications~~ issued for construction data package. If the Department determines that the facility was not constructed in compliance with or deviates from the approved ~~plans and specifications~~ issued for construction data

package, the Department will provide the permittee written notice of necessary corrective actions within thirty (30) days of receipt of ~~all submittals required by this subsection~~ an as-built submittal. In the event the Department provides such written notice, operation of the facility may not begin until the Department inspects and provides written approval of the corrective actions. Operation of the facility may begin if the Department does not deliver to the permittee such written notice within thirty (30) days of receipt of ~~all submittals required by this subsection~~ an as-built submittal. ~~(3-24-22)~~( )

04. Duty to Provide Information. The permittee must furnish to the Director, within a reasonable or specified time, any information, including copies of records required by the permit or other applicable rules, that the Director may request to determine whether cause exists for modifying or revoking the permit or to determine compliance with the permit or other applicable rules. (3-24-22)

05. Notifications. After initial construction and seasonal and/or temporary closure, the permittee must, within thirty (30) days, provide written notice to the Director of the permittee's intentions to commence or restart operations. At least thirty (30) days prior to completion of operations, and/or temporary or seasonal operations, the permittee must notify the Director of the permittee's intentions to temporarily, seasonally or permanently close operations. Notification must provide sufficient time for the Director to provide pre-operational or post-operational inspections, as necessary. (3-24-22)

06. Entry and Access. The permittee must allow the Director, or a designee obligated by agreement with the Director to comply with the confidentiality provisions of Section 39-111, Idaho Code, to: (3-24-22)

a. Enter at reasonable times upon the premises of a permitted cyanidation facility or where records required by a permit are kept; (3-24-22)

b. Have access to and copy at reasonable times any records that must be kept under the conditions of the permit; (3-24-22)

c. Inspect at reasonable times any cyanidation facility, equipment, practice, or operation permitted or required by the permit; and (3-24-22)

d. Sample or monitor at reasonable times, substance(s) or parameter(s) directly related to permit or regulation compliance. (3-24-22)

07. Reporting. It is the permittee's responsibility to report to the Director: (3-24-22)

a. Orally, as soon as possible but no later than twenty-four (24) hours from the time the permittee knows or should reasonably know of any noncompliance that may endanger the public health or the environment. (3-24-22)

b. In writing, within five (5) working days from the time a permittee knows or should reasonably know of any event that may be or that may result in a violation of these rules, or IDAPA 58.01.02, ~~*"Water Quality Standards,"*~~ or IDAPA 58.01.11, ~~*"Ground Water Quality Rule."*~~ This report must contain: ~~*(3-24-22)*~~( )

i. A description of the event and its cause; if the cause is not known, steps taken to investigate and determine the cause; (3-24-22)

ii. The period of the event including, to the extent possible, the individual(s) involved in the incident(s) and the time(s) and date(s) of the incidents; (3-24-22)

iii. Measures taken to mitigate or eliminate the event and protect the public health; and (3-24-22)

iv. Steps taken to prevent recurrence of the event; (3-24-22)

c. In writing, confirmation of any conditions that may result in violation of any permit condition; and (3-24-22)

d. In writing, when the permittee knows or should reasonably know of relevant facts not submitted or incorrect information submitted in a permit application or any report or notice to the Director or the Department. Those facts or the correct information must be included as a part of this report. (3-24-22)

08. Discharge Response. If an unauthorized discharge occurs the permittee must implement the Department approved emergency and spill response plan. (3-24-22)

09. Temporary or Seasonal Closure Plans. Prior to temporary or seasonal closure, the permittee must submit a temporary or seasonal closure plan to the Director for approval. The plan must describe the procedures, methods, and schedule to be implemented for the treatment and disposal of process water and cyanidation pollutants, the control of drainage from the cyanidation facility, the control of drainage from the surrounding area, and the secure storage of chemicals during the period of closure. Within thirty (30) days of receiving the plan, the Director will approve and/or suggest modifications necessary to protect waters. The permittee must ensure that closure complies with an approved plan. The approved plan must be implemented before the permittee completes temporary or seasonal closure. Facilities may not be temporarily or seasonally closed for a period longer than two (2) years unless approved by the Director. ~~(3-24-22)~~( )

10. Begin Construction. A permit will be deemed void ~~I~~if the permittee fails to begin construction of a cyanidation facility within ~~one~~ two (~~1~~2) years of the effective date of the permit~~, the permit will be deemed void~~ unless the permittee requests and receives an extension (Section 39-118A(16)(a), Idaho Code). ~~(3-24-22)~~( )

11. Permanent Closure. The permanent closure plan, as approved by the Idaho Department of Lands, will be incorporated by reference into the Department-issued permit as a permit condition and will be enforceable as such. (3-24-22)

501. COMPLETION OF PERMANENT CLOSURE.

01. Implementation of a Permanent Closure Plan. Unless otherwise specified in the approved permanent closure plan, the permittee must begin implementation of the approved permanent closure plan: (3-24-22)

a. Within two (2) years of the final addition of cyanide to the ore processing circuit; or (3-24-22)

b. If the product recovery phase of the cyanidation facility has been suspended for a period of more than two (2) years. (3-24-22)

02. Submittal of a Permanent Closure Report. The permittee must submit a permanent closure report to the Department for review and approval. A permanent closure report must be of sufficient detail for the directors of the Department and the Idaho Department of Lands to issue a determination that permanent closure, as defined in Section 007, has been achieved. The permanent closure report must address: (3-24-22)

a. The effectiveness of material stabilization; (3-24-22)

b. The effectiveness of the water management plan and adequacy of the monitoring plan; (3-24-22)

c. The final configuration of the cyanidation facility and its operational/closure status; (3-24-22)

d. The post-closure operation, maintenance, and monitoring requirements, and the estimated reasonable cost to complete those activities; (3-24-22)

e. The operational/closure status of any land application site of the cyanidation facility; (3-24-22)

f. Source control systems that have been constructed or implemented to eliminate, mitigate, or contain short and long term discharge of cyanidation pollutants from the cyanidation facility, unless otherwise permitted; ~~(3-24-22)~~( )

g. The short and long term water quality trends in surface and ground water through the statistical analyses of the existing monitoring data collected pursuant to the ore processing by cyanidation permit; (3-24-22)

h. Ownership and responsibility for the cyanidation facility during the defined post-closure period; (3-24-22)

i. The future beneficial uses of the land, surface and ground waters in and adjacent to the closed facilities; and (3-24-22)

j. How the permanent closure of the cyanidation facility complies with the Resource Conservation and Recovery Act, Hazardous Waste Management Act, Solid Waste Management Act, and appropriate rules. (3-24-22)

502. DECISION TO APPROVE OR DISAPPROVE OF A PERMANENT CLOSURE REPORT.

01. Cost Recovery. Final closure of the cyanidation facility will not be approved if any payment required by the cost recovery agreement under ~~Subsection 100.04~~ Section 39-118A(7), Idaho Code is due and unpaid. ~~(3-24-22)~~( )

02. Issuance of Director's Determination. Within sixty (60) days of receipt of a permanent closure report, the Director will issue to the permittee a Director's determination of approval or disapproval of the permanent closure report. The Director's determination will be based on applicable statutes or rules administered by the Department. The Department will coordinate the evaluation of the permanent closure report with the Idaho Department of Lands. (3-24-22)

03. Director's Determination to Disapprove a Permanent Closure Report. A Director's determination to disapprove a permanent closure report will specifically identify and discuss those reasons for disapproval, any administrative actions being considered by the Director, and the permittee's options and procedures for administrative appeal. The Director's determination to disapprove a permanent closure report must include: (3-24-22)

a. Identification of errors or inaccuracies in the permanent closure report; (3-24-22)

b. Issues or details that require additional clarification; (3-24-22)

c. Failures to fully implement the approved permanent closure plans; (3-24-22)

d. Outstanding violations or other noncompliance issues; and (3-24-22)

e. Other issues supporting the Department's disagreement with the contents, final conclusions or recommendations of the permanent closure report. (3-24-22)

503. – 649. (RESERVED)

650. FINANCIAL ASSURANCE.

01. Financial Assurance Required. The permittee is required to provide financial assurance pursuant to ~~the Idaho Mined Land Reclamation Act, Chapter 15, Title 47, Idaho Code, and the rules promulgated thereunder. The Department will not issue a permit under these rules to a cyanidation facility unless a permanent closure plan for the cyanidation facility has been submitted for approval under Chapter 15, Title 47, Idaho Code. Any permit issued under these rules will prohibit construction and operation of the cyanidation facility until the permittee submits proof acceptable to the Department that financial assurance for the cyanidation facility permanent closure plan has been provided as required by Chapter 15, Title 47, Idaho Code~~ Sections 39-118A(2)(a)(ii), 39-118A(4), and 39-118A(13)(c)(ii), Idaho Code. ~~(3-24-22)~~( )

02. Insufficiency. In the event the financial assurance is forfeited as described in the Idaho Mined Land Reclamation Act, Chapter 15, Title 47, Idaho Code, the Department may seek to recover the amount necessary to implement permanent closure under the Department-issued permit and these rules as provided by law. (3-24-22)

651. -- 749. (RESERVED)

750. PERMIT MODIFICATION.

01. Cause for Permit Modification. Causes for permit modification are: (3-24-22)

a. A ~~material~~ major modification or material ~~expansion~~ modification in the cyanidation facility operation, design or closure plan; or ~~(3-24-22)~~( )

b. Natural phenomena substantially different from those anticipated in the original permit. (3-24-22)

02. Modification at Request of Permittee. Requests for modification from the permittee must include: (3-24-22)

a. A written description of the modification(s); (3-24-22)

b. Data supporting the modification request; and (3-24-22)

c. Causes and anticipated effects of the modification. (3-24-22)

03. Modification at Request of Director. Pursuant to Subsection 750.01, if the Director determines that cause exists for permit modification, the Director will notify the permittee in writing and request information necessary for the Director to modify the permit. (3-24-22)

04. Modification Procedure. The Director will evaluate the request for a permit modification, based on the information provided in Subsection 750.02 or otherwise obtained by the Department, and determine if the modification requires a major permit modification or a minor permit modification. (3-24-22)

a. Major ~~permit~~ modifications or material modifications are subject to the provisions of Sections 100~~,~~ and 200 through 205~~, 300, 400, and 450~~ and the application processing procedures, public notice and comment requirements, and final permit decision provisions of Section 39-118A, Idaho Code. ~~(3-24-22)~~( )

b. Minor permit modifications are not subject to the provisions of Section~~s~~ 100~~, 300, and 400~~ and the application processing procedures and public notice and comment requirements in Section 39-118A, Idaho Code. The permittee must notify and receive approval from the Department prior to making minor modifications. ~~(3-24-22)~~( )

05. Major Permit Modifications. Changes that require a major permit modification include but are not limited to: (3-24-22)

a. ~~Material~~Major modifications or material ~~expansions~~ modifications to a cyanidation facility as defined by these rules; or ~~(3-24-22)~~( )

b. A significant increase or decrease in the time the cyanidation facility is expected to be in operation~~; or~~. ~~(3-24-22)~~( )

~~**c.** Requests to modify or change water quality compliance criteria and/or water quality compliance monitoring points.~~ ~~(3-24-22)~~

06. Minor Permit Modifications. Minor permit modifications are those that, if granted, would not result in any increased hazard to the environment or to the public health. Within thirty (30) days of receipt of a written request for a minor modification, the Department will complete an evaluation of the request and either approve or deny the request in writing. Minor modifications may include but are not limited to: (3-24-22)

a. The correction of typographical errors in an approved permit; (3-24-22)

b. Legal transfer of ownership or operational control; (3-24-22)

c. A change in the requirements for monitoring or reporting frequency of the quality or quantity of the project air, water or waste generated; (3-24-22)

d. A change in the cost estimates submitted by a permittee to the Idaho Department of Lands to complete permanent closure; and (3-24-22)

e. A change or modification that is required by a state or federal requirement that supersedes the authorities of these rules. (3-24-22)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.16 – WASTEWATER RULES

DOCKET NO. 58-0116-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis (IBRS)

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2026 Idaho State Legislature for final approval. Pursuant to Section 67-5224, Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking in compliance with Executive Order No. 2020-01, Zero-Based Regulation (EO 2020-01), issued by Governor Little on January 16, 2020. A detailed summary of the reason for adopting the rule is set forth in the proposed rule published in the Idaho Administrative Bulletin, September 3, 2025, Vol. 25-9, pages 303 through 371.

After consideration of public comments, the proposed rule has been revised at Sections 008, 010, 401, 409, and 450. The remainder of the rule has been adopted as initially proposed. The board meeting documents are available at Wastewater Rules: Docket No. 58-0116-2501 | Idaho Department of Environmental Quality.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

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:

Not applicable.

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

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0165
diane.cutler@deq.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 Chapters 1 and 36, 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 17, 2025. If no such written request is received, a public hearing will not be held. One public scoping meeting was held before initiation of negotiated rulemaking, and three public meetings were held during the negotiated rulemaking process.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking in compliance with Executive Order No. 2020-01, Zero-Based Regulation (EO 2020-01), issued by Governor Little on January 16, 2020. Pursuant to EO 2020-01, each rule chapter effective on June 30, 2020, shall be reviewed by the agency that promulgated the rule. The review will be conducted according to a schedule established by the Division of Financial Management, Office of the Governor (DFM), posted at: Link. This is one of the DEQ rule chapters up for review in 2025. The goal of the rulemaking is to perform a critical and comprehensive review of the entire chapter in an attempt to reduce overall regulatory burden, streamline various provisions, and increase clarity and ease of use.

DEQ is proposing updates to improve clarity, streamline compliance, and align wastewater rules with best practices in public health and environmental protection. The changes include revisions to operator requirements, such as licensure, and demonstrating technical, financial, and managerial capacity. Updated standards, including U.S. Environmental Protection Agency guidelines and engineering best practices, will ensure consistency with state and national expectations.

Definitions of key terms will be clarified, and facility planning and design standards will be updated to address municipal wastewater systems, pipelines, and treatment facilities, focusing on efficiency and environmental protection. The revisions also propose to improve rules for system operations and maintenance, including emergency preparedness and record-keeping, while simplifying the process for reviewing and approving plans and reports for both municipal and nonmunicipal systems.

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. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2026 Idaho State Legislature, the rule will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

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

NEGOTIATED RULEMAKING: Negotiated rulemaking was conducted pursuant to Section 67-5220, Idaho Code. On March 5, 2025, the Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking was published in the Idaho Administrative Bulletin. At the conclusion of the negotiated rulemaking process, DEQ submitted the draft rule to the Division of Financial Management for review. DEQ formatted the draft for publication as a proposed rule and is now seeking public comment. The negotiated rulemaking record, which includes the negotiated rule drafts, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/wastewater-docket-no-58-0116-2501/.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule.

The incorporation of Idaho Standards for Public Works Construction (ISPWC) Sections 401.2.9, 401.3.4, 401.3.6, 501.3.4, and 505.3.3 ensures that Idaho's wastewater infrastructure is designed and constructed to consistent, modern standards. These provisions address critical aspects of system reliability—such as pipe joint restraint, thrust blocking, leakage testing, and bedding requirements—and reflect current best practices in utility construction. They establish clear, enforceable expectations for performance and inspection, reduce the risk of infiltration and failure, and support long-term durability of public investments. Incorporating these sections strengthens technical alignment between state and local infrastructure and improves oversight during design review and construction. Information for obtaining a copy of the incorporated material is included in the rule.

In compliance with Idaho Code 67-5223(4), DEQ prepared a brief synopsis detailing the substantive differences between the previously incorporated material and the latest revised edition or version of the incorporated material being proposed for incorporation by reference. The Overview of Incorporations by Reference is available at https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/wastewater-docket-no-58-0116-2501/

IDAHO CODE SECTION 39-107D STATEMENT: This rule proposes to regulate an activity not regulated by the federal government. Per Section 39-107D, Idaho Code, 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 plan and specification review and facility standard provisions set forth in the Wastewater Rules. Therefore, the changes to the rules are not broader in scope or more stringent than federal law or regulations.

Section 39-107D, Idaho Code, also applies to a rule which "proposes to regulate an activity not regulated by the federal government." The Wastewater Rules address the review and approval of plans and specifications for sewage treatment plants and other waste treatment and disposal facilities and the standard by which the agency does the review and approval. This is not an activity regulated by the federal government. Therefore, Section 39-107D, Idaho Code, applies.

Section 39-107D(3), Idaho Code, provides that any rule subject to 39-107D that proposes a standard necessary to protect human health and the environment must also include in the rulemaking record and in the notice of rulemaking additional information. This additional information includes any estimates of risk accomplished, identification of populations or receptors addressed by any estimates, and other information related to an estimation of risk. The Wastewater Rules include facility and design standards which are intended to protect human health and the environment. The standards, however, are for the design and construction of wastewater systems. The rules are not based upon any express estimate of analysis of risk to public health or the environment.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed rulemaking, contact Mary Anne Nelson at mary.anne.nelson@deq.idaho.gov or (208) 373-0291.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before October 1, 2025. Submit written comments to the undersigned.

Mary Anne Nelson
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
mary.anne.nelson@deq.idaho.gov

Dated this 3rd day of September, 2025.

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 58-0116-2501

Italicized red text that is *double underscored* indicates amendments to the proposed text as adopted in the pending rule.

58.01.16 – WASTEWATER RULES

000. LEGAL AUTHORITY.
~~Under~~ Chapters 1 and 36, Title 39, Idaho Code~~, the Idaho Legislature has granted the Board of Environmental Quality the authority to promulgate these rules~~. ~~(3-31-22)~~( )

001. ~~TITLE AND~~ SCOPE.

~~01.~~ ~~Title~~. ~~These rules are titled IDAPA 58.01.16, "Wastewater Rules."~~ ~~(3-31-22)~~

~~02.~~ ~~Scope~~. ~~These rules establish the procedures and requirements for the planning, design and operation of wastewater facilities, and the discharge~~ disposal of wastewater~~s~~, and human activities which may adversely affect public health and water quality~~ in the waters of the state~~. ~~(3-31-22)~~( )

002. ~~WRITTEN INTERPRETATIONS.~~(RESERVED)
~~As described in Section 67-5201(19)(b)(iv), Idaho Code, the Department of Environmental Quality may have written statements which pertain to the interpretation of these rules. If available, such written statements can be inspected and copied at cost at the Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706-1255.~~ ~~(3-31-22)~~

003. ADMINISTRATIVE PROVISIONS.
Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, "Contested Case Rules and Rules for Protection and Disclosure of Records." (3-31-22)

004. INCORPORATION BY REFERENCE.
Sections 401.2.9, 401.3.4~~ and~~, 401.3.6, 501.3.4, and 505.3.3 of "Idaho Standards for Public Works Construction," ~~2007~~ 2020 Edition, are incorporated by reference into these rules.~~ These documents are~~ This document is available for review at the Department of Environmental Quality, 1410 N. Hilton, Boise,~~ ID 83706-1255~~ Idaho, (208)373-0502, or can be purchased for a fee from the Local Highway Technical Assistance Council (LHTAC) at LHTAC, 3330 Grace Street, Boise, ID, 83703, (208) 344-0565. ~~(3-31-22)~~( )

~~005. OFFICE HOURS—MAILING ADDRESS AND STREET ADDRESS.~~
~~The state office of the Department of Environmental Quality and the office of the Board of Environmental Quality are located at 1410 N. Hilton, Boise, Idaho 83706-1255, telephone number (208) 373-0502. The office hours are 8 a.m. to 5 p.m. Monday through Friday.~~ ~~(3-31-22)~~

~~006. CONFIDENTIALITY OF RECORDS.~~
~~Information obtained by the Department under these rules is subject to public disclosure pursuant to the provisions of Title 74, Chapter 1, Idaho Code, and IDAPA 58.01.21, "Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality."~~ ~~(3-31-22)~~

005. -- 006. (RESERVED)

007. USE OF GUIDANCE IN DESIGN AND REVIEW.

Guidance documents are ~~to be~~ used to assist both designers and reviewers in determining a reasonable way to achieve compliance with these rules. Nothing in these rules makes the use of a particular guidance or guidance document mandatory. If the plans and specifications comply with applicable facility and design standards as set out in these rules, Section 39-118, Idaho Code, requires that the Department not substitute its judgment for that of the design engineer concerning the manner of compliance. If the design engineer needs assistance as to how to comply with a particular rule, the design engineer may use the referenced guidance documents listed in Section 008 for that assistance. However, the design engineer may also use other guidance or provide documentation to substantiate ~~his or her~~ their own professional judgment. ~~(3-31-22)~~( )

008. REFERENCED MATERIAL.

01. ~~"~~Recommended Standards for Wastewater Facilities.~~"~~ A Report of the Wastewater Committee of the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers. ~~This document is available through Health Education Services at http://www.healthresearch.org/store~~ https://www.health.state.mn.us/communities/environment/water/docs/tenstates/tenstatestan2014.pdf. ~~(3-31-22)~~( )

~~**02. Memorandum of Understanding**. The Memorandum of Understanding between the Idaho Department of Environmental Quality and the Idaho Division of Building Safety Plumbing Bureau provides assistance in determining juridiction over water and sewer service lines. Copies of the document are available at the Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, on the DEQ website at http://www.deq.idaho.gov.~~ ~~(3-31-22)~~

0~~3~~2. **"Idaho Standards for Public Works Construction."** This document is available for review at the Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho, (208)373-0502, or can be purchased for a fee through the Local Highway Technical Assistance Council (LHTAC) at LHTAC, 3330 Grace Street, Boise, ID, 83703, (208) 344-0565. ~~(3-31-22)~~( )

0~~4~~3. **Water Environment Federation (WEF) Manuals of Practice**. Water Environment Federation, 601 Wythe Street, Alexandria, VA, 22314-1994, 1-800-666-0206, http://www.wef.org. (3-31-22)

0~~5~~4. **American Society of Civil Engineers (ASCE) Manuals and Reports on Engineering Practices**. American Society of Civil Engineers, 1801Alexander Bell Drive, Reston, VA 20191, 800-548-2723, http://www.asce.org. (3-31-22)

0~~6~~5. **"Design Criteria for Mechanical, Electric, and Fluid System and Component Reliability."** U.S. EPA (EPA-430-99-74-001), http://www.epa.gov. (3-31-22)

0~~7~~6. **American National Standard Institute/Hydraulic Institute ANSI/HI 9.8, American National Standard for Centrifugal and Vertical Pump Intake Design**. 1819 L Street NW Suite 600, Washington, DC 20036, (202) 293-8020, www.ansi.org. (3-31-22)

0~~8~~7. **The Compressed Gas Association Publication CGA G-3-1995, "Sulfur Dioxide."** (3-31-22)

0~~9~~8. **"Wastewater Engineering, Treatment and Reuse," Metcalf and Eddy**. (3-31-22)

~~10~~09. **"Ultraviolet Disinfection Guidelines for Drinking Water and Water Reuse,"** National Water Research Institute/American Water Works Association (AWWA) Research Foundation, 6666 West Quincy Avenue, Denver, CO 80235, (800)926-7337, http://www.awwa.org. (3-31-22)

1~~1~~0. **Pumping Station Design - Third Edition 2006**. Garr M. Jones. Elsevier Publications. (3-31-22)

~~12. Plan and Specification Dispute Resolution Policy. PM05-2: Plan and Specification Review Dispute Resolution Advisory Panel for Engineering Disputes can be found on the DEQ website at http://www.deq.idaho.gov.~~ ~~(3-31-22)~~

~~13. Nutrient-Pathogen Evaluation Program for On-Site Wastewater Treatment Systems. Nutrient-Pathogen Evaluation Program for On-Site Wastewater Treatment Systems can be found on the DEQ website~~

~~at http://www.deq.idaho.gov.~~ ~~(3-31-22)~~

~~**14. Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater**. The Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater can be found on the DEQ website at http://www.deq.idaho.gov.~~ ~~(3-31-22)~~

***11. Idaho Waste Management Guidelines for Aquaculture Operations 1997**, Aquaculture Waste Guidelines Advisory Committee.* https://freshwater-aquaculture.extension.org/wp-content/uploads/2019/08/Idaho_Waste_Management_Guidelines_for_Aquaculture_Operations.pdf *( )*

009. ~~LAWS AND CODES OUTSIDE OF THESE RULES.~~(RESERVED)

~~Compliance with the following laws and codes are not required by these rules, but may be required by other regulatory entities.~~ ~~(3-31-22)~~

~~**01. International Building Code**.~~ ~~(3-31-22)~~

~~**02. Uniform Plumbing Code**.~~ ~~(3-31-22)~~

~~**03. National Fire Protection Association Code (NFPA)**.~~ ~~(3-31-22)~~

~~**04. Requirements of National Institute for Occupational Safety and Health (NIOSH)**.~~ ~~(3-31-22)~~

~~**05. Requirements of the Occupational Safety and Health Administration (OSHA)**.~~ ~~(3-31-22)~~

~~**06. National Electrical Code**.~~ ~~(3-31-22)~~

~~**07. International Fire Code**.~~ ~~(3-31-22)~~

010. DEFINITIONS.

~~For the purpose of the rules contained in IDAPA 58.01.16, "Wastewater Rules," the following definitions apply:~~The terms "Board," "Department," "Director," "Person," and "Waters" are defined in Section 39-103, Idaho Code. The term "Ground water" (Groundwater) is defined in Section 39-121, Idaho Code. The terms "Beneficial Use" and "Watershed" are defined in IDAPA 58.01.02, "Water Quality Standards." The term "Like-Kind Replacement" is defined in IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems." The terms "Recycled Water" and "Reuse" are defined in IDAPA 58.01.17, "Recycled Water Rules." The terms "Point Source" and "Water Pollution" are defined in IDAPA 58.01.25, "Idaho Pollutant Discharge Elimination System Rules." ~~(3-31-22)~~*( )*

~~**01. Available**. Based on public wastewater system size, complexity, and variation in raw waste, a licensed wastewater operator must be on site, on call, or able to be contacted as needed to initiate the appropriate action for normal or emergency conditions in a timely manner.~~ ~~(3-31-22)~~

0~~2~~1. **Adequate Emergency Storage Capacity**. ~~The emergency storage capacity of a~~ l Lift station wet well emergency storage capacity is the volume of the wet well measured between the high water alarm and the gravity sewer invert into the wet well. The collection system ~~shall~~ will not be used in the calculation for emergency storage. ~~For the purpose of this definition, "a~~ Adequate~~"~~ storage is defined as twice the estimated emergency response time multiplied by the peak hour flow to the wet well where the minimum emergency response time is 30 minutes, unless otherwise approved by the Department. The high water alarm ~~shall~~ must be placed at an elevation below the wet well invert sufficient to achieve the defined volumetric emergency storage capacity. ~~(3-31-22)~~( )

~~**03. Average Day Flow**. The average day flow is the average of daily volumes to be received for a continuous twelve (12) month period expressed as a volume per unit time. However, the average day flow for design purposes for facilities having critical seasonal high hydraulic loading periods, such as recreational areas or industrial facilities, shall be based on the average day flow during the seasonal period. See also the definition of Wastewater Flows.~~ ~~(3-31-22)~~

~~**04. 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.~~ ~~(3-31-22)~~

0~~5~~2. **Biochemical Oxygen Demand (BOD)**. The measure of the amount of oxygen necessary to satisfy the biochemical oxidation requirements of 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. (3-31-22)

0~~6~~3. **Blackwaste**. Human body waste, such as excreta or urine. This includes toilet paper and other products used in the practice of personal hygiene. (3-31-22)

0~~7~~4. **Blackwater**. A wastewater whose principal pollutant is blackwaste; a combination of blackwaste and water. (3-31-22)

~~**08. Board**. The Idaho Board of Environmental Quality.~~ ~~(3-31-22)~~

05. Buildout. The estimated future wastewater capacity needs at full development, based on land use plans, zoning, or facility planning. Design capacities must account for these conditions unless expansion is readily achievable. ( )

0~~9~~6. **Capacity**. The capabilities required of a wastewater system ~~in order~~ to achieve and maintain compliance with these rules. It is divided into three (3) ~~main~~ elements: ~~(3-31-22)~~( )

a. Technical capacity means ~~the system has~~: ( )

i. ~~the p~~Physical infrastructure to safely collect wastewater and consistently meet ~~discharge~~ disposal standards and treatment requirements~~, and~~; ( )

ii. ~~is able~~Ability to meet the requirements of routine and emergency operations~~.~~; and ( )

ii. ~~It further means the a~~Ability of system personnel to adequately operate and maintain the system and to otherwise implement technical knowledge. Training of operator~~(s)~~ is required, as appropriate, for the system size and complexity. ~~(3-31-22)~~( )

b. Financial capacity means the financial resources of the wastewater system, including an appropriate budget; rate structure; cash reserves sufficient for current operation and maintenance, future needs and emergency situations; and adequate fiscal controls. (3-31-22)

c. Managerial capacity means ~~that~~ the management structure of the wastewater system embodies the aspects of wastewater system operations, including, but not limited to~~:~~: ~~(3-31-22)~~( )

i. Short and long range planning; (3-31-22)

ii. Personnel management; (3-31-22)

iii. Fiduciary responsibility; (3-31-22)

iv. Emergency response; (3-31-22)

v. Customer responsiveness; and (3-31-22)

vi. Administrative functions such as billing and consumer awareness. (3-31-22)

~~10~~07. **Class A ~~Effluent~~ Recycled Water**. ~~Class A effluent is treated municipal reclaimed wastewater that must be oxidized, coagulated, clarified, and filtered, or treated by an equivalent process and adequately disinfected.~~ For a comprehensive description of Class A ~~Effluent criteria and permitting requirements~~ recycled water, refer to

IDAPA 58.01.17, "Recycled Water Rules." ~~(3-31-22)~~( )

~~11~~08. **Class A ~~Effluent~~ Recycled Water Distribution System**. The delivery system for Class A ~~effluent~~ recycled water. 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 in Section 203 of these rules~~. ~~(3-31-22)~~( )

~~12~~09. **Collection System**. That portion of the wastewater system or treatment facility in which wastewater is received from the premises of the ~~discharger~~ user and conveyed to the point of treatment through a series of lines, pipes, manholes, pumps/lift stations and other appurtenances. For the purposes of municipal wastewater, a wastewater system must serve two or more wastewater service connections. ~~(3-31-22)~~( )

1~~3~~0. **Compliance Schedule or Compliance Agreement Schedule**. A schedule of remedial and preventative measures and sequence of actions leading to compliance with a regulation, statute or rule, enforceable as set forth in Sections 39-116 and 39-116A, Idaho Code, respectively. (3-31-22)

~~14. **Department**. The Idaho Department of Environmental Quality. (3-31-22)~~

~~15. **Design Flow**. The critical flow used for steady-state wasteload allocation modeling. (3-31-22)~~

~~16. **Designated Beneficial Use or Designated Use**. Those beneficial uses assigned to identify waters in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, "Water Quality Standards," Sections 110 through 160, whether or not the uses are being attained. (3-31-22)~~

~~17. **Director**. The Director of the Idaho Department of Environmental Quality or his authorized agent. (3-31-22)~~

1~~8~~1. **Discharge**. When used without qualification, any spilling, leaking, emitting, escaping, leaching, or disposing of a pollutant into ~~the~~ waters ~~of the state~~. ~~(3-31-22)~~( )

1~~9~~2. **Disinfection**. A method of reducing the pathogenic or objectionable organisms by means of chemicals or other acceptable means. (3-31-22)

13. **Disposal**. Removal of wastewater derived from municipal and nonmunicipal sources utilizing discharge, reuse, total containment, or other allowable methods. ( )

~~20~~14. **Disposal Facility**. Any facility used for disposal of any wastewater. Facilities for the disposal of sludge are regulated under Section 650 of these rules. (3-31-22)

~~21~~15. **Effluent**. Any treated wastewater ~~discharged~~ disposed from a treatment facility. ~~(3-31-22)~~( )

~~22. **Environmental Review**. An environmental review document for a specific project includes a description of purpose and need for the project; a description of the affected environment and environmental impacts including, but not limited to, endangered species, historical and archaeological impacts, air impacts, surface and ground water impacts, and noise and visual impacts; a description of the planned mitigation for these impacts; and descriptions of the public process, agencies consulted, referenced documents, and a mailing list of interested parties. A checklist, which can be used as guidance, can be found on the DEQ website at http://www.deq.idaho.gov. This checklist is for Department grant and loan projects, but can be used in part or in whole as a guide. (3-31-22)~~

~~23. **EPA**. The United States Environmental Protection Agency. (3-31-22)~~

~~24~~16. **Equivalent Dwelling Unit (EDU)**. A measure where one (1) unit is equivalent to wastewater generated from one (1) single-family detached housing unit. For example, a business generating three (3) times as much wastewater as an average single-family detached housing unit would be considered three (3) equivalent dwelling units. (3-31-22)

~~25~~17. **Facility Plan**. ~~The facility plan~~ Comprehensive planning document for a municipal wastewater ~~treatment and disposal facility describes~~ system describing the overall existing system~~,~~ - including the collection

~~system,~~ ~~the~~ treatment ~~systems,~~ and ~~the~~ disposal systems. ~~It is a comprehensive planning document for the existing infrastructure~~ and ~~includes~~ the plan for ~~the~~ future ~~of the~~ systems~~,~~ including upgrades and additions. ~~It is usually updated on a regular basis due to anticipated or unanticipated growth patterns, regulatory requirements, or other infrastructure needs.~~ A Facility Plan ~~is sometimes~~ may be referred to as a master plan or facilities planning study. ~~In general, a Facility Plan is an overall system-wide plan as opposed to a project specific plan~~ and is updated on a regular basis to account for growth patterns, regulatory requirement, or other needs. ~~(3-31-22)~~( )

~~26~~18. **Facility and Design Standards**. Facility and design standards are described in Sections 400 through 599 ~~of these rules. Facility and design standards found in Sections 400 through 599 of these rules~~ and must be followed in the planning, design, construction, and review of municipal wastewater facilities. ~~(3-31-22)~~( )

~~27. Geometric Mean. The geometric mean of "n" quantities is the "nth" root of the product of the quantities.~~ ~~(3-31-22)~~

19. **Force Main**. Pressurized pipeline for the purpose of conveying wastewater within a collection system or treatment facility. ( )

~~2~~80. **Gray Water**. Domestic wastewater that does not contain ~~*wastewater from toilets, kitchen sinks, dishwashers, cloth washing machines, and water softeners*~~ *blackwaste*. ~~(3-31-22)~~( )

~~29. Ground Water. Any water of the state which occurs beneath the surface of the earth in a saturated geological formation of rock or soil.~~ ~~(3-31-22)~~

~~30~~21. **Industrial Wastewater**. Any waste, together with such water as is present, that is the by-product of industrial processes including, but not limited to, food processing or food washing wastewater. (3-31-22)

~~31~~22. **Land Application**. A process or activity involving application of wastewater, surface water, or semi-liquid material to the land surface for the purpose of disposal, pollutant removal, or ~~ground water~~ groundwater recharge. ~~(3-31-22)~~( )

~~32~~23. **License**. A ~~physical~~ document issued by the Idaho ~~Bureau of Occupational Licenses~~ Division of Occupational and Professional Licenses certifying that an individual has met the appropriate qualifications and has ~~been granted the~~ authority to practice in Idaho under the provisions of Chapter 24, Title 54, Idaho Code. ~~(3-31-22)~~( )

~~33. Major Wastewater Collection System Project. A wastewater collection system project that is not a simple wastewater main extension.~~ ~~(3-31-22)~~

~~34~~24. **Material Deviation**. A change from the design plans that significantly alters the type or location of facilities, requires engineering judgment to design, or impacts ~~the~~ public safety or welfare. ~~(3-31-22)~~( )

~~35~~25. **Material Modification**. ~~Material modifications are t~~ Those modifications of an existing wastewater system that ~~are intended to~~ increase system capacity or ~~to~~ alter the methods or processes employed. ~~Any project that increases the~~ Increasing system capacity occurs by increasing pumping capacity of a system~~, increases the potential population served by the system~~ or the number of service connections within the system~~, adds~~. Altering methods or processes employed occurs by adding new or ~~alters~~ altering existing wastewater system components~~, or affects the~~ to satisfy an increase in wastewater flow of the system or changing engineering design intent of the wastewater collection or treatment system ~~is considered to be increasing system capacity or altering the methods or processes employed. Maintenance and repair performed on the system and the replacement of valves, pumps, or other similar items with new items of the same size and type are not considered a material modification~~ Maintenance as outlined in the approved operation and maintenance manual, or maintenance that does not meet the criteria of a material modification described in this definition, is not a material modification. Like-kind replacement is not considered a material modification. ~~(3-31-22)~~( )

~~36. Maximum Day Flow. The design maximum day flow is the largest volume of flow to be received during a continuous twenty four (24) hour period expressed as a volume per unit time. See also Wastewater Flows.~~ ~~(3-31-22)~~

~~37. Maximum Month Flow. The maximum month flow is the largest volume of flow to be received during any calendar month expressed as a volume per unit time. See also the definition of Wastewater Flows.~~ ~~(3-31-22)~~

~~38. 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.~~ ~~(3-31-22)~~

~~39~~26. **Municipal Wastewater**. ~~Unless otherwise specified, s~~ Sewage and associated solids, whether treated or untreated, together with such water that is present. ~~Also called domestic wastewater.~~ When incidental to flow and strength, ~~I~~industrial wastewater or other non-domestic sources may also be present~~, but is not considered part of the definition~~. ~~(3-31-22)~~( )

~~40. National Pollutant Discharge Elimination System (NPDES). Point source permitting program established pursuant to Section 402 of the federal Clean Water Act.~~ ~~(3-31-22)~~

~~41. Natural Background Conditions. No measurable change in the physical, chemical, biological, or radiological conditions existing in a water body without human sources of pollution within the watershed.~~ ~~(3-31-22)~~

~~42. 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. Non-contact cooling water is not considered wastewater. Non-contact cooling water can be land applied as recharge water as discussed in Section 600 based on a Department approval as described in Subsections 600.04 and 600.05.~~ ~~(3-31-22)~~

~~43. 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.~~ ~~(3-31-22)~~

~~44. Nutrients. The major substances necessary for the growth and reproduction of aquatic plant life, consisting of nitrogen, phosphorus, and carbon compounds.~~ ~~(3-31-22)~~

~~45~~27. **Non-Potable Mains**. ~~The p~~ Pipelines that collect ~~and~~, deliver, or otherwise convey non-potable ~~discharges~~ fluids from or to multiple service connections. ~~Examples would include sewage collection and interceptor mains, storm sewers, non-potable irrigation mains, and reclaimed wastewater mains.~~ ~~(3-31-22)~~( )

~~46~~28. **Non-Potable Services**. ~~The p~~ Pipelines that collect, deliver, or otherwise convey non-potable ~~discharges from individual facilities to a connection with the~~ fluids from or to a non-potable main. ~~This term also refers to pipelines that convey non-potable water from a pressurized irrigation system, reclaimed wastewater system, and other non-potable systems to individual consumers~~ These pipelines connect individual facilities to the non-potable main. This term also refers to pipelines that convey non-potable fluids from a pressurized irrigation system, recycled water system, and other non-potable systems to individual consumers. ~~(3-31-22)~~( )

29. **Nuisance**. Anything which is injurious to the public health or an obstruction to the free use, in the customary manner, of any waters. ( )

30. **Nutrients**. The major substances necessary for the growth and reproduction of plant life consisting of nitrogen, phosphorus, and carbon compounds. ( )

~~47~~31. **Operating Personnel**. Any person who is employed, retained, or appointed to conduct the tasks associated with the day-to-day operation and maintenance of a ~~public~~ community wastewater system. ~~Operating personnel shall include every~~ including person~~s~~ making system control or system integrity decisions about water quantity or water quality that may affect public health. ~~(3-31-22)~~( )

~~48~~32. **Owner**. The person, company, corporation, district, association, or other organizational entity that owns the ~~public~~ wastewater system, and who provides, or intends to provide, wastewater service to system users and is ultimately responsible for the ~~public~~ wastewater system operation. ~~(3-31-22)~~( )

~~49. **Peak Instantaneous Flow**. The design peak instantaneous flow is the instantaneous maximum flow rate to be received. See also the definition of Wastewater Flows.~~ ~~(3-31-22)~~

~~50. **Peak Hour Flow**. The design peak hour flow is the largest volume of flow to be received during a one (1) hour period expressed as a volume per unit time. See also the definition of Wastewater Flows.~~ ~~(3-31-22)~~

~~51. **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.~~ ~~(3-31-22)~~

~~52. **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 to surface waters of the state. 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.~~ ~~(3-31-22)~~

~~53~~33. ***Pollutant***. *Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, 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.* *(3-31-22)*

~~54~~34. **Potable Water**. ~~A water which is free from impurities in such amounts that it is safe for human consumption without treatment~~ Water for human consumption. Also referred to as Water for Human Consumption or Drinking Water. ~~(3-31-22)~~( )

~~55~~35. **Potable Mains**. Pipelines that deliver potable water to multiple service connections. (3-31-22)

~~56~~36. **Potable Service**. Pipelines that convey potable water from a connection to the potable water main ~~across private property~~ to individual consumers. ~~(3-31-22)~~( )

~~57~~37. **Preliminary Engineering Report (PER)**. ~~The preliminary engineering report for the municipal wastewater treatment or disposal facility is the~~ Project specific design report ~~that addresses specific portions of the systems as they are being contemplated for design~~ for a new wastewater system or existing wastewater system undergoing material modifications. These reports address specific purpose and scope, design requirements, alternative solutions, costs, operation and maintenance requirements, and other requirements as described in Section 411. ~~Preliminary engineering reports are generally project specific as opposed to an overall system-wide plan, such as a facility plan.~~ ~~(3-31-22)~~( )

~~58~~38. **Primary Treatment**. Processes or methods that serve as the first stage treatment of wastewater, intended for removal of suspended and settleable solids by gravity sedimentation; provides no changes in dissolved and colloidal matter in the sewage or waste~~s~~ flow. ~~(3-31-22)~~( )

~~59~~39. **Private ~~Municipal~~ Wastewater Treatment Plant**. A wastewater ~~facility~~ system that treats municipal wastewater and is under private ownership. These systems are typically initially owned, operated, and maintained by a developer with the ownership, operation and maintenance transferring to a homeowner's association, or similar entity as lots are sold within the development. ~~(3-31-22)~~( )

~~60~~40. **~~Public~~ Community Wastewater System ~~or Wastewater System~~**. A ~~public wastewater system or wastewater system is any~~ publicly or privately owned ~~collection system or treatment~~ wastewater system that generates, collects, treats, stores, or disposes of two thousand five hundred (2,500) or more gallons of wastewater per day based on Average Day Flow measured in the system. For new wastewater systems not constructed, Average Day Flow may be estimated as documented in an approved PER. This does not include: ~~(3-31-22)~~( )

a. Any animal waste system used for agricultural purposes that have been constructed in part or whole by public funds; or (3-31-22)

b. Any industrial or other nonmunicipal wastewater system which is covered under Section 401 ~~of these rules~~. ~~(3-31-22)~~( )

~~61~~41. **Qualified Licensed Professional Engineer (QLPE)**. A professional engineer licensed by the state of Idaho; qualified by education or experience in the specific technical fields involved in these rules; and retained or employed by a city, county, quasi-municipal corporation, or regulated public utility for the purposes of plan and specification review. (3-31-22)

~~62~~42. **Quasi-Municipal Corporation**. A public entity, other than community government, created or authorized by the legislature to aid the state in, or to take charge of, some public or state work for the general welfare. For the purpose of these rules, this term refers to wastewater or sewer districts. (3-31-22)

~~63~~43. **Receiving Waters**. Those waters which receive pollutants from point or nonpoint sources. (3-31-22)

~~64. **Recharge**. The process of adding water to the zone of saturation.~~ ~~(3-31-22)~~

~~65~~44. **Recharge Water**. Water ~~that is~~ specifically utilized for the purpose of adding water to the zone of saturation. ~~(3-31-22)~~( )

~~66~~45. **Redundancy**. ~~Redundancy for wastewater treatment and disposal facilities is generally focused on supplying or installing b~~ Backup equipment and facilities to make the operation of the systems more reliable~~. These redundant systems are sometimes required to provide backup for emergencies,~~ in emergency situations such as taking certain processes off-line~~,~~ or for treating spikes in wastewater flow or strength. ~~(3-31-22)~~( )

~~67~~46. **Reliability**. ~~Reliability for wastewater collection and treatment and disposal facilities is usually b~~ Based on ~~its~~ the wastewater system's ability to consistently handle the wastewater flows in the community and to meet the requirements of its permit~~. This reliability is in part based on thes~~ and includes redundancy built into the wastewater infrastructure and proper maintenance of the system. ~~(3-31-22)~~( )

~~68~~47. **Reasonably Accessible**. The following criteria ~~shall~~ must be used to determine whether a project proposing a new private ~~municipal~~ wastewater treatment plant, or a material modification ~~or expansion~~ of an existing private ~~municipal~~ wastewater treatment plant, is reasonably accessible to a ~~public~~ municipal wastewater collection system. ~~(3-31-22)~~( )

a. For an existing private ~~municipal~~ wastewater treatment plant, reasonably accessible means the ~~public~~ municipal wastewater collection system becomes located within a minimum of one thousand (1,000) feet of any portion of the ~~discharge~~ disposal piping of a private ~~municipal~~ wastewater treatment plant, and the owner of the ~~public~~ municipal wastewater collection system will provide a "will serve" letter. ~~(3-31-22)~~( )

b. For a proposed project which includes a new private ~~municipal~~ wastewater treatment plant, reasonably accessible means the ~~public~~ municipal wastewater collection system is located within a minimum of one thousand (1,000) feet of any portion of the proposed development or existing development property boundary, and the owner of the ~~public~~ municipal wastewater collection system will provide a "will serve" letter. ~~(3-31-22)~~( )

c. The Department may determine that a private ~~municipal~~ wastewater treatment plant may be reasonably accessible to the ~~public~~ municipal wastewater collection system at distances greater than those distances specified in ~~Paragraphs~~ a. or b. ~~of this Subsection~~ above based on site-specific factors. ~~(3-31-22)~~( )

~~69~~48. **Responsible Charge (RC)**. ~~For purposes of Sections 202 through 204, responsible charge means, a~~ Active, daily on-site or on-call responsibility for the performance of operations or active, on-going, on-site or on-call direction of employees and assistants. ~~(3-31-22)~~( )

~~70~~49. **Responsible Charge Operator**. ~~For purposes of Sections 202 through 204, a responsible charge o~~

Operator is an operator licensed at a class equal to or greater than the classification of the system ~~and~~ who has been designated by the system owner to have direct supervision of and responsibility for the performance of operations of ~~a~~ specified wastewater treatment system~~(s)~~ or wastewater collection system~~(s)~~ and the direction of personnel employed or retained at the same system. The responsible charge operator has an active daily on-site or on-call presence at the specified facility. ~~(3-31-22)~~( )

~~**71. Reuse**. The use of reclaimed wastewater for beneficial uses including, but not limited to, land treatment, irrigation, ground water recharge using surface spreading, seepage ponds, or other unlined surface water features.~~ ~~(3-31-22)~~

~~72~~50. **Reviewing Authority**. For those projects requiring preconstruction approval by the Department, the Department is the reviewing authority. For those projects allowing for preconstruction approval by others, pursuant to Subsection 400.03.b. ~~of these rules~~, the Qualified Licensed Professional Engineer (QLPE) is also the reviewing authority. ~~(3-31-22)~~( )

~~**73. Sanitary Sewer Extension**. As used in Section 400, an extension of an existing wastewater collection system that does not require a lift station or force main and is intended to increase the service area of the wastewater collection system.~~ ~~(3-31-22)~~

~~74~~51. **Secondary Treatment**. Processes or methods ~~for the supplemental treatment of wastewater, usually following primary treatment, to affect additional improvement in the quality of the treated wastes by biological means of various types which are designed to remove or modify organic matter~~ for the removal of biodegradable organic matter (in solution or suspension) and suspended solids. May include the removal of biodegradable organics and nutrients (nitrogen, phosphorus, or both nitrogen and phosphorus). Disinfection may also be included in secondary treatment. ~~(3-31-22)~~( )

~~75~~52. **Septage**. ~~Septage is a general term for the c~~ Contents removed from septic tanks, portable vault toilets, privy vaults, wastewater holding tanks, very small wastewater treatment ~~plants~~ systems, or semi-public facilities (i.e., schools, motels, mobile home parks, campgrounds, small commercial endeavors) receiving wastewater from domestic sources. Non-domestic (industrial) wastes are not included in this definition. This does not include drinking water treatment residuals that may be held in a holding tank. ~~(3-31-22)~~( )

~~76~~53. **Septage Transfer Station**. A place where septage ~~from more than one (1) hauler~~ is accumulated for collection and subsequent removal without ~~processing to a~~ treatment ~~facility~~. ~~(3-31-22)~~( )

54. **Service Connection**. Point of connection between the utility's system and the customer's piping or premises, typically including the pipe, meter, valves, and appurtenances leading from the main to the customer's property line. ( )

~~77~~55. **Sewage**. ~~The w~~ Water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such ~~ground water~~ groundwater infiltration and surface water as may be present. ~~(3-31-22)~~( )

~~78~~56. **Simple Wastewater Main Extension**. New or replacement wastewater main(s) ~~that require~~ requiring plan and specification review per these rules and that will be connected by gravity, without the use of pumps or lift stations, to existing wastewater collection facilities that have the capacity to carry the additional wastewater flow and capacity at downstream treatment facilities to meet disposal requirements. ~~(3-31-22)~~( )

~~79~~57. **Sludge**. The semi-liquid mass produced and removed by ~~the~~ municipal or nonmunicipal wastewater treatment processes. ~~(3-31-22)~~( )

~~**80. Special Resource Water**. Those specific segments or bodies of water which are recognized as needing intensive protection:~~ ~~(3-31-22)~~

~~**a.** To preserve outstanding or unique characteristics; or~~ ~~(3-31-22)~~

~~**b.** To maintain current beneficial use.~~ ~~(3-31-22)~~

~~81.~~ ~~State. The state of Idaho.~~ ~~(3-31-22)~~

~~82~~58. **Substitute Responsible Charge Operator**. A ~~public~~ community wastewater operator holding a valid license at a class equal to or greater than the ~~public~~ community wastewater system classification, designated by the system owner to replace and to perform the duties of the responsible charge operator when the responsible charge operator is not available or accessible. ~~(3-31-22)~~( )

~~83~~59. **Surface Water Body**. All surface accumulations of water, natural or artificial, public or private, or parts thereof which are wholly or partially within, which flow through or border upon the state. This includes, but is not limited to, rivers, streams, canals, ditches, lakes, and ponds. It does not include private waters as defined in Section 42-212, Idaho Code. (3-31-22)

~~84. 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.~~ ~~(3-31-22)~~

60. **Total Containment Lagoon**. A wastewater lagoon that relies on evaporation for effluent disposal with no other permit to dispose. ( )

~~85~~61. **Treatment**. A process or activity conducted for the purpose of removing pollutants from wastewater. (3-31-22)

~~86~~62. **Treatment Facility**. Any physical facility or land area for the purpose of ~~collecting,~~ treating, neutralizing or stabilizing pollutants including treatment plants; the necessary ~~collecting~~ conveyance, intercepting, outfall and outlet sewers; pumping stations integral to such plants or sewers; disposal or reuse facilities; equipment and furnishing thereof; and their appurtenances. ~~For the purpose of these rules, a treatment facility may~~; also ~~be~~ known as a treatment system, ~~a wastewater system,~~ wastewater treatment system, wastewater treatment facility, or wastewater treatment plant. ~~(3-31-22)~~( )

~~87~~63. **User**. Any person served by a ~~public~~ wastewater system. Also known as a service connection. ~~(3-31-22)~~( )

~~88~~64. **Very Small Wastewater System**. A ~~public~~ community wastewater system that serves five hundred (500) service connections or less and includes a collection system with a system size of six (6) points or less on the system classification rating form ~~(Section 202)~~ and is limited to only one (1) or more of the following wastewater treatment processes: ~~(3-31-22)~~( )

a. Aerated lagoons; (3-31-22)

b. Non-aerated lagoon~~(s)~~; ~~(3-31-22)~~( )

c. Primary treatment; or (3-31-22)

d. Primary treatment discharging to a large soil absorption system (LSAS). (3-31-22)

~~89~~65. **Wastewater**. Any combination of liquid or water and pollutants from activities and processes occurring in dwellings, commercial buildings, industrial plants, institutions and other establishments, together with any ~~ground water~~ groundwater, 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. ~~(3-31-22)~~( )

~~90~~66. **Wastewater Flows**. The following flows for the design year ~~shall~~ must be identified ~~as required~~ and used as a basis for design of ~~sewer~~ wastewater systems including sewer mains, ~~lift stations~~ pumping stations, wastewater treatment plants, treatment units, and other wastewater handling facilities. ~~The definition contained in this~~

~~Subsection applies where any of the terms defined in Paragraphs a. through e. are used in these rules.~~ (3-31-22)( )

a. Average Day Flow. The average day flow is the average of daily volumes to be received for a continuous twelve (12) month period expressed as a volume per unit time. However, the average day flow for design purposes for facilities having critical seasonal high hydraulic loading periods, such as recreational areas or industrial facilities, ~~shall~~ will be based on the average day flow during the seasonal period. ~~(3-31-22)~~( )

b. Maximum Day Flow. The design maximum day flow is the largest volume of flow to be received during a continuous twenty-four (24) hour period expressed as a volume per unit time. (3-31-22)

c. Maximum Month Flow. The maximum month flow is the largest volume of flow to be received during any calendar month expressed as a volume per unit time. (3-31-22)

d. Peak Instantaneous Flow. The design peak instantaneous flow is the instantaneous maximum flow rate to be received. (3-31-22)

e. Peak Hour Flow. The design peak hour flow is the largest volume of flow to be received during a one (1) hour period expressed as a volume per unit time. (3-31-22)

~~91~~67. **Wastewater Lagoon**. Manmade impoundments constructed with earthen or semi-permeable embankments with an impervious liner for the purpose of storing ~~or,~~ treating, or disposing of wastewater or effluent. ~~(3-31-22)~~( )

~~92. Wastewater Pipelines. The pipelines that collect and convey non-potable discharges from or to multiple service connections. (3-31-22)~~

~~93~~68. **Wastewater Pumping Station**. A wastewater facility that collects wastewater from the collection system or the treatment system and pumps it to a higher elevation. Also called lift station or wastewater lift station. (3-31-22)

69. **Wastewater System**. A collection system or treatment facility, or a combination of collection system and treatment facility. This includes all structures, equipment, or processes required to collect, convey, treat, store, and dispose of wastewater. ( )

~~94~~70. **Wastewater System Operator**. The person ~~who is~~ employed, retained, or appointed to conduct the tasks associated with routine ~~day to day operation~~ and emergency operation and maintenance of a ~~public~~ community wastewater ~~treatment or collection~~ system ~~in order~~ to safeguard the public health and environment. ~~(3-31-22)~~( )

~~95. Water Main Extension. An extension of the distribution system of an existing public water system that does not require a booster pumping station and is intended to increase the service area of the water system. (3-31-22)~~

~~96. 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. (3-31-22)~~

~~97. 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. (3-31-22)~~

~~98. Watershed. The land area from which water flows into a stream or other body of water which drains the area. (3-31-22)~~

011. -- 200. (RESERVED)

201. ~~POINT SOURCE~~ WASTEWATER ~~TREATMENT~~ SYSTEM REQUIREMENTS.

01. Appropriate Control Measures. The Department, through approval or disapproval of plans and specifications for wastewater ~~treatment and disposal facilities~~ systems, the issuance of wastewater discharge permits, orders, compliance schedules, directives or any of the mechanisms at its disposal, will require persons to apply appropriate control measures necessary to achieve and maintain the water quality standards contained in IDAPA 58.01.02, "Water Quality Standards~~.~~." or IDAPA 58.01.11, "Groundwater Quality Rule." ~~(3-31-22)~~( )

02. Degree of Treatment. The degree of wastewater treatment required to restore and maintain the standards of quality will be determined in each instance by the Department, based upon the following: (3-31-22)

a. The uses which are made or desired of the receiving water; (3-31-22)

b. The volume and nature of flow of the receiving water; (3-31-22)

c. The quantity and quality of the wastewater to be treated; and (3-31-22)

d. The presence or absence of other sources of water pollution on the same watershed, stream segment or aquifer. (3-31-22)

03. Operation. Any person who owns or operates any ~~sewage or other~~ wastewater ~~treatment facility~~ system must at all times: ~~(3-31-22)~~( )

a. Ensure that such facility is operated under competent supervision and with the highest efficiency that can reasonably be expected; ~~and~~ ~~(3-31-22)~~

b. Ensure that untreated or partially treated wastewater is not disposed of to the ground surface unless otherwise permitted or approved by the Department; and ( )

~~b~~c. Maintain such facility in good repair. (3-31-22)

~~04. Treatment Records~~. ~~Any person who owns or operates any facility or carries out any operation which results in the discharge of wastewater must furnish to the Department such information concerning quality and quantity of discharged wastewaters and maintain such treatment records as the Department requires to evaluate the effects of any receiving waters. Required information can include, but is not limited to:~~ ~~(3-31-22)~~

~~a.~~ ~~Treated wastewater discharge volumes; and~~ ~~(3-31-22)~~

~~b.~~ ~~Treated wastewater discharge biochemical oxygen demand (BOD); and~~ ~~(3-31-22)~~

~~c.~~ ~~Treated wastewater discharge suspended solid concentration; and~~ ~~(3-31-22)~~

~~d.~~ ~~Discharge pH; and~~ ~~(3-31-22)~~

~~e.~~ ~~Discharge temperatures.~~ ~~(3-31-22)~~

d. Maintain records as necessary to operate the wastewater system and document compliance. ( )

0~~5~~4. Falsification of Records. It is a violation of these rules for any person to falsify or knowingly render inaccurate any treatment record ~~which can be~~ required ~~as provided in~~ under these ~~regulations~~ rules. ~~(3-31-22)~~( )

202. CLASSIFICATION OF ~~PUBLIC~~ COMMUNITY WASTEWATER SYSTEMS.

01. Classification ~~Requirement~~. All ~~public~~ community wastewater systems ~~shall~~ will be classified based on indicators of potential health risks. Classification of treatment and collection systems govern the level of licensure and operator training necessary to ensure proper operation and maintenance of a community wastewater

system. Licensure is governed by the Division of Occupational and Professional Licensing rules at IDAPA 24.05.01. ~~(3-31-22)~~( )

a. Classification rating forms developed in accordance with the criteria in Subsection 202.02 must be completed by the ~~public~~ community wastewater system owner or designee at the time the wastewater system is in operation for every ~~public~~ community wastewater treatment ~~system~~ facility and wastewater collection system ~~no later than July 1, 2008~~. ~~Public~~ Community wastewater treatment and wastewater collection system owners or designee ~~shall~~ must submit additional classification rating forms at five (5) year intervals or when directed by the Department to submit a revised classification rating form. ~~(3-31-22)~~( )

b. The Department ~~shall~~ will review system classification rating forms and issue the final system classification. ~~(3-31-22)~~( )

02. Classification Criteria. ~~Public wastewater treatment systems and wastewater collection systems shall be classified under a system that uses the~~ The following criteria will be used to classify community wastewater systems: ~~(3-31-22)~~( )

a. Complexity, size, volume, and variability in raw waste for treatment systems using guidelines established by the Department. ~~(3-31-22)~~( )

b. Complexity or size of collection systems. (3-31-22)

c. Other criteria ~~deemed~~ necessary to completely classify systems. ~~(3-31-22)~~( )

203. ~~PUBLIC~~ COMMUNITY WASTEWATER SYSTEM OPERATOR LICENSURE REQUIREMENTS.

01. System Operator Licensure ~~Requirement~~. Owners of all ~~public~~ community wastewater systems must place the direct supervision of their wastewater system~~(s)~~, including each treatment system and each collection system or each very small wastewater system, under the responsible charge of an operator who holds a valid license issued by the Idaho Division of Occupational and Professional Licenses equal to or greater than the classification of each treatment system and each collection system or each very small wastewater system. An operator in responsible charge of both a wastewater treatment system and a collection system ~~shall~~ must hold two (2) licenses, one (1) for wastewater treatment and one (1) for collection, ~~with the exception of~~ except for a very small wastewater system for which the responsible charge operator may hold a single very small wastewater system license. When the responsible charge operator is not available, the community wastewater system owner must designate a substitute responsible charge operator. Owners ~~shall~~ must notify the Department in writing of any change of responsible charge or substitute responsible charge operator within thirty (30) days of such change. ~~(3-31-22)~~( )

~~**02. Responsible Charge Operator License Requirement**. An operator in responsible charge of a public wastewater system in Idaho must hold a valid license equal to or greater than the classification of the wastewater system(s), including each treatment system and each collection system or each very small wastewater system, as determined by the Department.~~ ~~(3-31-22)~~

~~**03. Substitute Responsible Charge Operator**. At such times as the responsible charge operator is not available, a substitute responsible charge operator shall be designated to replace the responsible charge operator.~~ ~~(3-31-22)~~

~~**04. Wastewater System Operator Licensure**. All other operating personnel at public wastewater systems, including each treatment system and each collection system or each very small wastewater system, must hold a valid license issued by the Idaho Bureau of Occupational Licenses.~~ ~~(3-31-22)~~

052. Wastewater System Operator Licensure Exceptions. (3-31-22)

a. ~~Any public~~Community wastewater system operating personnel that exclusively operate a Class A ~~Effluent~~ Recycled Water Distribution System ~~of a Class A Municipal Reclaimed Wastewater System permitted~~ in accordance with IDAPA 58.01.17, "Recycled Water Rules," are not subject to operator licensure requirements as outlined in these rules. ~~(3-31-22)~~( )

b. Any non-pressurized drainfield and associated septic tank and collection system operating personnel are not subject to operator licensure requirements. (3-31-22)

~~**06. General Compliance Deadline**. All public wastewater systems addressed in Sections 202 and 203 shall be in compliance with these rules by April 15, 2006.~~ ~~(3-31-22)~~

~~**07. Land Application/Reuse Operator Compliance Deadline**. Each public wastewater land application/reuse system addressed in these rules shall employ, retain or contract with licensed land application/reuse operating personnel by April 15, 2007.~~ ~~(3-31-22)~~

204. CONTRACTING FOR SERVICES.
~~Public~~Community wastewater systems may contract with properly licensed operating personnel to provide responsible charge operators and substitute responsible charge operators. Proof of such contract ~~shall~~ must be submitted to the Department prior to the contracted operating personnel performing any services at the ~~public~~ community wastewater system. ~~(3-31-22)~~( )

205. -- 259. (RESERVED)

260. SUBSURFACE SEWAGE ~~OR WASTE~~ DISPOSAL.
~~Subsurface sewage or wastewater disposal facilities must be designed and located so that pollutants cannot be reasonably expected to enter water of the state in concentrations resulting in injury to beneficial uses. See also~~For permitting and approval processes for subsurface sewage disposal see IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks." ~~(3-31-22)~~( )

261. -- 399. (RESERVED)

400. REVIEW OF PLANS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS.
Plans and specifications for municipal wastewater ~~treatment or disposal facilities~~ systems must comply with the facility and design standards set forth in Sections 410 through 599. The plans and specifications must contain sufficient detail to allow for the construction of the wastewater systems. If design issues are not addressed by the facility and design standards, then guidance documents, some of which are listed in Section 008, ~~shall~~ may be used as guidance in the design and review of the plans and specifications ~~for municipal wastewater treatment or disposal facilities~~. See also Section 007. ~~(3-31-22)~~( )

01. Ownership. Documentation of the ownership and responsibility for operating the proposed wastewater system ~~shall~~ must be made available to the Department prior to or concurrent with the submittal of plans and specifications ~~as required~~ described in Subsection 400.03. The documentation must ~~show the~~ demonstrate financial arrangements adequate ~~to demonstrate the ability~~ for construction, ~~and~~ operation, and maintenance of the system ~~according to these rules~~. Documentation ~~shall~~ must also include the name of the wastewater system owner; the name, address, and phone number of the wastewater treatment facility; and the name, address, and phone number of the responsible charge operator. This information may be presented in a "will serve" letter described in Subsection 400.02. ~~(3-31-22)~~( )

02. ~~Connection to Existing System~~Will Serve Letter. If the proposed project ~~is to be connected~~ connects to an existing wastewater system, a letter from the existing wastewater system must be submitted to the Department stating that the existing wastewater system ~~will be~~ is able to and will provide services to the proposed project and that the wastewater system has reviewed and accepted the proposed construction plans and specifications subject to Department review and approval. The Department may require further documentation showing the ability of the existing wastewater system to provide service to the ~~new system~~ proposed project. This letter must be submitted prior to or concurrent with the submittal of plans and specifications ~~as required~~ described in Subsection 400.03. ~~(3-31-22)~~( )

03. Plan and Specification Review. (3-31-22)

a. Except as provided in Subsection 400.03.b., all plans and specifications for the construction of new

~~sewage systems, sewage treatment plants or systems, other~~ municipal wastewater ~~treatment or disposal facilities~~ systems, or ~~for~~ material modifications to existing ~~sewage treatment plants or systems,~~ municipal wastewater ~~treatment or disposal facilities shall~~ systems must be submitted to the Department for review and approval before construction may begin and all construction ~~shall~~ must be in substantial compliance ~~therewith~~. This does not include plan and specifications for facilities for sludge disposal~~,~~ but does include plans and specifications for treatment or storage of sludge. ~~If construction does not commence within twelve (12) months of the Department's final approval of plans and specifications, the Department may require resubmittal of all or part of the plans and specifications for review. The Department shall review plans and specifications and endeavor to resolve design issues within forty-two (42) calendar days of submittal such that approval can be granted. If the Department and applicant have not resolved design issues within forty-two (42) calendar days or at any time thereafter, the applicant may file a written demand to the Department for a decision. Upon receipt of such written demand, the Department shall deliver a written decision to the applicant within no more than seven (7) calendar days explaining any reasons for disapproval. The Department shall maintain records of all written demands for decision made pursuant to Subsection 400.03.a. with such records including the final decision rendered and the timeliness thereof~~ The Department will review plans and specifications in accordance with timelines set forth in Section 39-118, Idaho Code. If construction is not completed within twelve (12) months of the Department's final approval, an extension or re-approval must be obtained from the Department. The Department may require re-submittal of all or part of the plans and specifications prior to issuing an extension or re-approving the plans and specifications. The Department may, at its discretion, issue an approval or re-approval for a duration of more than twelve (12) months based on documentation provided by the design engineer that completion of construction is anticipated to be more than twelve (12) months. No material deviation ~~shall~~ may be made to the approved plans and specifications without the prior approval of the Department. ~~(3-31-22)~~( )

b. Plans developed for simple wastewater main extensions~~,~~ do not require preconstruction approval by the Department when such facilities will be owned and operated by a city, county, quasi-municipal corporation or regulated public utility, ~~shall not require preconstruction approval by the Department,~~ provided that such plans and specifications are reviewed and approved by a QLPE to verify compliance with ~~the requirements of~~ these rules prior to initiation of construction. At the discretion of the city, county, quasi-municipal corporation or regulated public utility, the plans addressed by this subsection may be referred to the Department for review and approval prior to initiation of construction. The Department has the authority to review plans and specifications approved by a QLPE and can require modifications if the plans and specifications do not meet facility and design standards. Any plans and specifications approved pursuant to this ~~S~~subsection ~~400.03.b. shall~~ must be transmitted to the Department at the time construction is authorized and ~~shall~~ must be marked or stamped as "Approved for Construction." ~~Along with the plans and specifications, the transmittal must include the items listed in Subsections 400.03.b.i. through 400.03.b.vii.~~ The plans and specifications must be sealed, signed, and dated by the professional engineer in responsible charge of their preparation, and the approval or transmittal letter must be sealed, signed, and dated by the QLPE that is approving the plans and specifications. Along with the plans and specifications, the transmittal must include the following statements. ~~(3-31-22)~~( )

i. ~~A statement that t~~The author of the transmittal letter is the QLPE representing the city, county, quasi-municipal corporation or regulated public entity. ~~(3-31-22)~~( )

ii. ~~A statement that t~~The extension project complies with the current facility plan or ~~preliminary engineering report~~ PER, or a statement that the ~~sewer system/treatment facility~~ wastewater system has adequate capacity. ~~(3-31-22)~~( )

iii. ~~A statement from t~~The city, county, quasi-municipal corporation or regulated public entity or its authorized agent that the wastewater system owner will serve the project. ~~(3-31-22)~~( )

iv. ~~A statement from t~~The city, county, quasi-municipal corporation or regulated public entity or its authorized agent that the wastewater system owner will own and operate the project after construction is complete. ~~(3-31-22)~~( )

v. ~~A statement by t~~The QLPE ~~that the~~ approved plans and specifications ~~are approved~~ for construction. ~~(3-31-22)~~( )

vi. ~~A statement by t~~The QLPE ~~that the~~ ensures plans and specifications comply with the facility standards within these rules. ~~(3-31-22)~~( )

vii. ~~A statement r~~Recommending whether sanitary restrictions can be released or should remain in force. ~~(3-31-22)~~( )

c. ~~Subsections 400.03.c.i. through 400.03.c.vi. outline the projects which~~A QLPE~~s~~ may approve ~~and which QLPEs may not approve.~~: ~~(3-31-22)~~( )

i. ~~A QLPE may approve p~~Plans and specifications for simple wastewater main extensions that will be able to ~~discharge~~ dispose to an existing wastewater system owned by a city, county, quasi-municipal corporation, or regulated public utility at the time the extension is approved for construction by the QLPE~~.~~; ~~(3-31-22)~~( )

ii. ~~A QLPE may approve p~~Plans for simple wastewater main extensions which will ~~discharge~~ dispose to an existing wastewater system owned by a city, county, quasi-municipal corporation, or regulated public utility, but are unable to connect to the wastewater system at the time the extension is approved for construction by the QLPE, provided sanitary restrictions remain in force for the proposed extension~~.~~; and ~~(3-31-22)~~( )

~~iii. A QLPE may not approve plans and specifications which include mechanical systems such as lift stations or treatment works.~~ ~~(3-31-22)~~

~~iv. A QLPE may not approve plans and specifications for projects which the QLPE was the design engineer or otherwise involved in the design.~~ ~~(3-31-22)~~

~~v~~iii. A design that was prepared by a subordinate engineer or an engineer from a separate design group within the city, county, quasi-municipal corporation, or regulated public utility if the QLPE is employed by a city, county, quasi-municipal corporation, or regulated public utility ~~may approve a design that was prepared by a subordinate engineer or an engineer from a separate design group within the city, county, quasi-municipal corporation, or regulated public utility~~. ~~(3-31-22)~~( )

d. A QLPE may not approve: ( )

i. Plans and specifications which include mechanical systems such as wastewater pumping stations, force mains, or treatment facilities; ( )

ii. Plans and specifications which the QLPE was the design engineer or otherwise involved in the design; and ( )

~~viiii. A QLPE who is not employed by a city, county, quasi-municipal corporation, or regulated public utility, but is retained by a city, county, quasi-municipal corporation, or regulated public utility for the purpose of plan and specification review may not approve projects~~Plans and specifications designed by the company with which the QLPE is employed if the QLPE is not employed by a city, county, quasi-municipal corporation or regulated public utility. ~~(3-31-22)~~( )

04. ~~Professional~~ Engineer's Seal. Plans and specifications ~~for construction, alteration or expansion of any sewage system, sewage treatment plant or system, or other municipal wastewater treatment or disposal facility shall~~ submitted to the Department for the construction or material modification of wastewater systems must be prepared by or under the supervision of an Idaho licensed professional engineer and ~~shall bear the imprint of the engineer's seal~~ must be sealed, signed, and dated by the professional engineer in responsible charge of their preparation. ~~Construction shall be observed by an Idaho licensed professional engineer or a person under the supervision of an Idaho licensed professional engineer.~~ ~~(3-31-22)~~( )

05. Record Plans and Specification. (3-31-22)

a. ~~Within thirty (30) calendar days of the completion of construction of facilities covered by Subsection 400.03, record plans and specifications based on information provided by the construction contractor and field observations made by the engineer or the engineer's designee depicting the actual construction of facilities performed, must be submitted to the Director by the engineer representing the city, county, quasi-municipal corporation or regulated public utility that owns the project, or by the design engineer or owner-designated substitute~~

~~engineer if the constructed facilities will not be owned and operated by a city, county, quasi-municipal corporation or regulated public utility. Such submittal by the engineer must confirm material compliance with the approved plans and specifications or disclose material deviations therefrom. If the construction does not materially deviate from the approved plans and specifications, the owner may have a statement to that affect prepared by an Idaho licensed professional engineer and filed with the Department in lieu of submitting a complete and accurate set of record drawings~~Must be submitted to the Department as specified in Section 39-118(3), Idaho Code. ~~(3-31-22)~~( )

b. Record plans and specifications, or a statement submitted in lieu of record plans and specifications, must be sealed, signed, and dated by the professional engineer in responsible charge of their preparation. (3-31-22)

06. Compliance With Applicable Standards and Rules. All plans and specifications submitted ~~to satisfy the requirements of Sections 400 through 599 or approved in compliance with Sections 400 through 599, shall~~ must be in compliance with ~~the requirements of~~ these rules and ~~shall~~ conform in style and quality to regularly accepted engineering standards. ~~The Department shall review plans and specifications to determine compliance with these rules and engineering standards of care. If the plans and specifications comply with these rules and engineering standards of care, the Department shall not substitute its judgment for that of the owner's design engineer concerning the manner of compliance with these rules.~~ ~~(3-31-22)~~( )

07. ~~Waiver of Approval Requirement~~Exception. The Department may waive the plan and specification approval for any ~~particular~~ facility or category of facilities which will have no significant impact on the environment or ~~on the~~ public health. ~~(3-31-22)~~( )

08. ~~Requirement to Have Approved Plans and Specifications and Approval Letter~~ Department Approval On-site During Construction. ~~It is the responsibility of t~~The owner ~~to~~ must maintain one (1) copy of the approved plans and specifications and the approval letter from the reviewing authority on-site during construction at all times. ~~(3-31-22)~~( )

09. Construction Inspection ~~Requirement~~. Except as provided in Subsection 400.03.b., ~~no~~ construction ~~shall~~ may not commence until all ~~of the~~ necessary approvals have been received from the Department. The owner ~~shall provide for the inspection of the construction of a municipal wastewater treatment or disposal facility by an Idaho licensed professional engineer to the extent required to~~ must ensure an Idaho licensed professional engineer can confirm material compliance with the approved plans and to produce accurate record documents as ~~required by~~ described in Subsection 400.05. ~~(3-31-22)~~( )

401. REVIEW OF PLANS FOR NONMUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS.

01. Plan and Specification Approval ~~Required~~. The Department reviews nonmunicipal wastewater system plans and specifications external to in-plant processes to ensure compliance with this chapter. The construction~~, alteration or expansion~~ of any new, or material modification of an existing, nonmunicipal wastewater ~~treatment or disposal facility~~ system must not begin before plans and specifications for the proposed facility have been submitted to and approved by the Department. ~~Deviations may be allowed as provided in Subsection 401.02. The Department does not require review of industrial in-plant processes.~~ *Aquaculture facilities must submit plans and specifications for construction, modification, or expansion of waste treatment or disposal facilities for review and approval consistent with Section 39-118(5), Idaho Code. Infrastructure for water conveyance or aquatic organism husbandry within an aquaculture facility, prior to its discharge or diversion to waste treatment or disposal facility, does not require engineering design submittal under these rules.* ~~(3-31-22)~~( )

02. Deviations from Approved Plans. No material deviations ~~are to~~ may be made from the approved plans and specifications without prior approval ~~of~~ from the Department. ~~(3-31-22)~~( )

03. ~~Professional~~ Engineer's Seal. Plans and specifications ~~for construction, alteration or expansion of any nonmunicipal wastewater treatment or disposal facility shall~~ submitted to the Department must be prepared by or under the supervision of an Idaho licensed professional engineer and ~~shall bear the imprint of the engineer's seal~~ be sealed, signed, and dated by the professional engineer in responsible charge of their preparation. Construction ~~shall~~ must be observed by an Idaho licensed professional engineer or a person under the supervision of an Idaho licensed

professional engineer. ~~(3-31-22)~~( )

04. Record Plans and Specifications. (3-31-22)

a. ~~If actual construction deviates from the approved plans and specifications, complete and accurate plans and specifications depicting the actual construction, alteration, or modification performed, shall be submitted to the Department for review and approval within thirty (30) days of completion of construction. If the construction does not materially deviate from the approved plans and specifications, the owner may have a statement to that effect prepared by an Idaho licensed professional engineer and filed with the Department in lieu of submitting a complete and accurate set of record drawings~~Must be submitted to the Department as specified in Section 39-118(3), Idaho Code. ~~(3-31-22)~~( )

b. Record plans and specifications, or a statement submitted in lieu of record plans and specifications, must be sealed, signed, and dated by the professional engineer in responsible charge of their preparation. (3-31-22)

05. ~~Waiver of Approval Requirement~~Exception. The Department can waive the plan and specification approval ~~required~~ described in Subsection 401.01 for any ~~particular~~ facility or category of facilities which will have no significant impact on the environment or on ~~the~~ public health. ~~(3-31-22)~~( )

06. Department Approval On-site During Construction. The owner must maintain a copy of the approved plans and specifications and the approval letter from the Department on-site during construction at all times. ( )

0~~6~~7. Applicability of Standards. The facility and design standards for municipal wastewater ~~treatment or disposal facilities~~ systems set out in these rules do not apply to nonmunicipal wastewater ~~treatment or disposal facilities~~ systems covered under Section 401. All plans and specifications submitted pursuant to Section 401.01 must conform in style and quality to regularly accepted engineering standards and applicable guidance and include the basis of design information and applicable design criteria. ~~(3-31-22)~~( )

~~**402. PLAN AND SPECIFICATION REVIEW DISPUTE RESOLUTION.**~~
~~The Department's plan and specification review dispute resolution policy is set out in PS20-08 at https://www.deq.idaho.gov.~~ ~~(3-31-22)~~

40~~3~~2. -- 408. (RESERVED)

409. ~~FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER TREATMENT OR DISPOSAL FACILITIES:~~ DEMONSTRATION OF TECHNICAL, FINANCIAL, AND MANAGERIAL CAPACITY.
No person ~~shall~~ may proceed, or cause to proceed, with construction of a new ~~public~~ community wastewater system, a new private ~~municipal~~ treatment plant, a new *municipal* wastewater treatment facility, or a new privately owned *municipal* wastewater pumping station until it has been demonstrated to the Department that the wastewater system will have adequate technical, financial, and managerial capacity~~, as defined in Section 010 of these rules~~. Demonstration of capacity ~~shall~~ must be submitted to the Department prior to, or concurrent with, the submittal of plans and specifications, as ~~required~~ described in Section 39-118, Idaho Code, and Subsection 400.03 ~~of these rules~~. The Department ~~shall~~ will issue in writing its approval of the new system capacity demonstration. Existing wastewater systems incapable of demonstrating technical, financial, or managerial capacity as identified through operational problems, may be required to submit additional technical, financial, or managerial documentation to the Department for review and approval. ~~(3-31-22)~~( )

01. Technical Capacity. ~~In order t~~ To meet this ~~requirement~~ provision, the ~~public wastewater system shall~~ system owner must submit documentation ~~to demonstrate the following~~ demonstrating: ~~(3-31-22)~~( )

a. The system meets the relevant design, construction, and operating requirements of these rules; (3-31-22)

b. A plan is in place to deal with emergencies; (3-31-22)

c. A plan exists for replacement or improvement of infrastructure as necessary; and (3-31-22)

d. The system has trained personnel with an understanding of the technical and operational characteristics of the system. (3-31-22)

02. Financial Capacity. ( )

a. ~~A demonstration~~Documentation of financial capacity must include, but is not limited to~~, the following information~~: ~~(3-31-22)~~( )

~~a~~i. ~~Documentation that o~~Organizational and financial arrangements ~~are~~ adequate to construct and operate the wastewater 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; ~~(3-31-22)~~( )

~~b~~ii. ~~Demonstration of r~~Revenue sufficiency, that includes, but is not limited to, billing and collection procedures; a proposed rate structure ~~which~~ demonstrat~~es~~ing the availability of operating funds; revenues for depreciation and reserves; and the ability to accrue a capital replacement fund. A preliminary operating budget ~~shall~~ must be provided; and ~~(3-31-22)~~( )

~~c~~iii. Adequate fiscal controls ~~must be demonstrated~~. ~~(3-31-22)~~( )

~~d~~**b.** For private ~~municipal~~ wastewater treatment plants, a performance bond, maintenance bond, or cash reserve of one (1) year of operation and maintenance costs is required to ensure continuous and adequate operation and maintenance. ~~(3-31-22)~~( )

03. Managerial Capacity. ~~In order t~~To demonstrate adequate managerial capacity, the system owner ~~or operator of a new wastewater system shall~~ must submit at least the following information to the Department: ~~(3-31-22)~~( )

a. Clear documentation of legal ownership and any plans that may exist for transfer of that ownership upon completion of construction or after a period of operation; (3-31-22)

b. The name, address, and telephone number of the person who will be accountable ~~for ensuring~~ to ensure that the wastewater system ~~is in compliance with~~ follows these rules; ~~(3-31-22)~~( )

c. The name, address, and telephone number of the responsible charge operator and the substitute responsible charge operator; ~~(3-31-22)~~( )

d. A description of ~~the manner in which~~ how the wastewater system will be managed. Information such as by-laws, restrictive covenants, articles of incorporation, or procedures and policy manuals which describe the management organizational structure ~~shall~~ must be provided; ~~(3-31-22)~~( )

e. A ~~recommendation~~ description of staff qualifications, including training, experience, certification or licensing, and continuing education; ~~(3-31-22)~~( )

f. An explanation of how the wastewater system will establish and maintain effective communications and relationships between the wastewater system management, its customers, professional service providers, and any applicable regulatory agencies; and (3-31-22)

g. Evidence of planning for future growth, equipment repair and maintenance, and long~~-~~term replacement of system components. ~~(3-31-22)~~( )

04. Consolidation. In demonstrating new system capacity, the owner of the proposed new system must investigate the feasibility of obtaining wastewater service from an established ~~public~~ wastewater system. If such service is available, but the owner elects to proceed with an independent system, the owner must explain why this

choice is in the public interest in terms of environmental protection, affordability to wastewater users, and protection of public health. ~~(3-31-22)~~( )

410. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: FACILITY PLANS.

01. Facility Plans ~~Required~~. ~~All~~ Unless otherwise noted in this subsection, all new municipal wastewater ~~treatment or disposal facilities,~~ systems and all existing municipal wastewater ~~treatment or disposal facilities~~ systems undergoing material modification ~~or expansion,~~ are required to have a current facility plan that ~~shall~~ addresses all applicable issues specifically required in Sections 410 and 420 through 599 ~~of these rules including, but not limited to, hydraulic capacity, treatment capacity, project financing, and operation and maintenance considerations~~. The facility plan ~~shall~~ must address these issues sufficiently to determine the effects of the project on the overall wastewater infrastructure. ~~Material modification or expansion that requires a facility plan includes upgraded, or rehabilitated municipal wastewater treatment or disposal facilities and major collection, interceptor sewer, pump station projects, and septage transfer station projects.~~ Facility plans must address the entire potential service area of the ~~project~~ wastewater system. A facility plan may be completed for collection systems only, for treatment facilities only, or for both the collection system and the treatment facility. If such a collection system facility plan is prepared, and flows increase ~~in excess of~~ more than the design capacity of downstream collection and treatment facilities, the impact of the flow ~~shall~~ must be addressed in the facility plan. ~~(3-31-22)~~( )

a. ~~Department-reviewed simple wastewater main extension projects.~~ A facility plan is not required if the Department is provided documentation supporting the ability of the wastewater system to provide service for the simple wastewater main extension without adding wastewater pumping stations or treatment capacity to the ~~system~~ treatment facility and without overloading the existing collection system. Documentation may be in the form of: ~~(3-31-22)~~( )

i. Hydraulic modeling; (3-31-22)

ii. Usage data and flow calculations; (3-31-22)

iii. Declining balance reports that demonstrate the wastewater system has the capacity to supply the service area of the system served by the extension; or ~~(3-31-22)~~( )

iv. Other documentation acceptable to the Department. (3-31-22)

b. ~~QLPE-Reviewed Simple Wastewater Main Extension Projects.~~ A Department-approved facility plan is not required to be in place prior to the QLPE approving simple wastewater main extensions pursuant to Subsection 400.03.b., provided that the system is in compliance with the facility and design standards in the area served by the extension. If the Department has not approved a facility plan which covers the proposed simple wastewater main extension, then the system owner or the QLPE must include with the transmittal letter documentation supporting the ability of the system owner to provide service for the simple wastewater main extension without adding wastewater pumping stations or treatment capacity to the system and without overloading the existing collection system. The system owner ~~shall~~ must provide this documentation to the QLPE as necessary. Documentation may be in the form of: ~~(3-31-22)~~( )

i. Hydraulic modeling; (3-31-22)

ii. Usage data and flow calculations; (3-31-22)

iii. Declining balance reports that demonstrate the system has the capacity to supply the service area of the system served by the extension; or (3-31-22)

iv. Other documentation acceptable to the Department. (3-31-22)

02. Submittal to Department. Facility plans ~~shall~~ must be submitted to the Department for review and approval prior to the submission of plans and specifications for a project related to the facility plan. ~~(3-31-22)~~( )

03. Engineer's Seal ~~Required~~. Facility plans submitted to the Department ~~shall bear the imprint of an Idaho licensed professional engineer's seal that is both signed and dated by the engineer~~ must be sealed, signed, and dated by the professional engineer in responsible charge of their preparation. ~~(3-31-22)~~( )

04. Facility Plan Contents. The facility plan ~~shall~~ must assemble basic information, present criteria and assumptions, address hydraulic capacity, treatment capacity, and operation and maintenance considerations, and examine alternative solutions with preliminary layouts ~~and~~, cost estimates, and project financing. The facility plan is intended to address system wide growth, to identify system deficiencies, and to lay out a plan for system upgrades and expansion. The minimum requirements for a facility plan are ~~located~~ in Subsections 410.04.a. through 410.04.c. If specific items are not applicable to a particular facility plan, then the engineer ~~shall~~ must state this in the facility plan and state the reason why it is not applicable. ~~(3-31-22)~~( )

a. ~~New Wastewater System Facility Plan.~~ The facility plan for a new wastewater system must include sufficient detail to support the ~~requirements~~ provisions of Sections 410 through 520 and address these items ~~listed in Subsections 410.04.a.i. through 410.04.a.vii. of this rule.~~: ~~(3-31-22)~~( )

i. ~~Location.~~ Provide a general description and location of the system including service boundaries~~.~~; ~~(3-31-22)~~( )

ii. ~~Population.~~ Provide the estimated design population and service connections expressed as EDUs of the system~~.~~; ~~(3-31-22)~~( )

iii. ~~Wastewater flows.~~ Provide design data for domestic, commercial, and industrial wastewater generation, including average day, maximum day, maximum month, or peak hour flows~~.~~; ~~(3-31-22)~~( )

iv. ~~Collection.~~ Identify and describe any anticipated or proposed wastewater collection systems. Include specific details on any anticipated or proposed wastewater pumping stations and on any anticipated or proposed wastewater interceptor or trunk lines~~.~~; ~~(3-31-22)~~( )

v. ~~Treatment.~~ Identify and describe any anticipated or proposed treatment ~~works~~ facilities. Provide specific detail on the type and level of treatment and the required capacity of the treatment ~~system~~ facility~~.~~; ~~(3-31-22)~~( )

vi. ~~Disposal.~~ Identify and describe any anticipated or proposed wastewater disposal system(s). Include specific information on the location and method of disposal and information on any existing disposal permits or estimated timelines to obtain anticipated required permits~~.~~; and ~~(3-31-22)~~( )

vii. ~~Drinking water.~~ Describe the drinking water distribution system with reference to the relationship to existing or proposed wastewater structures which may affect the operation and location of the wastewater system. ~~(3-31-22)~~( )

b. ~~Existing Wastewater System Facility Plan.~~ The facility plan for an existing wastewater system must include sufficient detail to support the ~~requirements~~ provisions of Sections 410 through 520, address all items in Subsections 410.04.a.i. through 410.04.a.viii., and ~~address all items in Subsections 410.04.b.i. through 410.04.b.viii.~~ the following: ~~(3-31-22)~~( )

i. Provide a system-wide hydraulic analysis of the collection system ~~if requested~~ unless otherwise approved by the Department. Any hydraulic analysis of an existing collection system ~~shall~~ must be properly calibrated. The type and sophistication of the hydraulic analysis ~~shall~~ will be dependent on the type of the wastewater system~~.~~; ~~(3-31-22)~~( )

ii. Identify and evaluate problems or deficiencies related to the wastewater system~~.~~; ~~(3-31-22)~~( )

iii. Identify the design capacity of existing facilities and the current operating flows~~.~~; ~~(3-31-22)~~( )

iv. Identify if two or more wastewater systems will become one operating under the same governance, management, and financial functions including the physical interconnection of two or more wastewater systems;

(____)

~~i~~v. Describe financing options for projects identified in the facility plan~~.~~; ~~(3-31-22)~~(____)

v~~i~~. Set forth anticipated charges for users~~.~~; ~~(3-31-22)~~(____)

vi~~i~~. Review organizational and staffing requirements~~.~~; ~~(3-31-22)~~(____)

viii~~i~~. Offer ~~a~~ project~~(s)~~ recommendation~~s~~ for client consideration~~.~~; and ~~(3-31-22)~~(____)

~~viii~~ix. Outline official actions and procedures to implement the project. (3-31-22)

c. ~~Wastewater System Facility Plan Funded by the State Revolving Fund.~~ If the project is funded by the state revolving fund or a state grant, the facility plan must meet the ~~requirements~~ provisions of Subsections 410.04.a. and 410.04.b., and other requirements that may also apply. See ~~IDAPA 58.01.12 "Rules for Administration of Water Pollution Control Loans," and IDAPA 58.01.04, "Rules for Administration of Wastewater Treatment Facility Grants."~~ IDAPA 58.01.12, "Rules for Administration of Wastewater and Drinking Water Loan Funds," and IDAPA 58.01.22, "Rules for Administration of Planning Grants for Drinking Water and Wastewater Facilities."
~~(3-31-22)~~(____)

d. ~~*Facility Plan Guidance.*~~ A checklist which can be used for guidance can be found on the DEQ website at http://www.deq.idaho.gov. This checklist is for Department grant and loan projects, but may be used in part or in whole as a guide to assist in the development of any facility plan. ~~*(3-31-22)*~~(____)

411. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: PRELIMINARY ENGINEERING REPORTS.

01. Preliminary Engineering Reports ~~Required~~ (PERs). ~~Preliminary engineering reports~~ PERs are required for municipal wastewater ~~treatment or disposal facility~~ system projects that require plan and specification review and approval pursuant to Subsection 400.03 and ~~shall~~ must address all applicable issues specifically required in Sections 411 through 599 ~~of these rules including, but not limited to, purpose, scope, hydraulic capacity, treatment capacity, and operation and maintenance considerations sufficiently to determine the effects of the project on the overall wastewater infrastructure. Preliminary engineering reports~~. PERs must be completed for ~~major~~ wastewater collection system projects, all pump station projects, all treatment ~~plant~~ facility designs and upgrades, and all septage transfer stations. ~~Preliminary engineering reports~~ PERs are not required for simple wastewater main extensions that are approved in accordance with Subsections 410.01.a. or 410.01.b. ~~(3-31-22)~~(____)

02. Submittal to Reviewing Authority. ~~Preliminary engineering reports shall~~ PERs must be submitted to the Department for review and ~~must be approved by the Department~~ approval prior to the submission of plans and specifications. ~~(3-31-22)~~(____)

03. ~~Preliminary Engineering Report~~ PER Contents. The ~~preliminary engineering report~~ PER must include sufficient detail to demonstrate that the proposed project meets applicable design criteria. The ~~preliminary engineering report~~ PER generally addresses project specific issues rather than the overall system-wide plan. The ~~preliminary engineering report shall~~ PER must identify and evaluate wastewater related problems; assemble basic information; present design criteria and assumptions; examine alternative solutions with preliminary layouts and cost estimates; offer a conclusion with a proposed project; and outline official actions and procedures to implement the project. The items included in Subsections 411.03.a. through 411.03.c., and other items specifically ~~called for~~ described in Sections 426 through 599~~, shall~~ must be addressed in detail in the ~~preliminary engineering report~~ PER. If specific items are not applicable to a particular design, then the designer ~~shall~~ must state this in the ~~preliminary engineering report~~ PER and state the reason why it is not applicable. Items adequately addressed in the facility plan under which the project is being designed, may be addressed by reference for purposes of the ~~preliminary engineering report~~ PER. ~~(3-31-22)~~(____)

a. ~~Major Wastewater Collection System Projects. Items applicable to preliminary engineering reports for major wastewater collection system projects are listed in Subsections 411.03.a.i. through 411.03.a.vi.~~ Items applicable to all PERs: (3-31-22)

i. ~~Coordination with Facility Plan.~~ The ~~preliminary engineering report shall discuss or~~ PER must reference or update items provided in the Department-approved facility plan. These items include, but are not limited to: ~~(3-31-22)~~( )

(1) Location of project; (3-31-22)

(2) Existing and future ~~P~~population and service connections expressed as EDUs served by project; ~~(3-31-22)~~( )

(3) Existing and ~~proposed~~ future wastewater flow~~s~~ rates; ~~(3-31-22)~~( )

(4) Existing and proposed collection system; (3-31-22)

(5) Existing and proposed treatment ~~works~~ facilities; ~~(3-31-22)~~( )

(6) Existing and proposed disposal methods; (3-31-22)

(7) Drinking water system impacts; (3-31-22)

(8) Hydraulic analysis; and (3-31-22)

(9) Financing methods. (3-31-22)

~~ii. Design criteria. The preliminary engineering report shall discuss and present the design criteria applicable to the proposed project. The design criteria includes, but is not limited to:~~ ~~(3-31-22)~~

~~(1) Wastewater flow rates including peak hour flows;~~ ~~(3-31-22)~~

~~(2) Current project fifty (50) year design and build-out conditions;~~ ~~(3-31-22)~~

~~(3) Piping size, material, and installation methods;~~ ~~(3-31-22)~~

~~(4) Depth of bury and slope;~~ ~~(3-31-22)~~

~~(5) Soil and ground water conditions;~~ ~~(3-31-22)~~

~~(6) Corrosion protection; and~~ ~~(3-31-22)~~

~~(7) Odor control.~~ ~~(3-31-22)~~

ii~~i~~. ~~Code provisions.~~ The ~~preliminary engineering report shall~~ PER must include a summary of applicable codes and standards that apply to the proposed project~~.~~; ~~(3-31-22)~~( )

~~iv~~iii. ~~Cost estimate.~~ The ~~preliminary engineering report shall~~ PER must provide as applicable estimated construction costs for public works projects or projects funded by public monies~~.~~; and ~~(3-31-22)~~( )

iv. ~~Construction schedule.~~ The ~~preliminary engineering report shall~~ PER must include the proposed construction schedule. ~~(3-31-22)~~( )

~~vi. Environmental review. The preliminary engineering report shall include an environmental review. See the definition for environmental review in Section 010 for additional information.~~ ~~(3-31-22)~~

b. Items applicable to PERs for wastewater collection system projects include all items listed in Subsection 411.03.a. and: ( )

i. Current project and future wastewater flow rates including build out conditions; ( )

ii. Piping size, material, and installation methods; ( )

iii. Depth of bury and slope including justification for slopes based on widely used guidance documents or published friction coefficients and Manning's formula; ( )

iv. Soil and groundwater conditions; ( )

v. Corrosion protection; and ( )

vi. Odor control. ( )

~~b~~**c.** ~~Wastewater Pump Station Projects.~~ Items applicable to ~~preliminary engineering reports~~ PERs for wastewater pump station projects include all items listed in Subsection 411.03.a. and the following ~~items listed in Subsections 411.03.b.i. through 411.03.b.iv.~~: ~~(3-31-22)~~( )

i. ~~Design criteria.~~ The ~~preliminary engineering report shall~~ PER must discuss and present the design criteria applicable to the proposed project. The design criteria includes, but is not limited to: ~~(3-31-22)~~( )

(1) Wastewater flow rates including average day, maximum day, and peak hour flows; (3-31-22)

(2) Influent wastewater characteristics, including characteristics during periods of wet weather flows; (3-31-22)

(3) Size and configuration; ~~and~~ ~~(3-31-22)~~( )

(a) Friction losses through force mains must be based on the Hazen and Williams formula or other acceptable methods. When the Hazen and Williams formula is used, the friction losses for varying values of "C" must be evaluated for different types and ages of pipe; and ( )

(b) When initially installed, force mains will have a significantly higher "C" factor. The effect of the higher "C" factor must be considered in calculating maximum power requirements and duty cycle time to prevent damage to the motor. The effects of higher discharge rates on selected pumps and downstream facilities must also be considered; and ( )

(4) Redundancy provisions. (3-31-22)

ii. ~~Site evaluation and layout.~~ The ~~preliminary engineering report shall~~ PER must describe the proposed site and layout of the wastewater pumping station. This information includes, but is not limited to: ~~(3-31-22)~~( )

(1) Currently proposed facilities; (3-31-22)

(2) Geotechnical investigation and provisions including buoyancy calculations if required; (3-31-22)

(3) Flood control provisions; (3-31-22)

(4) Security; (3-31-22)

(5) Operations and maintenance assessments; and (3-31-22)

(6) Odor management plans. (3-31-22)

iii. ~~Instrumentation and control system.~~ The ~~preliminary engineering report shall~~ PER must discuss instrumentation and control that will be provided. This information includes, but is not limited to: ~~(3-31-22)~~( )

(1) System configuration; (3-31-22)

(2) Operator interface; (3-31-22)

(3) Process and instrumentation diagrams; ~~and~~ ~~(3-31-22)~~( )

(4) Alarm systems. (3-31-22)

iv. ~~Emergency operation.~~ The ~~preliminary engineering report shall~~ PER must describe how the system will be operated during power outages, equipment failures, or other unforeseen system failures. ~~(3-31-22)~~( )

~~e~~d. ~~Wastewater Treatment Plants.~~ Items applicable to ~~preliminary engineering reports~~ PERs for wastewater treatment ~~plant~~ facility designs and upgrades include all items listed in Subsection 411.03.a., Subsection 411.03.~~b~~c., and ~~Subsections 411.03.e.i. through 411.03.e.iv.~~ the following: ~~(3-31-22)~~( )

i. ~~Design criteria.~~ The ~~preliminary engineering report shall~~ PER must discuss and present the design criteria applicable to the proposed project. The design criteria includes, but is not limited to: ~~(3-31-22)~~( )

(1) Wastewater flow rates including average day, maximum day, maximum month, and peak hour flows; (3-31-22)

(2) Effluent requirements; (3-31-22)

(3) Solids production, disposal, or recycling requirements; (3-31-22)

(4) Process units design criteria, process selection, and support data; (3-31-22)

(5) Mass balance calculations for process units including, but not limited to, flow and solids; and (3-31-22)

(6) Monitoring and reporting requirements. (3-31-22)

ii. ~~Site evaluation and layout.~~ The ~~preliminary engineering report shall~~ PER must describe the proposed site and layout of the ~~wastewater system~~ treatment facilities. This information includes, but is not limited to: ~~(3-31-22)~~( )

(1) Currently proposed facilities; (3-31-22)

(2) Facilities for twenty (20) year design conditions; (3-31-22)

(3) Facilities for build-out conditions; (3-31-22)

(4) Space for facilities potentially necessary to meet higher levels of treatment; (3-31-22)

(5) Liquid process facilities and conveyance; (3-31-22)

(6) ~~Solids~~Sludge process facilities and conveyance; ~~(3-31-22)~~( )

(7) Plant access and on-site roads and walkways; (3-31-22)

(8) Process piping and utilities; (3-31-22)

(9) Buffer zones; (3-31-22)

(10) Landscaping; (3-31-22)

(11) Administration and operations buildings; (3-31-22)

(12) Onsite laboratory facilities; and (3-31-22)

(13) Treatment during construction and proposed unit bypassing requirements in accordance with applicable disposal permits. ~~(3-31-22)~~( )

iii. ~~Hydraulic profile.~~ The ~~preliminary engineering report shall~~ PER must provide a hydraulic profile for the proposed ~~system~~ treatment facilities. This information includes, but is not limited to: ~~(3-31-22)~~( )

(1) Twenty (20) year design facilities; (3-31-22)

(2) Provision for higher levels of treatment; (3-31-22)

(3) Receiving stream one hundred (100) year surface water elevation; and (3-31-22)

(4) Hydraulics and pipe sizing for build-out conditions. (3-31-22)

iv. ~~Process units.~~ The ~~preliminary engineering report shall~~ PER must describe in detail the proposed process units and discuss how the proposed units will interface with any existing process units. This information includes, but is not limited to: ~~(3-31-22)~~( )

(1) Current project and twenty (20) year design and build-out conditions; (3-31-22)

(2) Size and number of units and loading rates; (3-31-22)

(3) Redundancy provisions; (3-31-22)

(4) Equipment type, size, performance criteria, and power requirements; (3-31-22)

(5) Structure, equipment, and piping layout; (3-31-22)

(6) Special code requirements; (3-31-22)

(7) Cold temperature operation; and (3-31-22)

(8) Procedures required for initial start-up of process unit(s), including procedures ~~required~~ for handling initial system flows that are less than minimum flow requirements for the process unit(s). ~~(3-31-22)~~( )

04. Engineer's Seal ~~Required~~. ~~Preliminary engineering reports~~ PERs submitted to the Department ~~shall bear the imprint of an Idaho licensed professional engineer's seal that is both signed and dated by the engineer~~ must be sealed, signed, and dated by the professional engineer in responsible charge of their preparation. ~~(3-31-22)~~( )

412. --~~419.~~ ~~(RESERVED)~~

~~420. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER TREATMENT OR DISPOSAL FACILITIES: SUBMISSION OF PLANS AND SUPPORT DOCUMENTS.~~
~~Submissions to the reviewing authority for construction of municipal wastewater treatment or disposal facilities shall include sealed plans and specifications, design criteria, the appropriate construction permit applications, review forms, and permit fee if required. The plans and specifications shall contain sufficient detail to allow for the contracting and construction of the wastewater systems.~~ ~~(3-31-22)~~

~~421. --~~ 424. (RESERVED)

425. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: OPERATION AND MAINTENANCE MANUALS.

01. Manual Contents. An operation and maintenance manual or manuals ~~shall~~ must be ~~provided~~

developed for all wastewater systems. ~~The manual shall~~ and include, but ~~is~~ not limited to, the following contents: daily operating instructions, operator safety and emergency response procedures, location of valves and other key system features, a parts list and parts order form~~(s)~~, maintenance schedule, and information for contacting the responsible charge operators. An operational trouble-shooting section ~~shall~~ must be supplied to the wastewater ~~works~~ system as part of any proprietary unit installed in system's facilities. ~~(3-31-22)~~( )

02. Approval ~~Required~~. Final operation and maintenance manuals for new construction or material modification of wastewater systems that include ~~lift stations~~ pumping stations or treatment ~~works~~ facilities must be submitted to the Department for review and approval prior to start-up of the proposed system unless the system components are already covered in an existing manual. ~~(3-31-22)~~( )

426. -- 429. (RESERVED)

430. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS -- DESIGN AND CONSTRUCTION OF WASTEWATER PIPELINES.

01. Design Capacity ~~and Design Flow~~. ~~In general, s~~ Sewer capacities ~~shall~~ must be designed for the estimated ~~ultimate tributary population~~ buildout flow, except in considering parts of the systems that can be readily increased in capacity. ~~(3-31-22)~~( )

02. Details of Design and Construction. (3-31-22)

a. ~~Minimum Pipe Size.~~ Minimum pipe size for gravity sewer mains ~~shall~~ must be eight (8) inches in diameter. Minimum pipe size for gravity sewer services ~~shall~~ must be four (4) inches in diameter. Pipe diameters larger than these minimums ~~shall~~ must be based on cleaning capability and hydraulic capacity~~,~~ and ~~shall~~ conform with the required planning documents. ~~(3-31-22)~~( )

b. ~~Depth.~~ Wastewater pipelines ~~shall~~ must be installed sufficiently deep or specifically designed to prevent freezing and to protect the facilities from surface loading. ~~(3-31-22)~~( )

c. ~~Buoyancy.~~ Buoyancy of wastewater pipelines ~~shall~~ must be considered and flotation of the pipe ~~shall~~ must be prevented with appropriate construction where high groundwater conditions are anticipated. ~~(3-31-22)~~( )

d. ~~Slope.~~ Gravity wastewater pipelines ~~shall~~ must be designed to have sufficient slope and velocity to "self-clean" or transport constituent solids to the treatment facility. ~~Justification for these slopes shall be included in the preliminary engineering report and shall be based on widely used guidance documents or published friction coefficients and Manning's formula.~~ ~~(3-31-22)~~( )

i. If the current or future ownership of the system is by a city, county, quasi-municipal corporation or regulated public utility and the velocities are less than self-cleaning, the owner ~~shall~~ must, as a condition of the Department's approval of plans and specifications, provide justification for the lower velocities and commit to, at a minimum, annually service wastewater pipelines to flush, transport, or remove solids from wastewater pipelines. This would include the use of cutting tools for roots, ~~v~~Vactor trucks, and any other method required to keep the pipelines clean, intact and flowing. That commitment ~~shall~~ must be in the form of a letter from both the owner and the future owner entity stating said commitment~~,~~ and ~~shall~~ must include a discussion of the current and future owners' capacity to ~~do said flushing~~ complete annual servicing. ~~(3-31-22)~~( )

ii. If the ~~current or future ownership of the system~~ owner is ~~by~~ a developer that is passing the operation and maintenance on to a homeowner's association or other similar entity, ~~then~~ the design ~~shall~~ may not allow for velocities that are less than self-cleaning. ~~(3-31-22)~~( )

e. Materials. (3-31-22)

i. ~~Any generally accepted material for wastewater pipelines will be given consideration.~~ The material selected should be adapted to local conditions, such as: character of industrial wastes, possibility of septicity, soil characteristics, exceptionally heavy external loadings, abrasion, corrosion, and similar problems. ~~(3-31-22)~~( )

ii. Couplings complying with applicable standard specifications ~~shall~~ must be used for joining dissimilar materials. ~~(3-31-22)~~( )

iii. For new pipe materials for which standards have not been established, the design engineer ~~shall~~ must provide complete pipe specifications and installation specifications developed on the basis of criteria adequately documented and certified in writing by the pipe manufacturer to be satisfactory for the specific application. ~~(3-31-22)~~( )

f. ~~Installation.~~ Installation specifications ~~shall~~ must contain appropriate requirements based on the criteria, standards, and requirements established by industry in its technical publications. ~~Reference current edition of the Idaho Standards for Public Works Construction for assistance in designing such specifications~~ For assistance in designing such specifications, see "Idaho Standards for Public Works Construction," referenced in Section 008. ~~(3-31-22)~~( )

g. Joints and Infiltration. (3-31-22)

i. The installation of joints and the materials used ~~shall~~ must be included in the specifications. Wastewater pipeline joints ~~shall~~ must be designed to minimize infiltration and to prevent the entrance of roots throughout the life of the system. ~~Reference current edition of the Idaho Standards for Public Works Construction for assistance in designing such specifications~~ For assistance in designing such specifications, see "Idaho Standards for Public Works Construction," referenced in Section 008. ~~(3-31-22)~~( )

ii. Service connections to the wastewater pipeline main ~~shall~~ must be ~~water tight~~ watertight and not protrude into the wastewater pipelines. If a saddle type connection is used, it ~~shall~~ must be a device designed to join with the types of pipe which are to be connected. All materials used to make service connections ~~shall~~ must be compatible with each other and with the pipe materials to be joined and ~~shall~~ must be corrosion proof. ~~(3-31-22)~~( )

h. ~~Manholes.~~ Manholes ~~shall~~ must be installed at the end of each line; at all changes in grade, size, or alignment; at all intersections. Cleanouts may not be used ~~only for special conditions~~ unless otherwise approved by the Department and ~~shall~~ may not be substituted for manholes nor installed at the end of laterals greater than one hundred fifty (150) feet in length. ~~(3-31-22)~~( )

i. ~~Testing.~~ Testing ~~shall~~ must conform with Section 501.3.4 of the "Idaho Standards for Public Works Construction," incorporated by reference ~~into these rules at~~ in Section 004. ~~(3-31-22)~~( )

j. ~~Inverted Siphons.~~ Inverted siphons ~~shall have~~ may not have less than two (2) barrels or pipes. ~~They shall~~ and will be provided with necessary appurtenances for maintenance, convenient flushing, and cleaning equipment. Design ~~shall~~ must provide sufficient head and appropriate pipe sizes to secure sufficient velocities for design ~~average~~ flow~~s~~. ~~(3-31-22)~~( )

k. ~~Wastewater Pipelines in Relation to Surface Water Bodies.~~ The top of all wastewater pipelines entering or crossing surface water bodies ~~shall~~ must be at a sufficient depth below the natural bottom of the bed or otherwise designed to protect the wastewater pipeline. ~~(3-31-22)~~( )

i. Wastewater pipelines located adjacent to surface water bodies ~~shall~~ must be located outside of the bed and sufficiently removed therefrom to provide for future possible stream widening and to prevent pollution by siltation during construction. ~~(3-31-22)~~( )

ii. ~~Structures.~~ Wastewater pipeline outfalls, headwalls, manholes, gate boxes, or other structures ~~shall~~ must be designed to address anticipated flood flows of the surface water bodies. ~~(3-31-22)~~( )

iii. ~~Alignment.~~ Wastewater pipelines crossing surface water bodies should be designed to cross the surface water body as nearly perpendicular to the surface water body flow as possible and ~~shall~~ must be free from change in grade. ~~(3-31-22)~~( )

iv. ~~Materials.~~ Wastewater pipelines entering or crossing surface water bodies ~~shall~~ must be constructed of water transmission pressure rated pipe with restrained joints conforming to Section 401.2.9 of the "Idaho Standards for Public Works Construction," incorporated by reference ~~into these rules at~~ in Section 004, or other suitable pipe with restrained joints capable of being installed to remain watertight and free from changes in alignment or grade. Material used to back-fill the trench ~~shall~~ must be concrete slurry, stone, coarse aggregate, washed gravel, or other materials which will not readily erode, cause siltation, damage pipe during placement, or corrode the pipe. ~~(3-31-22)~~( )

v. ~~Siltation and Erosion.~~ Construction methods that will minimize siltation and erosion ~~shall~~ must be employed. ~~(3-31-22)~~( )

l. ~~Aerial Crossings.~~ Support ~~shall~~ must be provided for all joints in pipes utilized for aerial crossings. Restrained joints or structural casings are required. ~~(3-31-22)~~( )

m. ~~Cross-Connections Prohibited.~~ There ~~shall~~ may be no physical connections between a public or private potable water supply system and a wastewater pipeline, or appurtenance thereto, which would permit the passage of any wastewater or polluted water into the potable supply. No water pipe ~~shall~~ may pass through or ~~come into~~ contact ~~with~~ any part of a wastewater pipeline manhole. ~~(3-31-22)~~( )

n. ~~Protection of Water Sources, Supplies.~~ When wastewater pipelines are proposed in the vicinity of any existing public or private drinking water sources or supplies or other drinking water facilities, ~~requirements of IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," shall be used to confirm acceptable isolation distances~~ excluding potable pipelines, the following separation distances must be maintained. ~~(3-31-22)~~( )

i. Pressure wastewater mains will not be closer horizontally than one hundred (100) feet. ( )

ii. Gravity wastewater mains will not be closer horizontally than fifty (50) feet. ( )

iii. Wastewater service lines will not be closer horizontally than fifty (50) feet from any public water system source. ( )

iv. Wastewater service lines will not be closer horizontally than twenty-five (25) feet from private drinking water sources and other drinking water facilities. ( )

o. ~~Non-Potable Pipelines in Relation to Potable Water Pipelines. The Department will use the Memorandum of Understanding with the Plumbing Bureau as guidance in determining the relative responsibilities for reviewing service lines. The conditions of Subsections 430.02.o.i. and 430.02.o.ii. shall apply to all potable services constructed or reconstructed after April 15, 2007 and where the Department or the QLPE is the reviewing authority~~The requirements for the protection of potable pipelines from contamination by non-potable pipelines are described in Subsections 430.02.o.ii. and 430.02.o.iii. For this subsection, the term "pipeline" applies to both mains and services. Raw water pipelines must meet equivalent separation distances of Subsections 430.02.o.ii. through 430.02.o.iv. from either potable or non-potable pipelines. ~~(3-31-22)~~( )

i. Alternative separation distances may be considered for Subsections 430.02.o.ii. through 430.02.o.iii. on a case-by-case basis when considering constructability, public health risk, environmental risk, and cost. The design engineer must submit data to the Department for review and approval showing that the proposed installation will be protective of public health and the environment. ( )

ii. Parallel installation requirements. (3-31-22)

(1) Non-potable mains in relation to potable mains: (3-31-22)

(a) Greater than ten (10) feet separation: no additional requirements ~~based on separation distance~~. ~~(3-31-22)~~( )

(b) Ten (10) feet to six (6) feet separation: separate trenches, with the bottom of the potable main above the top of the non-potable main, and non-potable main constructed with ~~potable water~~ potable water class pipe.

~~(3-31-22)~~( )

~~(c) Less than six (6) feet separation: design engineer to submit data to the Department for review and approval that this installation will protect public health and environment and non-potable main constructed with potable water class pipe.~~ ~~(3-31-22)~~

(~~d~~c) Non-potable mains are prohibited from being located in the same trench as potable mains. (3-31-22)

~~(e) Pressure sewage mains shall be no closer horizontally than ten (10) feet from potable mains.~~ ~~(3-31-22)~~

(2) ~~New n~~Non-potable services in relation to potable ~~services, new non-~~ pipelines and potable services in relation to non-potable ~~mains, and new potable services in relation to non-potable mains~~ pipelines.~~(3-31-22)~~( )

(a) Greater than six (6) feet separation: no additional requirements ~~based on separation distances~~. ~~(3-31-22)~~( )

~~(b) Less than six (6) feet separation: design engineer to submit data that this installation will protect public health and the environment and non-potable service constructed with potable water class pipe.~~ ~~(3-31-22)~~

(~~e~~b) ~~New~~ Non-potable services are prohibited from being located in the same trench as ~~non-~~potable ~~mains or non-potable services~~ pipelines. ~~(3-31-22)~~( )

ii~~i~~. Requirements for potable water ~~mains or services~~ pipelines crossing non-potable ~~mains or services~~ pipelines. Crossings must be perpendicular, unless otherwise approved by the Department. ~~For the purposes of Subsection 430.02.o.ii., the term "pipeline" applies to both mains and services.~~ ~~(3-31-22)~~( )

(1) If there are ~~E~~eighteen (18) inches or more vertical separation with the potable water pipeline above the non-potable pipeline~~:~~, then the ~~non-~~potable pipeline joints must ~~to~~ be as far as possible from the non-potable water pipeline. ~~(3-31-22)~~( )

(2) If there are ~~E~~eighteen (18) inches or more vertical separation with the potable water pipeline below the non-potable pipeline~~:~~, then the ~~Non-~~potable pipeline joints must ~~to~~ be as far as possible from the non-potable ~~water~~ pipeline, and the non-potable pipeline must be supported through the crossing to prevent settling. ~~(3-31-22)~~( )

(3) Less than eighteen (18) inches vertical separation: (3-31-22)

(a) ~~Non-p~~Potable pipeline joints must ~~to~~ be as far as possible from the non-potable ~~water~~ pipeline; and either: ~~(3-31-22)~~( )

(b) Non-potable pipeline must be constructed with potable water class pipe for a minimum of ten (10) feet either side of potable pipeline with a single twenty (20) foot section of potable water class pipe centered on the crossing; or ~~(3-31-22)~~( )

(c) ~~Sleeve~~Either the non-potable or potable pipeline must be sleeved with potable water class pipe for ten (10) feet either side of crossing. Use of hydraulic cementitious materials such as concrete, controlled density fill, and concrete slurry encasement is not allowed as a substitute for sleeving. ~~(3-31-22)~~( )

(d) If the potable pipeline is below non-potable pipeline, the non-potable pipeline must also be supported through the crossing to prevent settling. (3-31-22)

~~(4) Pressure sewage mains shall be no closer vertically than eighteen (18) inches from potable mains.~~ ~~(3-31-22)~~

~~iii. Existing potable services in relation to new non-potable mains, existing non-potable services in~~

~~relation to new potable mains, and existing potable services in relation to new non-potable services shall meet the requirements of Subsection 430.02.o.ii., where practical, based on cost, construction factors, and public health significance. If the Department determines that there are significant health concerns with these services, such as where a large existing service serves an apartment building or a shopping center, then the design shall conform with Subsection 430.02.o.ii.~~ ~~(3-31-22)~~

iv. Non-potable pressure pipelines must not be: ( )

(1) Closer horizontally than ten (10) feet from potable pipelines; and ( )

(2) Closer vertically than eighteen (18) inches from potable pipelines. ( )

v. New non-potable wastewater mains or non-potable wastewater mains undergoing material modification must be separated by at least five (5) feet from buildings, industrial facilities, and other permanent structures. ( )

431. -- 439. (RESERVED)

440. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: WASTEWATER PUMPING STATIONS.

01. General. Section 440 regulates ~~both public and private~~ municipal wastewater collection pump stations and ~~does~~ not ~~regulate~~ individual residence pump stations, individual residence grinder pump stations, or individual residence septic tank effluent pump stations. See Section 441 for regulation of those types of pump stations. ~~(3-31-22)~~( )

a. ~~Flooding.~~ Wastewater pumping station structures and electrical and mechanical equipment ~~shall~~ must be protected from physical damage by the one hundred (100) year flood. Wastewater pumping stations ~~shall~~ must remain fully operational and accessible during the twenty-five (25) year flood. Regulations of state and federal agencies regarding flood plain obstructions shall be considered. ~~(3-31-22)~~( )

b. ~~Accessibility and Security.~~ The pumping station ~~shall~~ must be accessible by maintenance vehicles during all weather conditions. ~~(3-31-22)~~( )

c. ~~Grit.~~ The wet well and pump station piping ~~shall~~ must be designed to avoid operational problems from the accumulation of grit. ~~(3-31-22)~~( )

d. ~~Safety.~~ Provisions ~~shall~~ must be made to consider the protection of maintenance personnel and visitors from typical and foreseeable hazards in accordance with the engineering standards of care. See also Subsection 450.07. ~~(3-31-22)~~( )

02. Design. Design of wastewater pumping stations ~~shall~~ must meet the applicable ~~requirements~~ provisions of Subsections 440.02.a. through 440.02.i. ~~(3-31-22)~~( )

~~**a.** Type. Wastewater pumping stations in general use fall into four types: wet well/dry well, submersible, suction lift, and screw pump.~~ ~~(3-31-22)~~

~~**b**~~**a.** ~~Structures~~Construction materials used for pumping station structures must be appropriate under conditions of exposure to hydrogen sulfide and other corrosive gases, greases, oils, and other constituents frequently present in wastewater. ~~(3-31-22)~~( )

i. ~~Separation.~~ Dry wells ~~shall~~ must be completely separated from the wet well. Common walls must be gas tight. ~~(3-31-22)~~( )

ii. ~~Equipment Removal.~~ Provisions ~~shall~~ must be made to facilitate removing pumps, motors, and other mechanical and electrical equipment. Individual pump and motor removal must not interfere with the continued operation of remaining pumps. ~~(3-31-22)~~

~~iii. Access and Safety Landings.~~ ~~(3-31-22)~~

~~(1)~~ ~~Access.~~ Suitable means of access for maintenance personnel wearing self-contained breathing apparatus ~~shall~~ must be provided to dry wells and to wet wells. See also Subsection 450.07. ~~(3-31-22)~~( )

~~(2) Safety Landings. Section 009 provides a reference to requirements of the Occupational Safety and Health Administration (OSHA), compliance with which may be required by other law.~~ ~~(3-31-22)~~

i~~v~~ii. ~~Buoyancy.~~ Where high groundwater conditions are anticipated, buoyancy of the wastewater pumping station structures ~~shall~~ must be considered and, if necessary, adequate provisions ~~shall be~~ made for protection. ~~(3-31-22)~~( )

~~v. Construction Materials. Materials shall be selected that are appropriate under conditions of exposure to hydrogen sulfide and other corrosive gases, greases, oils, and other constituents frequently present in wastewater. This is particularly important in the selection of metals and paints.~~ ~~(3-31-22)~~

iv. Dry wells must be equipped with a positive means for dewatering. ( )

~~c. Pumps.~~ ~~(3-31-22)~~

~~i~~**b.** ~~Multiple Units.~~ Multiple pumps ~~shall~~ must be provided. ~~Units shall~~ Pumps must have capacity such that, with any ~~unit~~ pump out of service, the remaining ~~units~~ pumps will have capacity to handle the design peak hour~~ly~~ flow. ~~(3-31-22)~~( )

i~~i~~. ~~Protection Against Clogging.~~ Pumps (except screw pumps) handling separate sanitary wastewater from thirty (30) inch or larger diameter sewers ~~shall~~ must be protected by bar racks. Appropriate protection from clogging ~~shall~~ must also be considered for small pumping stations. ~~(3-31-22)~~( )

ii~~i~~. ~~Pump Openings.~~ Pumps handling unscreened raw wastewater ~~shall~~ must be capable of passing spheres of at least three (3) inches in diameter ~~or be a grinder pump~~. Pump suction and discharge openings must be at least four (4) inches in diameter. An exception to the requirement for passing solid spheres of at least three (3) inches in diameter may be made on a case-by-case basis when approved by the Department based on equivalent protection from clogging or damage, such as grinder pumps. ~~(3-31-22)~~( )

i~~v~~ii. ~~Priming.~~ The pump ~~shall~~ must be placed so that, under normal operating conditions, it will operate under a positive suction head, except as specified in Subsection 440.03. ~~(3-31-22)~~( )

iv. ~~Electrical Equipment. Section 009 provides a reference to the requirements of the National Electrical Code, compliance with which may be required by other law~~Electrical equipment must comply with local and state codes. ~~(3-31-22)~~( )

v~~i~~. ~~Intake. Section 008 provides a reference to the~~Design of intakes may use American National Standard Institute/Hydraulic Institute ANSI/HI 9.8, American National Standard for Centrifugal and Vertical Pump Intake Design. ~~(3-31-22)~~( )

~~vii. Dry Well Dewatering. Dry wells shall be equipped with a positive means for dewatering.~~ ~~(3-31-22)~~

vi~~i~~i. ~~Pumping Rates.~~ The pumps and controls ~~of main pumping stations shall~~ must be ~~selected~~ designed to operate with varying ~~rates~~ wastewater flows into the wet well. The pump control system design ~~shall take into~~ must account for, and minimize ~~as needed~~, downstream impact of pump discharge hydraulic surges. The station design capacity ~~shall~~ must be based on peak hourly flow as determined in accordance with Section 411 and ~~shall~~ must be adequate to maintain a velocity in the force main sufficient to avoid solids deposition. ~~See Subsection 440.09.~~ ~~(3-31-22)~~( )

~~d~~**c.** ~~Controls.~~ Water level control sensing devices ~~shall~~ must be designed to allow for automatic control of pumps. ~~(3-31-22)~~( )

ed. ~~Valves~~Suitable shutoff and check valves must be placed on the discharge line of each pump (except on screw pumps). The check valve must be located between the shutoff valve and the pump. Check valves must be suitable for the material being handled and placed on the horizontal portion of the discharge piping except for ball checks, which may be placed in the vertical run. Valves must be capable of withstanding normal pressure and water hammer. All shutoff and check valves must be operable from the floor level and accessible for maintenance. Outside levers are recommended on swing check valves. ~~(3-31-22)~~( )

~~i~~**e.** ~~Suction Line.~~ Suitable shutoff valves ~~shall~~ must be placed on the suction lines of dry pit pumps. ~~(3-31-22)~~( )

~~ii. Discharge Line. Suitable shutoff and check valves shall be placed on the discharge line of each pump (except on screw pumps). The check valve shall be located between the shutoff valve and the pump. Check valves shall be suitable for the material being handled and shall be placed on the horizontal portion of the discharge piping except for ball checks, which may be placed in the vertical run. Valves shall be capable of withstanding normal pressure and water hammer. All shutoff and check valves shall be operable from the floor level and accessible for maintenance. Outside levers are recommended on swing check valves.~~ ~~(3-31-22)~~

f. Wet Wells. (3-31-22)

i. ~~Section 008 provides a reference to t~~The American National Standard Institute/Hydraulic Institute ANSI/HI 9.8, American National Standard for Centrifugal and Vertical Pump Intake Design may be used as a guidance ~~document~~ for design of wet wells. ~~(3-31-22)~~( )

ii. ~~Air Displacement.~~ Covered wet wells ~~shall~~ must have provisions for air displacement to the atmosphere, such as an inverted "j" tube or other means. ~~(3-31-22)~~( )

g. ~~Safety Ventilation.~~ Adequate ventilation ~~shall~~ must be provided for all pump stations unless access is provided using confined space entry procedures. Where the dry well is below the ground surface, mechanical ventilation ~~is required~~ must be provided. If screens or mechanical equipment requiring maintenance or inspection are ~~located~~ in the wet well, permanently installed ventilation ~~is required~~ must be provided. There ~~shall~~ may be no interconnection between the wet well and dry well ventilation systems. ~~Section 008 provides a reference to guidance documents; see Subsection 008.11.~~ ~~(3-31-22)~~( )

h. ~~Flow Measurement.~~ Suitable methods for measuring wastewater flow ~~shall~~ must be ~~addressed~~ provided at all pumping stations. ~~(3-31-22)~~( )

i. ~~Water Supply.~~ There ~~shall~~ may be no physical connection between any potable water supply and a wastewater pumping station which, under any conditions, might cause contamination of the potable water supply. If a potable water supply connection is made to the station, the connection ~~shall~~ must comply with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems." ~~(3-31-22)~~( )

03. Suction Lift Pump Stations - Special Considerations. Suction lift pumps ~~shall~~ must meet the applicable ~~requirements~~ provisions of Subsection 440.02. ~~(3-31-22)~~( )

a. ~~Pump Priming and Lift Requirements.~~ Suction lift pumps ~~shall~~ must be of the self-priming or vacuum-priming type. Suction lift pump stations using dynamic suction lifts exceeding the limits outlined in Subsections 440.03.b. through 440.03.d. may be approved by the Department upon submission of factory certification of pump performance and detailed calculations indicating satisfactory performance under the proposed operating conditions. ~~(3-31-22)~~( )

b. ~~Self-Priming Pumps.~~ Self-priming pumps ~~shall~~ must be capable of rapid priming and re-priming at the "lead pump on" elevation. ~~Such s~~ Self-priming and re-priming ~~shall~~ must be accomplished automatically under design operating conditions. ~~(3-31-22)~~( )

c. ~~Vacuum-Priming Pumps.~~ Vacuum-priming pump stations ~~shall~~ must be equipped with dual vacuum pumps capable of automatically and completely removing air from the suction lift pump. The vacuum pumps

~~shall~~ must be adequately protected from damage due to wastewater. The combined total of dynamic suction lift at the "pump off" elevation and required net positive suction head at design operating conditions ~~shall~~ must not exceed twenty-two (22) feet. ~~(3-31-22)~~( )

d. ~~Equipment, Wet Well Access, and Valving Location.~~ The pump equipment compartment ~~shall~~ must be above grade or offset and ~~shall~~ be effectively isolated from the wet well to prevent a hazardous and corrosive sewer atmosphere from entering the equipment compartment. Wet well access ~~shall~~ may not be through the equipment compartment and ~~shall~~ must be at least twenty-four (24) inches in diameter. Gasketed replacement plates ~~shall~~ must be provided to cover the opening to the wet well for pump units removed for servicing. Valving ~~shall~~ may not be ~~located~~ in the wet well. ~~(3-31-22)~~( )

04. Submersible Pump Stations - Special Considerations. Submersible pump stations ~~shall~~ must meet the applicable ~~requirements~~ provisions of Subsection 440.02, except as modified in Subsection 440.04. ~~(3-31-22)~~( )

a. ~~Construction.~~ Submersible pumps and motors ~~shall~~ must be designed specifically for raw wastewater use, including totally submerged operation during a portion of each pumping cycle. An effective method to detect shaft seal failure or potential seal failure ~~shall~~ must be provided. ~~(3-31-22)~~( )

b. ~~Pump Removal.~~ Submersible pumps ~~shall~~ must be readily removable and replaceable without personnel entering or dewatering the wet well, or disconnecting any piping in the wet well. ~~(3-31-22)~~( )

c. ~~Electrical Equipment. Section 009 provides a reference to the requirements of the National Electrical Code, compliance with which may be required by other law~~Electrical equipment must comply with local and state codes. ~~(3-31-22)~~( )

i. ~~Power Supply and Control Circuitry.~~ Electrical supply, control, and alarm circuits ~~shall~~ must be designed to provide strain relief and to allow disconnection from outside the wet well. Terminals and connectors ~~shall~~ must be protected from corrosion by location outside the wet well or through use of watertight seals. ~~(3-31-22)~~( )

ii. ~~Controls.~~ The motor control center ~~shall~~ must be located outside the wet well, ~~be~~ readily accessible, and be protected by a conduit seal or other appropriate measures to prevent the atmosphere of the wet well from gaining access to the control center. The seal ~~shall~~ must be located so that the motor may be removed and electrically disconnected without disturbing the seal. ~~When such equipment is exposed to weather, it is recommended that it meet the requirements of weatherproof equipment NEMA 3R or 4.~~ ~~(3-31-22)~~( )

iii. ~~Power Cord.~~ Pump motor power cords ~~shall~~ must be designed for flexibility and serviceability under conditions of extra hard usage. Ground fault interruption protection ~~shall~~ must be used to de-energize the circuit in the event of any failure in the electrical integrity of the cable. Power cord terminal fittings ~~shall~~ must be corrosion-resistant and constructed ~~in a manner~~ to prevent the entry of moisture into the cable, ~~shall be~~ provided with strain relief appurtenances, and ~~shall be~~ designed to facilitate field connecting. ~~(3-31-22)~~( )

d. ~~Valves.~~ Valves required under Subsection 440.02 ~~shall~~ must be ~~located~~ in a separate valve chamber. Provisions ~~shall~~ must be made to remove or drain accumulated water from the valve chamber. The valve chamber may be dewatered to the wet well through a drain line with a gas and water tight valve. Check valves that are integral to the pump need not be ~~located~~ in a separate valve chamber provided that the valve can be removed from the wet well in accordance with Subsection 440.04. Access ~~shall~~ must be provided in accordance with Subsection 440.02. ~~(3-31-22)~~( )

05. Screw Pump Stations - Special Considerations. Screw pump stations ~~shall~~ must meet the applicable ~~requirements~~ provisions of Subsection 440.02. ~~(3-31-22)~~( )

a. ~~Covers.~~ Covers or other means of excluding direct sunlight ~~shall~~ must be provided as necessary to eliminate adverse effects from temperature changes. ~~(3-31-22)~~( )

b. ~~Pump Wells.~~ A positive means of isolating individual screw pump wells ~~shall~~ must be provided. ~~(3-31-22)~~( )

c. ~~Bearings.~~ Submerged bearings ~~shall~~ must be lubricated by an automated system without pump well dewatering. ~~(3-31-22)~~( )

06. Alarm Systems. Alarm systems with a backup power source ~~shall~~ must be provided for pumping stations. The alarm ~~shall~~ must be activated in cases of power failure, dry well sump and wet well high water levels, pump failure, pump clogging, unauthorized entry, or other cause of pump station malfunction. Pumping station alarms, including identification of the alarm condition, ~~shall~~ must be transmitted to a twenty-four (24) hour response center. Audio-visual alarm systems may be ~~acceptable in some cases in lieu of a transmitting system depending~~ approved by the Department based upon location, station holding capacity, and inspection frequency. ~~(3-31-22)~~( )

07. Emergency Operation. (3-31-22)

a. ~~Objective. The objective of e~~Emergency operation for pump stations is required to prevent the unintended discharge of raw or partially treated wastewater to any waters or land surface and to protect public health by preventing back up of wastewater and subsequent discharge to basements, streets, and other public and private property. ~~(3-31-22)~~( )

b. ~~Emergency Pumping Capability.~~ Emergency pumping capability is required for all new ~~lift~~ pumping stations constructed after April 15, 2007. Emergency pumping capability is required for all existing ~~lift~~ pumping stations that undergo a material modification ~~or expansion~~ unless overall system reliability can be proven adequate to the Department as shown in Subsections 440.07.b.i. and 440.07.b.ii. ~~or overflow prevention is provided by adequate emergency storage capacity as defined in these rules. If required, emergency pumping capability shall be accomplished by connection of the station to at least two (2) independent utility substations as determined by and stated in a letter from the appropriate power provider, by provision of portable or in-place internal combustion engine equipment which will generate electrical or mechanical energy, or by the provision of portable pumping equipment. Such emergency standby systems shall have sufficient capacity to start up and maintain the total rated running capacity of the station. Regardless of the type of emergency standby system provided, a portable pump connection to the force main with rapid connection capabilities and appropriate valving shall be provided outside the dry well and wet well~~. ~~(3-31-22)~~( )

i. System reliability is ~~considered~~ adequate for an existing pumping station undergoing material modification if power grid outages average three (3) or less per year based on data for the three (3) previous years with no more than six (6) outages in a single year. ~~(3-31-22)~~( )

ii. Outage duration averages less than four (4) hours based on data for the three (3) previous years, with no~~t~~ more than one (1) outage during the three (3) previous year period exceeding eight (8) hours. Power loss for at least thirty (30) minutes qualifies as an outage. ~~(3-31-22)~~( )

c. ~~Equipment Requirements~~Emergency pumping capability must be accomplished by either connection of the station to at least two (2) independent utility substations as determined by and stated in a letter from the appropriate power provider, by provision of portable or in-place internal combustion engine equipment which will generate electrical or mechanical energy, or by the provision of portable pumping equipment. Such emergency standby systems must have sufficient capacity to start up and maintain the total rated running capacity of the station. Regardless of the type of emergency standby system provided, a portable pump connection to the force main with rapid connection capabilities and appropriate valving must be provided outside the dry well and wet well.
~~(3-31-22)~~( )

i. ~~General.~~ The following general requirements ~~shall~~ apply to all internal combustion engines used to drive auxiliary pumps, service pumps through special drives, or electrical power generating equipment~~:~~.
~~(3-31-22)~~( )

(1) ~~Engine Protection.~~ The engine must be protected from operating conditions that would result in damage to equipment. Unless continuous manual supervision is planned, protective equipment ~~shall~~ must be capable of shutting down the engine and activating an alarm on site and as provided in Subsection 440.06. Protective equipment ~~shall~~ must monitor for conditions of low oil pressure and overheating, except that oil pressure monitoring ~~will~~ is not ~~be~~ required for engines with splash lubrication. ~~(3-31-22)~~( )

(2) ~~Size.~~ The engine ~~shall~~ must have adequate rated power to start and continuously operate under all connected loads. ~~(3-31-22)~~( )

(3) ~~Fuel Type.~~ Reliability and ease of starting, especially during cold weather conditions, ~~shall~~ must be addressed in the selection of the type of fuel. ~~(3-31-22)~~( )

(4) ~~Fuel Storage.~~ Fuel storage and piping facilities if provided ~~shall~~ must be constructed in accordance with applicable state and federal regulations. ~~(3-31-22)~~( )

(5) ~~Engine Ventilation.~~ The engine ~~shall~~ must have adequate ventilation of fuel vapors and exhaust gases. ~~(3-31-22)~~( )

(6) ~~Routine Start-up.~~ All emergency equipment ~~shall~~ must be provided with instructions indicating the need for regular starting and running of such units at full loads. ~~(3-31-22)~~( )

(7) ~~*Protection of Equipment.*~~ Emergency equipment ~~shall~~ must be protected from damage at the restoration of regular electrical power. ~~*(3-31-22)*~~( )

ii. ~~Engine-Driven Pumping Equipment.~~ Where permanently-installed or portable engine-driven pumps are used, the following requirements in addition to ~~general requirements shall~~ the provisions of Subsection 440.07.c.i. apply. ~~(3-31-22)~~( )

(1) ~~Pumping Capacity.~~ Engine-driven pumps ~~shall~~ must meet the design pumping requirements unless storage capacity is available for flows in excess of pump capacity. Pumps ~~shall~~ must be designed for anticipated operating conditions, including suction lift if applicable. ~~(3-31-22)~~( )

(2) ~~Operation.~~ The engine and pump ~~shall~~ must be equipped to provide automatic start-up and operation of pumping equipment unless manual start-up and operation is justified. Provisions ~~shall~~ must also be made for manual start-up. Where manual start-up and operation is justified, storage capacity and alarm system must meet the ~~requirements~~ provisions of Subsection 440.07.c.ii(3). ~~(3-31-22)~~( )

(3) ~~Portable Pumping Equipment.~~ Where part or all ~~of the~~ engine-driven pumping equipment is portable, adequate emergency storage capacity as defined in Section 010 with alarm system ~~shall~~ must be provided to allow time for detection of pump station failure and transportation and hookup of the portable equipment. ~~(3-31-22)~~( )

iii. ~~Engine-Driven Generating Equipment.~~ Where permanently-installed or portable engine-driven power generating equipment is used, the following requirements ~~shall~~ apply in addition to the ~~general requirements~~ provisions of Subsection 440.07.c.i. ~~(3-31-22)~~( )

~~(1) Generating Capacity.~~ ~~(3-31-22)~~

(~~a~~1) Power ~~G~~generating unit size ~~shall~~ must be adequate to provide power for pump motor starting current and for lighting, ventilation, and other auxiliary equipment necessary for safety and proper operation of the ~~lift~~ pumping station. ~~(3-31-22)~~( )

(~~b~~2) The operation of only one pump during periods of auxiliary power supply must be justified. ~~Such justification may be made on the basis of~~ based on the design peak hourly flows relative to single-pump capacity, anticipated length of power outage, and storage capacity. ~~(3-31-22)~~( )

(~~c~~3) Manual or special sequencing controls ~~shall~~ must be provided to start pump motors unless the power generating equipment has capacity to start all pumps simultaneously with auxiliary equipment operating. ~~(3-31-22)~~( )

(~~2~~4) ~~Operation.~~ Provisions ~~shall~~ must be made for automatic and manual startup and load transfer unless only manual start-up and operation is justified. Automatic transfer switches ~~shall~~ must be UL listed and meet NEC

requirements. The generator must be protected from operating conditions that would result in damage to equipment. Provisions ~~shall~~ must be made to allow the engine to start and stabilize at operating speed before assuming the load. Where manual start-up and transfer is justified, the storage capacity and alarm system must meet the ~~requirements~~ provisions of Subsection 440.07.c.iii.(~~3~~5). ~~(3-31-22)~~(____)

(~~3~~5) ~~Portable Generating Equipment.~~ Where portable power generating equipment and manual transfer is provided, adequate emergency storage capacity as defined in Section 010 with alarm system ~~shall~~ must be provided to allow time for detection of pump station failure and transportation and connection of power generating equipment. Special electrical connections and double throw switches ~~shall~~ must be provided for connecting portable power generating equipment. Manual transfer switches ~~shall~~ must be UL listed and meet NEC requirements. ~~(3-31-22)~~(____)

iv. ~~Independent Utility Substations.~~ Where independent power substations are used for emergency power, each separate substation and its associated transmission lines ~~shall~~ must be capable of starting and operating the pump station at its rated capacity. ~~(3-31-22)~~(____)

~~**08. Instructions and Equipment**. Wastewater pumping stations and portable equipment shall be supplied with a complete set of operational instructions, including emergency procedures, maintenance schedules, tools, and such spare parts as may be necessary.~~ ~~(3-31-22)~~

0~~9~~8. Operation and Maintenance. (3-31-22)

a. An operation and maintenance manual ~~shall~~ must be submitted to and approved by the Department as required by Section 425. Adherence to the terms of this approved manual ~~shall be~~ is required. The owner ~~shall be~~ is responsible for maintaining the ~~wastewater facility~~ pump station in a manner that ~~assures~~ ensures its designed operation. ~~(3-31-22)~~(____)

b. For new privately owned municipal wastewater collection pump stations, documents that detail the technical, managerial, and financial capabilities of the private entity to properly operate and maintain said pump station for the long term ~~shall~~ must be submitted to the Department ~~for approval prior to operation~~ in accordance with Section 409. ~~(3-31-22)~~(____)

~~10~~09. Force Mains. (3-31-22)

a. ~~Velocity and Diameter. At design pumping rates, a~~A cleansing velocity of at least two (2) feet per second ~~shall~~ must be maintained within force mains at the design pumping rates. ~~(3-31-22)~~(____)

b. ~~Air and Vacuum Relief Valve.~~ An air relief valve ~~shall~~ must be placed at high points in the force main to prevent air locking unless otherwise approved by the Department. The force main configuration and head conditions ~~shall~~ must be evaluated ~~as~~ to determine the need for and placement of vacuum relief valves. ~~(3-31-22)~~(____)

c. ~~Termination.~~ The force mains from other than individual grinder pump stations ~~shall~~ must enter a receiving manhole. Corrosion protection for the receiving manhole ~~shall~~ must be provided. Control of odors at such discharge points ~~shall~~ must be evaluated. ~~(3-31-22)~~(____)

d. ~~Pipe and Design Pressure.~~ Pipe and joints ~~shall~~ must be equal to water main strength materials suitable for design conditions. The force main, reaction blocking, thrust restraint, and station piping ~~shall~~ must be designed to withstand water hammer pressures and associated cyclic reversal of stresses that are expected with the cycling of wastewater ~~lift~~ pumping stations. If necessary, ~~T~~the use of surge valves, surge tanks, or other suitable means to protect the force main against severe pressure changes ~~shall~~ must be evaluated. ~~(3-31-22)~~(____)

e. ~~Special Construction.~~ Force main construction near streams or water works structures and at water main crossings ~~shall~~ must meet applicable provisions of Section 430. ~~(3-31-22)~~(____)

f. Design ~~F~~friction ~~L~~losses must be in accordance with an approved PER pursuant to Section 411.03.c. ~~(3-31-22)~~(____)

~~i. Friction Coefficient. Friction losses through force mains shall be based on the Hazen and Williams formula or other acceptable methods. When the Hazen and Williams formula is used, the friction losses for varying values of "C" shall be evaluated for different types and ages of pipe.~~ (3-31-22)

~~ii. Maximum Power Requirements. When initially installed, force mains will have a significantly higher "C" factor. The effect of the higher "C" factor shall be considered in calculating maximum power requirements and duty cycle time to prevent damage to the motor. The effects of higher discharge rates on selected pumps and downstream facilities shall also be considered.~~ (3-31-22)

g. ~~Identification.~~ Where force mains are constructed of material which might cause the force main to be confused with potable water mains, the force main ~~shall~~ must be appropriately identified using trench tape saying, "raw sewage," "biohazard," or other appropriate wording. (3-31-22)( )

h. ~~Leakage Testing.~~ Leakage tests ~~shall~~ must be specified including testing methods and leakage limits. Testing ~~shall~~ must conform with Sections 401.3.6 and 505.3.3 of the "Idaho Standards for Public Works Construction," incorporated by reference ~~into these rules at~~ in Section 004. (3-31-22)( )

i. ~~Thrust Blocking or Restraint.~~ Thrust blocking or restraint ~~shall~~ must conform with Sections 401.3.4 of the "Idaho Standards for Public Works Construction," incorporated by reference ~~into these rules at~~ in Section 004, or specific calculations reviewed and approved by the Department. (3-31-22)( )

j. ~~Maintenance Considerations.~~ Isolation valves ~~shall~~ must be used if force mains connect into a common force main. (3-31-22)( )

k. ~~Cover.~~ Force mains ~~shall~~ must be covered with sufficient earth or other insulation to prevent freezing or other physical damage. (3-31-22)( )

441. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: INDIVIDUAL ~~RESIDENCE~~ SERVICE CONNECTION WASTEWATER PUMPING STATIONS.

01. General. Section 441 regulates individual ~~residence~~ service connection pump stations~~,~~ including individual ~~residence~~ grinder pump stations~~,~~ and individual ~~residence~~ septic tank effluent pump stations. ~~However, this rule does not regulate grinder pumps or their vaults that are inside of individual residences or other structures.~~ Certain individual ~~residence~~ service connection wastewater pumping stations may be under the jurisdiction of the Idaho Division of ~~Building Safety, Plumbing Bureau. For further defining and delineating of the Plumbing Bureau's and the Department's statutory and regulatory duties and responsibilities with respect to individual residence wastewater pumping stations, see the Memorandum of Understanding referred to in Section 008~~ Occupational and Professional Licensing. (3-31-22)( )

a. ~~Flooding.~~ Wastewater pumping station structures and electrical and mechanical equipment ~~shall~~ must be protected from physical damage by the one hundred (100) year flood. Wastewater pumping stations ~~shall~~ must remain fully operational and accessible during the twenty-five (25) year flood. Local, state and federal flood plain regulations ~~shall~~ must be considered. (3-31-22)( )

b. ~~Accessibility and Security.~~ The pumping station ~~shall~~ must be accessible by maintenance vehicles during all weather conditions. (3-31-22)

02. Design. Design of wastewater pumping stations ~~shall~~ must meet the applicable requirements of Subsections 441.02.a. through 441.02.c. (3-31-22)( )

~~**a.** Pumps.~~ (3-31-22)

~~i~~**a.** ~~Multiple Units.~~ Duplex pumps for individual ~~residence~~ service connection wastewater pump stations are not required. However, for developments having five (5) or more similar facilities, one (1) working spare pump for each size ~~shall be provided and~~ will be readily available at all times. (3-31-22)( )

ii. ~~Pump Openings.~~ Pumps handling raw wastewater ~~shall~~ will be capable of passing spheres of at least three (3) inches in diameter or be a grinder pump. ~~(3-31-22)~~( )

iii. ~~Priming.~~ The pump ~~shall~~ will be placed so that, under normal operating conditions, it will operate under a positive suction head. ~~(3-31-22)~~( )

b. ~~Controls.~~ Water level control sensing devices ~~shall~~ will be designed to allow for automatic control of pumps. ~~(3-31-22)~~( )

c. ~~Valves.~~ Suitable means to facilitate pump removal and to prevent backflow shall be provided. All shutoff and check valves ~~shall~~ will be accessible for maintenance. ~~(3-31-22)~~( )

03. Submersible Pump Stations - Special Considerations. (3-31-22)

a. ~~Construction.~~ Submersible pumps and motors ~~shall~~ must be designed specifically for ~~raw~~ wastewater ~~use~~, including totally submerged operation during a portion of each pumping cycle. An effective method to detect shaft seal failure or potential seal failure ~~shall~~ must be provided. ~~(3-31-22)~~( )

b. ~~Pump Removal.~~ Submersible pumps ~~shall~~ must be readily removable and replaceable without personnel entering or dewatering the wet well, or disconnecting any piping in the wet well. ~~(3-31-22)~~( )

c. ~~Electrical Equipment. Section 009 provides a reference to the requirements of the National Electrical Code, compliance with which may be required by other law~~Electrical equipment must comply with local and state codes. ~~(3-31-22)~~( )

i. ~~Power Supply and Control Circuitry.~~ Electrical supply, control, and alarm circuits ~~shall~~ must be designed to provide strain relief and to allow disconnection from outside the wet well. Terminals and connectors ~~shall~~ must be protected from corrosion by location outside the wet well or through use of watertight seals. ~~(3-31-22)~~( )

ii. ~~Controls.~~ The motor control center ~~shall~~ must be ~~located~~ outside the wet well, ~~be~~ readily accessible, and be protected by a conduit seal or other appropriate measures to prevent the atmosphere of the wet well from gaining access to the control center. The seal ~~shall~~ must be located so that the motor may be removed and electrically disconnected without disturbing the seal. ~~When such equipment is exposed to weather, it is recommended that it meet the requirements of weatherproof equipment NEMA 3R or 4.~~ ~~(3-31-22)~~( )

iii. ~~Power Cord.~~ Pump motor power cords ~~shall~~ must be designed for flexibility and serviceability under conditions of extra hard usage. Ground fault interruption protection ~~shall~~ must be used to de-energize the circuit in the event of any failure in the electrical integrity of the cable. Power cord terminal fittings ~~shall~~ must be corrosion-resistant and constructed in a manner to prevent the entry of moisture into the cable, ~~shall be~~ provided with strain relief appurtenances, and ~~shall be~~ designed to facilitate field connecting. ~~(3-31-22)~~( )

04. Alarm Systems. Audio-visual alarm systems with a backup power source ~~shall~~ must be provided for pumping stations. The alarm ~~shall~~ must be activated in cases of wet well high water levels and ~~shall be~~ visible from the outside of the structure. ~~(3-31-22)~~( )

05. Emergency Operation. The pumping station must be sized to allow for one (1) day's flow between the high water alarm and the building service invert or the pressure discharge pipe, whichever is closer to the high water alarm. (3-31-22)

~~**06. Instructions and Equipment**. Wastewater pumping stations shall be supplied with a complete set of operational instructions, including emergency procedures, maintenance schedules, tools, and such spare parts as may be necessary.~~ ~~(3-31-22)~~

0~~7~~6. Operation and Maintenance. An operation and maintenance manual ~~shall~~ must be submitted to and approved by the Department as required by Section 425. Adherence to the terms of this approved manual ~~shall be~~ is required. The owner ~~shall be~~ of the individual service connection wastewater pumping station is responsible for

maintaining the ~~wastewater facility~~ pumping station in a manner that assures its designed operation. The owner of the wastewater pumping station must be supplied with a complete set of operational instructions, including emergency procedures, maintenance schedules, tools, and such spare parts as may be necessary. ~~(3-31-22)~~( )

087. Force Mains. (3-31-22)

a. ~~Velocity and Diameter. At design pumping rates, a~~A cleansing velocity of at least two (2) feet per second ~~shall~~ must be maintained within force mains at the design pumping rates. If the force main conveys effluent from a septic tank effluent pump system, a cleansing velocity of at least one (1) feet per second must be maintained at the design pumping rates. ~~(3-31-22)~~( )

b. ~~Special Construction.~~ Force main construction near streams or water works structures and at water ~~main~~ pipeline crossings ~~shall~~ must meet applicable provisions of Section 430. ~~(3-31-22)~~( )

c. Design ~~F~~friction ~~L~~losses must be in accordance with an approved PER pursuant to Section 411.03.c. (3-31-22)

~~i. Friction Coefficient. Friction losses through force mains shall be based on the Hazen and Williams formula or other acceptable methods. When the Hazen and Williams formula is used, the friction losses for varying values of "C" shall be evaluated for different types and ages of pipe. (3-31-22)~~

~~ii. Maximum Power Requirements. When initially installed, force mains will have a significantly higher "C" factor. The effect of the higher "C" factor shall be considered in calculating maximum power requirements and duty cycle time to prevent damage to the motor. The effects of higher discharge rates on selected pumps and downstream facilities shall also be considered. (3-31-22)~~

d. ~~Identification.~~ Where force mains are constructed of material which might cause the force main to be confused with potable ~~water mains~~ pipeline, the force main ~~shall~~ must be appropriately identified using trench tape saying, "raw sewage," "biohazard," or other appropriate wording. ~~(3-31-22)~~( )

e. ~~Leakage Testing.~~ Leakage tests ~~shall~~ must be specified including testing methods and leakage limits. ~~Testing shall~~ and conform with Sections 401.3.6 and 505.3.3 of the "Idaho Standards for Public Works Construction," incorporated by reference ~~into these rules at~~ in Section 004. ~~(3-31-22)~~( )

f. ~~Thrust Blocking.~~ Thrust blocking ~~shall~~ must conform with Sections 401.3.4 of the "Idaho Standards for Public Works Construction," incorporated by reference ~~into these rules at~~ in Section 004. ~~(3-31-22)~~( )

g. ~~Maintenance Considerations.~~ Isolation valves ~~shall~~ must be used if force mains connect into a common force main. ~~(3-31-22)~~( )

h. ~~Cover.~~ Force mains ~~shall~~ must be covered with sufficient earth or other insulation to prevent freezing or other physical damage. ~~(3-31-22)~~( )

442. – 449. (RESERVED)

450. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: WASTEWATER TREATMENT FACILITIES: GENERAL.

01. Plant Location. (3-31-22)

a. ~~General.~~ The ~~preliminary engineering report or~~ PER and facility plan ~~shall~~ must include a detailed discussion for new facilities regarding site selection criteria and alternatives considered. See Sections 410 and 411. ~~(3-31-22)~~( )

b. ~~Flood protection.~~ The treatment plant structures, electrical, and mechanical equipment ~~shall~~ must be protected from physical damage by the one hundred (100) year flood. Treatment plants ~~shall~~ must be designed to

remain fully operational and accessible during the one hundred (100) year flood. This requirement applies to new construction and to existing facilities undergoing ~~major~~ material modification. Local, state, and federal flood plain regulations ~~shall~~ must be considered. ~~(3-31-22)~~( )

c. ~~Setback distances.~~ Facilities open to the atmosphere such as *wastewater* lagoons, open clarifiers, open aeration basins, and other such facilities ~~shall~~ must be placed a minimum of two hundred (200) feet from residential property lines. ~~If such open facilities are adjacent to property zoned as commercial or industrial, a lesser setback will be considered by the Department on a case by case basis.~~ For totally enclosed facilities with noise and odor controls, the minimum setback ~~shall~~ must be fifty (50) feet ~~if approved by the Department~~. A lesser setback may be considered by the Department on a case by case basis when considering factors including, but not limited to, anticipated land use, property zoning, quality of wastewater, or anticipated odors. Neighboring property owners may grant long term easements or other types of legal documents tied to the land to allow for similar setbacks from future development or public use. ~~(3-31-22)~~( )

02. Quality of Effluent. The ~~required~~ degree of wastewater treatment ~~shall~~ must be based on the effluent requirements ~~and water quality standards~~ established by the responsible state ~~agency and appropriate~~ or federal ~~regulations including discharge permit requirements~~ agency. Combined sewer overflows are not allowed. ~~(3-31-22)~~( )

03. Design. (3-31-22)

a. ~~Type of Treatment.~~ The ~~preliminary engineering report~~ PER or facility plan ~~shall~~ must include a detailed discussion regarding criteria and alternatives considered in ~~selection of~~ selecting the appropriate treatment type ~~of treatment~~. See Sections 410 and 411. The plant design ~~shall~~ must provide the necessary flexibility to perform satisfactorily within the expected range of waste characteristics and volumes. ~~(3-31-22)~~( )

b. ~~Required Engineering Data for New Process and Application Evaluation. The~~Department policy ~~of the Department~~ is to encourage ~~rather than obstruct~~ the development of any valid methods or equipment for treatment of wastewater. The lack of inclusion in these standards of some types of wastewater treatment processes or equipment should not be construed as precluding their use. The Department may approve other types of wastewater treatment processes and equipment that meet the performance standards set forth in these rules under the condition that the operational reliability and effectiveness of the process or device ~~shall~~ must have been demonstrated under similar conditions with a suitably-sized unit operating at its design load conditions, to the extent required. To determine that such new processes and equipment or applications have a reasonable and substantial chance of success, the Department may require the following: ~~(3-31-22)~~( )

i. Monitoring observations, including test results and engineering evaluations, demonstrating the efficiency of such processes. (3-31-22)

ii. Detailed description of the test methods. (3-31-22)

iii. Testing, including ~~appropriately-composited~~ appropriately composited samples, under various ranges of strength and flow rates (including diurnal variations) and waste temperatures over a sufficient length of time to demonstrate performance under climatic and other conditions which may be encountered in the area of the proposed installations. ~~(3-31-22)~~( )

iv. ~~Other appropriate information. The Department may require that a~~Appropriate testing be conducted and evaluations be made under the supervision of a competent process engineer other than those employed by the manufacturer or developer. ~~(3-31-22)~~( )

c. ~~Design period.~~ The design period ~~shall~~ must be clearly identified in the ~~preliminary engineering report~~ PER or facility plan ~~as required~~ described in Sections 410 and 411. ~~(3-31-22)~~( )

~~**d.** Design Loads.~~ ~~(3-31-22)~~

~~i~~**d.** Hydraulic ~~D~~design flow conditions critical to the design of the treatment plant must be as described

in the PER required by Section 411. ~~(3-31-22)~~( )

~~(1)~~i. ~~Critical Flow Conditions. Flow conditions critical to the design of the treatment plant shall be as described in the preliminary engineering report required by Section 411.~~ Initial low flow conditions must be evaluated in the design to minimize operational problems with freezing, septicity, flow measurements and solids dropout. The appropriate design flows must be considered in evaluating unit processes, pumping, piping, etc. ~~(3-31-22)~~( )

~~(2)~~ii. ~~Treatment Plant Design Capacity.~~ The treatment plant design capacity ~~shall~~ must be as described in the PER as required by Section 411. The plant design flow selected ~~shall~~ must meet the appropriate effluent and water quality standards that are set forth in the discharge or other appropriate permit. For plants subject to high wet weather flows or overflow detention pump-back flows, the design maximum flows that the plant is to treat on a sustained basis ~~shall~~ must be specified. ~~(3-31-22)~~( )

~~(3)~~iii. ~~Flow Equalization.~~ Facilities for the equalization of flows and organic shock load ~~shall~~ must be considered at all plants which are critically affected by surge loadings. ~~(3-31-22)~~( )

~~ii~~**e.** ~~Organic Design.~~ Organic loadings for wastewater treatment plant design ~~shall~~ must be based on the information provided in the ~~preliminary engineering report required by~~ PER described in Section 411. The effects of septage flow which may be accepted at the ~~plant shall~~ treatment facility must be given consideration and appropriate facilities ~~shall~~ must be included in the design. See Section 520. ~~(3-31-22)~~( )

~~iii~~**f.** ~~Shock Effects.~~ The shock effects of high concentrations and diurnal peaks for short periods of time on the treatment process, particularly for small treatment plants, ~~shall~~ must be considered. ~~(3-31-22)~~( )

~~e~~**g.** ~~Conduits.~~ All piping and channels ~~shall~~ must be designed to carry the maximum expected flows. Conduits ~~shall~~ must be designed to avoid creation of pockets and corners where solids can accumulate. ~~(3-31-22)~~( )

~~f~~**h.** ~~Gates or Valves.~~ Suitable gates or valves ~~shall~~ must be placed in channels to seal off unused sections which might accumulate solids. The use of shear gates, stop plates or stop planks is permitted where they can be used in place of gate valves or sluice gates. Non-corrodible materials ~~shall~~ must be used for control gates and conduits. ~~(3-31-22)~~( )

~~g~~**i.** ~~Arrangement of Units.~~ Component parts of the plant ~~shall~~ must be arranged for appropriate operating and maintenance convenience, flexibility, economy, continuity of maximum effluent quality, and ease of installation of future units. ~~(3-31-22)~~( )

~~h~~**j.** ~~Flow Division Control.~~ Flow division control facilities ~~shall~~ must be provided as necessary to ensure organic and hydraulic loading control to plant process units and ~~shall~~ must be designed for easy operator access, change, observation, and maintenance. Appropriate flow measurement facilities ~~shall~~ must be incorporated into the flow division control design. ~~(3-31-22)~~( )

~~i~~**k.** ~~Odor Management.~~ An odor management plan ~~shall~~ must be submitted to and approved by the Department as a part of the ~~preliminary engineering report~~ PER described in Section 411. The Water Environment Federation Guidance referenced in Section 008 ~~of these rules~~ provides guidance for use in developing an odor management plan that is inclusive of the facilities being designed. ~~(3-31-22)~~( )

~~j~~**l.** ~~Cold Weather.~~ Facilities ~~shall~~ must be designed with regard for proper operation and maintenance and protection during cold weather temperatures expected at the specific location. The Water Environment Federation Guidance referenced in Section 008 ~~of these rules~~ provides guidance for use in designing, operating and maintaining facilities in cold weather. ~~(3-31-22)~~( )

04. Plant Details. (3-31-22)

a. Unit Bypasses. (3-31-22)

i. ~~Removal from Service.~~ Properly located and arranged bypass structures and piping ~~shall~~ must be provided so that each unit of the plant can be removed from service independently. The bypass design ~~shall~~ must facilitate plant operation during unit maintenance and emergency repair ~~so as~~ to minimize deterioration of effluent quality and ensure rapid process recovery upon return to normal operational mode. The actuation of all bypasses ~~shall~~ require*s* manual action by operating personnel. All power-actuated bypasses ~~shall~~ must be designed to permit manual operation in the event of power failure. ~~(3-31-22)~~(____)

ii. ~~Unit Bypass During Construction.~~ Unit bypassing during construction ~~shall~~ must be in accordance with the ~~preliminary engineering report required by~~ PER described in Section 411. ~~(3-31-22)~~(____)

b. ~~Unit dewatering, flotation protection, and plugging.~~ Drains or sumps ~~shall~~ must be provided to completely dewater each unit to an appropriate point in the process. Due consideration ~~shall~~ must be given to the possible need for hydrostatic pressure relief devices to prevent flotation of structures. Pipes subject to plugging ~~shall~~ must be provided with means for mechanical cleaning or flushing. ~~(3-31-22)~~(____)

c. ~~Construction materials.~~ Materials ~~shall~~ must be selected that are appropriate under conditions of exposure to hydrogen sulfide and other corrosive gases, greases, oils, and other constituents frequently present in wastewater. This is particularly important in the selection of metals and paints. ~~(3-31-22)~~(____)

d. ~~Painting.~~ The contents and direction of flow ~~shall~~ must be identified on the piping in a contrasting color. ~~(3-31-22)~~(____)

e. ~~Operating equipment.~~ Tools, accessories, and spare parts necessary for the plant operator's use ~~shall~~ must be provided. ~~(3-31-22)~~(____)

f. ~~Storage and work space facilities.~~ Readily accessible storage and ~~work space~~ workspace facilities ~~shall~~ must be provided, and consideration ~~shall~~ must be given to provision of a garage for large equipment storage, maintenance, and repair. ~~(3-31-22)~~(____)

g. ~~Erosion control during construction.~~ Effective site erosion control ~~shall~~ must be provided during construction. ~~(3-31-22)~~(____)

h. ~~Grading and landscaping.~~ Upon completion of the plant, the ground ~~shall~~ must be graded and landscaped in accordance with the ~~preliminary engineering report developed in the preliminary engineering report required by~~ PER described in Section 411. ~~(3-31-22)~~(____)

05. Plant Outfalls. (3-31-22)

a. ~~Discharge impact control.~~ The outfall ~~shall~~ must be designed to discharge to the receiving ~~stream~~ water in a manner acceptable to various reviewing authorities including, but not limited to, EPA, the ~~Idaho~~ Department ~~of Environmental Quality~~, U.S. Army Corp of Engineers, Idaho Department of Water Resources, and local jurisdictions. ~~(3-31-22)~~(____)

b. ~~Protection and Maintenance.~~ The outfall ~~shall~~ must be so constructed and protected against the effects of floodwater, ice, or other hazards as to reasonably ensure its structural stability and freedom from stoppage. Hazards to navigation ~~shall~~ must be considered in designing outfalls. ~~(3-31-22)~~(____)

c. ~~Sampling Provisions.~~ All outfalls ~~shall~~ must be designed so that a sample of the effluent can be obtained at a point after the final treatment process and before discharge to or mixing with the receiving waters. ~~(3-31-22)~~(____)

06. Essential Facilities. (3-31-22)

~~**a.** Emergency Power Facilities.~~ ~~(3-31-22)~~

~~i~~**a.** ~~General.~~ All wastewater treatment plants ~~shall~~ must be provided with an alternate source of electric power or pumping capability to allow continuity of operation during power failures. Refer to Subsection 440.07.c. for

design requirements. Methods of providing alternate sources include: ~~(3-31-22)~~( )

~~(1)~~i. The connection of at least two (2) independent power sources such as substations. A power line from each substation is required if this method is used. The determination of the independent power sources ~~shall~~ must be done by the appropriate power provider and stated in a letter from that provider. ~~(3-31-22)~~( )

~~(2)~~ii. In-place internal combustion engine equipment which will generate electrical or mechanical energy. (3-31-22)

~~(3)~~iii. Portable pumping equipment when only emergency pumping is required. Where part or all of the engine-driven pumping equipment is portable, adequate emergency storage capacity with alarm system ~~shall~~ must be provided to allow time for detection of pump station failure and transportation and hookup of the portable equipment. ~~(3-31-22)~~( )

ii~~i~~v. ~~Power for Aeration.~~ Standby power-generating capacity normally is not required for aeration equipment used in the activated sludge process. In cases where a history of chronic, long-term (four (4) hours or more) power outages have occurred, auxiliary power for minimum aeration of the activated sludge ~~will be~~ is required as provided in Subsections 450.06.a.i.~~(1) or~~ and 450.06.a.i*i*.~~(2).~~ *~~(3-31-22)~~( )*

iii~~v~~. ~~Power for Disinfection.~~ Standby power-generating capacity, as provided in Subsections 450.06.a.i.~~(1) or~~ and 450.06.a.ii.~~(2)~~, is required for disinfection facilities and dechlorination facilities. ~~(3-31-22)~~( )

~~**b.** Water Supply. Section 009 provides a reference to the Uniform Plumbing Code, compliance with which may be required by other law.~~ ~~(3-31-22)~~

~~**c.** Sanitary Facilities. Section 009 provides a reference to the Uniform Plumbing Code, compliance with which may be required by other law.~~ ~~(3-31-22)~~

~~**d**~~**b.** ~~Stairways.~~ Stairways ~~shall~~ must be installed in lieu of ladders for top access to units requiring routine inspection and maintenance (such as digesters, trickling filters, aeration tanks, clarifiers, tertiary filters, etc.). ~~(3-31-22)~~( )

~~**e**~~**c.** ~~Flow Measurement.~~ ~~(3-31-22)~~

~~i.~~ ~~Location.~~ Flow measurement devices ~~shall~~ must be provided to measure the ~~following flows:~~ ~~(3-31-22)~~

~~(1)~~ ~~P~~ plant influent or effluent flow. ~~(3-31-22)~~

~~(2)~~ If influent flow is significantly different from effluent flow, both ~~shall~~ must be measured or otherwise accounted for by other flow measurement facilities. ~~(3-31-22)~~( )

~~(3)~~i Other flows ~~required to be monitored under the~~ measurement must be provided if required by provisions of the discharge permit or as required for plant operational control such as return activated sludge, waste activated sludge, and recycled flow. ~~(3-31-22)~~( )

~~(4) Other flows such as return activated sludge, waste activated sludge, and recycle required for plant operational control.~~ ~~(3-31-22)~~

ii. ~~Devices.~~ Indicating, totalizing, and recording flow measurement devices for all influent or effluent flows ~~shall~~ must be provided for all plants. Any other flow measurement device may be indicating and totalizing only. All flow measurement equipment must be sized to function to a satisfactory level of accuracy over the full range of flows expected and ~~shall~~ must be protected against freezing. ~~(3-31-22)~~( )

iii. ~~Hydraulic Conditions.~~ Flow measurement equipment including approach and discharge conduit configuration and critical control elevations ~~shall~~ must be designed to ensure the required hydraulic conditions

necessary for the measurement accuracy needed for the specific application. ~~(3-31-22)~~( )

iv. ~~Calibration and Certification.~~ The flow measurement devices ~~specified in Subsections 450.06.c.i.(1) through 450.06.c.i.(3) shall~~ must be calibrated and certified at manufacturer-specified frequencies. ~~(3-31-22)~~( )

~~f~~**d.** ~~Sampling Equipment.~~ Effluent composite sampling equipment ~~shall~~ must be provided at all mechanical plants and at other facilities where necessary to meet discharge permit monitoring requirements. Composite sampling equipment ~~shall~~ must also be provided as needed for influent sampling and for monitoring plant operations. The influent sampling point ~~shall~~ must be located prior to any process return flows. ~~(3-31-22)~~( )

07. Safety. (3-31-22)

a. ~~General.~~ Provisions ~~shall~~ must be made to consider the protection of maintenance personnel and visitors from typical and foreseeable hazards in accordance with the engineering standards of care. Enclosure of the plant site with a fence and signs designed to discourage the entrance of unauthorized persons and animals is required. ~~(3-31-22)~~( )

b. ~~Hazardous Chemical Handling.~~ The materials utilized for storage, piping, valves, pumping, metering, splash guards, etc., ~~shall~~ must be specially selected considering the physical and chemical characteristics of each hazardous or corrosive chemical. ~~(3-31-22)~~( )

08. Laboratory. (3-31-22)

a. All treatment plants ~~shall~~ must include a laboratory for making the necessary analytical determinations and operating control tests, except for those plants utilizing only processes not requiring laboratory testing for plant control and where satisfactory off-site laboratory provisions are made to meet the permit monitoring requirements. The laboratory ~~shall~~ must have sufficient size, bench space, equipment, and supplies to perform all self-monitoring analytical work required by ~~discharge~~ disposal permits, and to perform the process control tests necessary for good management of each treatment process included in the design. ~~(3-31-22)~~( )

b. Expected minimum laboratory needs must be addressed in the PER pursuant to Section 411. Treatment plant laboratory needs ~~may be~~ are divided into the following three (3) general categories: ~~(3-31-22)~~( )

i. Plants performing only basic operational testing; this typically includes pH, temperature, dissolved oxygen, and chlorine residual. (3-31-22)

ii. Plants performing more complex operational and permit laboratory tests including biochemical oxygen demand, suspended solids, and fecal coliform analysis. (3-31-22)

iii. Plants performing more complex operational, permit, industrial pretreatment, and multiple plant laboratory testing. (3-31-22)

~~c. Expected minimum laboratory needs for the three (3) plant classifications set out in Subsection 450.08.b. must be addressed in the preliminary engineering report.~~ ~~(3-31-22)~~

~~09. Instructions and Equipment. Wastewater treatment equipment shall be supplied with a complete set of operational instructions, including emergency procedures, maintenance schedules, tools and such spare parts as may be necessary.~~ ~~(3-31-22)~~

~~10~~09. **Operation and Maintenance**. An operation and maintenance manual ~~shall~~ must be submitted to and approved by the Department as required by Section 425. Adherence to the terms of this approved manual ~~shall be~~ is required. The owner ~~shall be~~ is responsible for maintaining the wastewater treatment facility in a manner that ~~assures~~ ensures its designed operation. ~~(3-31-22)~~( )

451. -- 454. (RESERVED)

455. PRIVATE ~~MUNICIPAL~~ WASTEWATER TREATMENT PLANTS.

01. Scope. Section 455 includes ~~additional~~ requirements in addition to Section 450 requirements for approval of private ~~municipal~~ wastewater treatment plants. Individual extended treatment package systems for on-site systems are ~~not covered by these rules, but are covered~~ regulated by IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks." ~~See Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems at http://www.deq.idaho.gov/. Private municipal wastewater treatment plants may be considered if no other viable alternative is available.~~ ~~(3-31-22)~~( )

a. If the Department determines that a proposed private wastewater treatment plant is reasonably accessible to a wastewater system, the use of the private wastewater treatment plant may be denied. ( )

b. A compliance agreement schedule authorized by Section 39-116A, Idaho Code, is required for each private wastewater treatment plant approved unless specifically waived by the Department in writing. If a private wastewater treatment plant installation is only a temporary or interim measure in a long-term plan, a compliance agreement schedule will include a sunset clause with a date for the private wastewater treatment plant to cease operation and will require the plant owner to fund and construct the eventual hookup to the municipal wastewater collection system when the system becomes reasonably accessible. The compliance agreement schedule will address such things as operation and maintenance requirements and monitoring, reporting requirements, and other project-specific items as applicable. The owner is responsible for complying with the requirements of the compliance agreement schedule. The compliance agreement schedule will be renewed every five (5) years; when ownership of the treatment plant changes; or at the request of the owners or Department, so long as the system is in operation. ( )

c. Private wastewater treatment plants must be designed to provide service within the contiguous area including all adjacent and connected parcels or subdivisions that are part of the same overall planned development footprint and provide service to future phases of the planned development. The design capacity must account for buildout conditions or provide for means to readily expand capacity to accommodate future growth. Anticipated phases of development and future growth must be accounted for within the facility plan and PER. ( )

d. The minimum size of a private wastewater treatment plant allowed under these rules is twenty-five thousand (25,000) gallons per day design capacity based on average day flows. ( )

i. The minimum size requirements do not apply to proposed systems with suitably configured passive wastewater treatment technologies including, but not limited to, facultative lagoons, free water surface wetlands, and vegetated submerged beds. ( )

ii. The Department may approve private wastewater treatment plants smaller than twenty-five thousand (25,000) gallons per day design capacity, based on average day flows, provided the treatment plant will be maintained under original ownership. ( )

e. Prior to transfer of ownership of a private wastewater treatment plant to another entity, the proposed new owner must submit adequate documentation demonstrating sufficient technical, financial, and managerial capacity, as described in Section 409. ( )

02. ~~Preliminary Engineering Report~~Facility Plan and PER. ~~A preliminary engineering report as described in Section 411 must be submitted to the Department for review and must be approved by the Department prior to submittal of plans and specifications.~~ The ~~preliminary engineering report~~ facility plan and PER for private ~~municipal~~ wastewater treatment plants ~~shall~~ must include project-specific estimated permit effluent limits and requirements based on discussion with the applicable permitting agency, the information listed in ~~Subsections 455.02.a. and 455.02.b., as well as~~ this subsection, and information specified in Sections 410 and 411. ~~(3-31-22)~~( )

~~**a.** The preliminary engineering report shall evaluate the following alternatives:~~ ~~(3-31-22)~~

~~i. Wastewater treatment plants (possibly several technologies).~~ ~~(3-31-22)~~

~~ii. Self-contained lagoon.~~ ~~(3-31-22)~~

~~iii. Conventional septic tank and drainfield (or alternate drainfield design).~~ ~~(3-31-22)~~

~~iv. Surface water discharge including impact on TMDLs.~~ ~~(3-31-22)~~

~~v. Gravity or pressure sewer into nearby community (see Subsection 455.04.e. for distances to community systems and required hook-up.)~~ ~~(3-31-22)~~

~~vi. Recirculating or intermittent sand filter.~~ ~~(3-31-22)~~

~~vii. Annual operation and maintenance costs.~~ ~~(3-31-22)~~

~~viii. Land application/reuse.~~ ~~(3-31-22)~~

~~**b.** The preliminary engineering report must thoroughly analyze the effect of the treatment plant discharge on ground water quality, especially bacteria, viruses, phosphorus and nitrates as compared to the alternatives listed in Subsection 455.02.a.~~ ~~(3-31-22)~~

a. The private wastewater treatment plant will have at least two (2) full years of operating data on five (5) separate installations in the United States. The data submittal will include the name, address, and telephone number for a regulatory agency contact person or an owner or operator familiar with the performance of each reported installation. ( )

b. The private wastewater treatment plant will be a dual train type (or equivalent/greater) with redundant pumps and blowers from influent works to the disposal site and provide sufficient redundancy to continue processing incoming wastewater at peak flows while any one (1) component or process is out of service. Standby or emergency power will be provided to fully operate the wastewater treatment plant during a power outage unless the water system would also be out during a power outage. ( )

03. Plan and Specification Approval. (3-31-22)

a. Plans and specifications for the ~~collection and treatment systems~~ private wastewater treatment plants will not be approved until the owner is in receipt of one of the following (whichever is applicable):
~~(3-31-22)~~( )

i. A draft ~~NPDES~~ discharge permit ~~from EPA~~ for proposed surface water discharges; ~~or~~
~~(3-31-22)~~( )

ii. A draft ~~wastewater land application/~~ reuse permit from the Department ~~for proposed land application or reuse of the effluent. See the Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater at http://www.deq.idaho.gov~~ in accordance with IDAPA 58.01.17, "Recycled Water Rules"; ~~.~~
~~(3-31-22)~~( )

iii. Water balance calculations showing a net water loss for total containment lagoons included in approved PER; or ( )

iv. A subsurface installation permit application submitted to the local public health district and a completed site evaluation or nutrient pathogen evaluation in accordance with Section 260. ( )

~~**b.** For a subsurface treatment and dispersal system (SSDS):~~ ~~(3-31-22)~~

~~i. The plans and specifications for the dispersal system must receive approval from the Department prior to receipt of the SSDS permit from the district health department having jurisdiction; and~~ ~~(3-31-22)~~

~~ii. The plans and specifications for the collection system will not be approved by the Department until the owner is in receipt of the SSDS permit from the district health department having jurisdiction.~~ ~~(3-31-22)~~

~~e.~~ ~~For private municipal wastewater treatment plants storing their treated effluent prior to irrigation or surface water discharge, the following additional items shall be considered by the Department, prior to approving either the treatment systems or the disposal option. These include, but are not limited to, sealing of storage ponds, filtration and disinfection requirements prior to use or discharge, the degree of treatment, and the intended type and area of irrigation. See IDAPA 58.01.17, "Recycled Water Rules."~~ ~~(3-31-22)~~

~~04. Private Municipal Wastewater Treatment Plants.~~ ~~(3-31-22)~~

~~a.~~ ~~The private municipal wastewater treatment plant shall have at least two (2) full years of operating data on five (5) separate installations in the United States. The data submittal shall include the name, address, and telephone number for a regulatory agency contact person familiar with the performance of each reported installation.~~ ~~(3-31-22)~~

~~b.~~ ~~The owner shall provide for a wastewater system operator in responsible charge of the facility. The operator license classification requirement will depend on the classification of the system based on Section 202 and the licensure requirements of Section 203. If the operator is provided by contract, the contract shall be submitted to the Department for review and approval.~~ ~~(3-31-22)~~

~~e~~b. ~~A sludge management plan must be submitted to and approved by the Department. The plan must include collection, treatment and disposal of the sludge. Additionally, a~~A signed contract or other documentation acceptable to the Department that provides for ultimate legal disposal or use of the sludge ~~shall~~ must be submitted to the Department prior to plan and specification approval. ~~(3-31-22)~~( )

~~d.~~ ~~The private municipal wastewater treatment plant shall be a dual train type (or equivalent/greater) with redundant pumps and blowers from influent works to the disposal site and provide sufficient redundancy to continue processing incoming wastewater at peak flows while any one (1) component or process is out of service. Standby or emergency power shall be provided to fully operate the wastewater treatment plant during a power outage unless the water system would also be out during a power outage.~~ ~~(3-31-22)~~

~~e.~~ ~~A compliance agreement schedule authorized by Section 39-116A, Idaho Code, shall be required for each private municipal wastewater treatment plant approved unless specifically waived by the Department in writing. If a private municipal wastewater treatment plant installation is only a temporary or interim measure in a long-term plan, a compliance agreement schedule will include a sunset clause with a date for the private municipal wastewater treatment plant to cease operation and will require the plant owner to fund and construct the eventual hookup to the public municipal wastewater collection system when the system becomes reasonably accessible. The compliance agreement schedule shall address such things as operation and maintenance requirements and monitoring, reporting requirements, and other project-specific items as applicable. The owner shall be responsible for complying with the requirements of the compliance agreement schedule. The compliance agreement schedule must be renewed every five (5) years; when ownership of the treatment plant changes; or at the request of the owner(s) or Department, so long as the system is in operation.~~ ~~(3-31-22)~~

~~f.~~ ~~If the Department determines that a proposed private municipal wastewater treatment plant is reasonably accessible to a public municipal wastewater collection system, the use of the private municipal wastewater treatment plant may be denied.~~ ~~(3-31-22)~~

~~g.~~ ~~Minimum Size. The minimum size of a private municipal wastewater treatment plant allowed under these rules is twenty-five thousand (25,000) gallons per day design capacity based on average day flows.~~ ~~(3-31-22)~~

~~i.~~ ~~The minimum size requirements do not apply to proposed systems with suitably configured passive wastewater treatment technologies including, but not limited to, facultative lagoons, free water surface wetlands, and vegetated submerged beds.~~ ~~(3-31-22)~~

~~ii.~~ ~~The Department may approve private municipal wastewater treatment plants smaller than twenty-five thousand (25,000) gallons per day design capacity, based on average day flows, provided the treatment plant will be maintained under original ownership.~~ ~~(3-31-22)~~

~~iii. For the Department to approve the transfer of ownership of a private municipal wastewater treatment plant smaller than twenty-five thousand (25,000) gallons per day design capacity, based on average day flows, to another entity, the technical, financial, and managerial requirements in Section 409 must be demonstrated by the proposed new owner.~~ (3-31-22)

~~05. Private Municipal Wastewater Treatment Plants with Drainfields~~. ~~In addition to the applicable requirements of these rules, the subsurface sewage disposal design, construction and operation shall comply with IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules." The exception to this is for Class A reclaimed wastewater reuse facilities that discharge to the subsurface. These reuse facilities are regulated by IDAPA 58.01.17, "Recycled Water Rules."~~ (3-31-22)

456. -- 459. (RESERVED)

460. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: SCREENING AND GRIT REMOVAL.

01. Screening Devices and Comminutors. (3-31-22)

a. Screening, coarse or fine, or comminutors ~~shall be~~ are required for all mechanical plants and ~~shall~~ will be addressed for other types of plants. These facilities ~~shall~~ must be designed for peak hourly flow. Multiple channels ~~shall~~ must be provided and equipped with the necessary gates to isolate flow from any screening unit. Provisions ~~shall~~ must also be made to facilitate dewatering each unit. The channel preceding and following the screen ~~shall~~ must be shaped to minimize settling of solids. ~~(3-31-22)~~( )

b. For mechanical plants with design ~~average~~ flow less than one million gallons per day (1 mgd), and where a single mechanically cleaned screen is used, an auxiliary manually cleaned screen ~~shall~~ must be provided. Where two (2) or more mechanically cleaned screens are used, the design ~~shall~~ must provide for taking any unit out of service without sacrificing the capability to screen the design peak instantaneous flows. ~~(3-31-22)~~( )

02. Grit Removal Facilities. Grit removal and handling facilities ~~shall~~ must be provided for all mechanical wastewater treatment plants. Consideration ~~shall~~ must be given to possible damaging effects on pumps, comminutors, and other preceding equipment, and the need for additional storage capacity in treatment units where grit is likely to accumulate. ~~(3-31-22)~~( )

461. -- 469. (RESERVED)

470. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: SETTLING.

~~01. General~~. ~~(3-31-22)~~

~~a~~01. Settling Units. ~~Where settling is being used, a~~ A minimum of two (2) settling units capable of independent operation ~~are desirable and shall~~ must be provided in all plants where design ~~average~~ flow~~s~~ exceed~~s~~ one hundred thousand (100,000) gallons/day. Plants not having multiple units ~~shall~~ must include other provisions to assure continuity of treatment. ~~(3-31-22)~~( )

~~b~~02. Sizing. ~~The design of settling facilities shall include a minimum of two (2) units with flow splitting.~~ Sizing ~~shall~~ must be calculated for both ~~design~~ average day flow and ~~design~~ peak hour~~ly~~ flow conditions, and the larger surface area determined ~~shall~~ must be used. ~~(3-31-22)~~( )

~~c~~03. Isolation. The plant design ~~shall~~ must allow for isolation of each unit~~. The plant design shall~~ and allow for sludge and scum removal. ~~(3-31-22)~~( )

~~d~~04. Baffling. Baffling ~~shall~~ must be designed to control solids carry-over. ~~(3-31-22)~~( )

~~e~~05. Minimum Side Depth. The minimum side depth for primary settling facilities ~~shall~~ must be ten

(10) feet. (3-31-22)

~~f.~~ The minimum side depth for secondary settling facilities ~~shall~~ must be twelve (12) feet. (3-31-22)( )

471. -- 479. (RESERVED)

480. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: SLUDGE PROCESSING, STORAGE, AND DISPOSAL.

01. Facilities. Facilities for processing sludge ~~shall~~ must be provided for all mechanical wastewater treatment plants. Facilities ~~shall~~ must be capable of processing sludge to a form suitable for ultimate disposal. Final disposal or utilization ~~shall~~ must be in accordance with applicable ~~permit and~~ federal and state regulations. (3-31-22)( )

02. Design. Sludge processing, storage and disposal facility design ~~shall~~ must comply with the ~~sludge management plan in the Preliminary Engineering Report~~ PER. (3-31-22)( )

03. Multiple Units. Multiple units capable of independent operation ~~are desirable and shall~~ must be provided in ~~all~~ plants where design average flows exceed one hundred thousand (100,000) gallons/day. Plants not having multiple units ~~shall~~ must include other provisions to assure continuity of treatment. The plant design ~~shall~~ must allow for isolation of each unit. (3-31-22)( )

481. -- 489. (RESERVED)

490. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: BIOLOGICAL TREATMENT.
If biological treatment is used, the process ~~shall~~ must be determined in the ~~preliminary engineering report~~ PER. The choice ~~shall~~ must be based on influent characteristics and effluent requirements. (3-31-22)( )

01. Trickling Filters. (3-31-22)

a. ~~General.~~ Trickling filters ~~shall~~ must be preceded by effective settling tanks equipped with scum and grease collecting devices or other suitable pretreatment facilities. (3-31-22)( )

b. ~~Hydraulics.~~ The flow ~~will~~ must be uniformly distributed across the surface of the media. The piping system, including dosing equipment and distributor, ~~shall~~ must be designed to provide capacity for the design peak hour flow, including recirculation. (3-31-22)( )

c. Media. (3-31-22)

i. ~~Quality. The~~Trickling filter media ~~shall~~ must be appropriate for the wastewater and ~~shall be~~ of sufficient strength to support itself under design loading and build up of biomass. (3-31-22)( )

ii. ~~Depth. Trickling filter~~The media ~~shall~~ must have a minimum depth of six (6) feet above the underdrains. (3-31-22)( )

d. Underdrainage System. (3-31-22)

i. ~~Arrangement.~~ Underdrains ~~shall~~ must be provided and the underdrainage system ~~shall~~ must cover the entire floor of the filter. Inlet openings into the underdrains ~~shall~~ must have an unsubmerged gross combined area equal to at least fifteen (15) percent of the surface area of the filter. (3-31-22)( )

ii. ~~Ventilation.~~ The underdrainage system, effluent channels, and effluent pipe ~~shall~~ must be designed to permit free passage of air. (3-31-22)( )

e. Special Features. (3-31-22)

i. ~~Maintenance.~~ All distribution devices, underdrains, channels, and pipes ~~shall~~ must be installed so that they may be properly maintained, flushed or drained. ~~(3-31-22)~~( )

ii. ~~Winter Protection.~~ Covers ~~shall~~ must be provided to maintain operation and treatment efficiencies when climatic conditions are expected to result in problems due to cold temperatures. ~~(3-31-22)~~( )

iii. ~~Recirculation.~~ The piping system ~~shall~~ must be designed for recirculation as ~~required~~ needed to achieve the design efficiency. The recirculation rate ~~shall~~ must be variable and subject to plant operator control at the range of 0.5:1 up to 4:1 (ratio of recirculation rate versus design ~~average~~ flow). A minimum of two (2) recirculation pumps ~~shall~~ must be provided. ~~(3-31-22)~~( )

f. ~~Rotary Distributor Seals.~~ Mercury rotary distributor seals ~~shall~~ are not ~~be~~ permitted. ~~(3-31-22)~~( )

g. ~~Unit Sizing. Required v~~Volumes of filter media ~~shall~~ must be based upon pilot testing with the particular wastewater or any of the various empirical design equations that have been verified through actual full scale experience. Such calculations must be submitted to the Department if pilot testing is not utilized. Trickling filter sizing design ~~shall~~ must consider peak organic load conditions including the oxygen demands due to solids and process recycle flows. ~~(3-31-22)~~( )

02. Activated Sludge. (3-31-22)

a. Aeration. (3-31-22)

i. ~~Capacities and Permissible Loadings.~~ The size of the aeration tank for any particular adaptation of the process ~~shall~~ must be determined by full scale experience, pilot plant studies, or ~~rational~~ standard calculations based ~~mainly~~ on solids retention time, food to microorganism ratio, and mixed liquor suspended solids levels. Other factors, such as size of treatment plant, diurnal load variations, and degree of treatment required, ~~shall~~ must also be considered. In addition, temperature, alkalinity, pH, and reactor dissolved oxygen ~~shall~~ must be considered when designing for nitrification. Calculations ~~shall~~ must be submitted to the Department in the ~~preliminary engineering report~~ PER to justify the basis for design of aeration tank capacity. ~~(3-31-22)~~( )

ii. Arrangement of Aeration Tanks. (3-31-22)

(1) ~~Dimensions.~~ The dimensions of each aeration tank or return sludge reaeration tank ~~shall~~ must be ~~such as~~ able to maintain effective mixing and utilization of air. ~~An exception is that h~~ Horizontally mixed aeration tanks ~~shall~~ must have a depth of ~~not less~~ greater than five point five (5.5) feet. ~~(3-31-22)~~( )

(2) ~~Number of Units.~~ Total aeration tank volume plus redundancy requirements ~~shall~~ must be divided among two (2) or more equal units, capable of independent operation. ~~(3-31-22)~~( )

(3) Inlets and Outlets. (3-31-22)

(a) ~~Controls.~~ Inlets and outlets for each aeration tank unit ~~shall~~ must be designed to control flow to any unit with reasonable accuracy and to maintain reasonably constant liquid level. The properties of the system ~~shall~~ must permit the design peak day flow to be treated with any single aeration tank unit out of service. The properties of the system ~~shall~~ must permit the design peak hour hydraulic flow to be carried with any single aeration tank unit out of service. ~~(3-31-22)~~( )

(b) ~~Conduits.~~ Channels and pipes carrying liquids with solids in suspension ~~shall~~ must be designed to be self-cleansing. ~~(3-31-22)~~( )

(c) ~~Scum and Foam Control.~~ Aeration tanks ~~shall~~ must be designed to include adequate control or removal of scum and foam. ~~(3-31-22)~~( )

(4) ~~Freeboard.~~ All aeration tanks ~~should~~ must have a freeboard of not less than eighteen (18) inches

unless otherwise approved by the Department. ~~(3-31-22)~~( )

iii. Aeration Equipment. (3-31-22)

(1) ~~General.~~ Oxygen requirements ~~generally depend~~ are based on maximum diurnal organic loading, degree of treatment, and level of suspended solids concentration to be maintained in the aeration tank mixed liquor. Aeration equipment ~~shall~~ must be capable of maintaining a minimum of two point zero (2.0) mg/L of dissolved oxygen in the mixed liquor at all times and provide thorough mixing of the mixed liquor. ~~(~~For a horizontally mixed aeration tank system, an average velocity of one (1) foot per second must be maintained~~)~~. In the absence of experimentally determined values, the design oxygen requirements for all activated sludge processes ~~shall~~ must be 1.1 lb 0_2 per lb of design peak hour BOD_5 applied to the aeration tanks, ~~with the~~ exception ~~of~~ the extended aeration process, for which the value ~~shall~~ must be one point five (1.5) to include endogenous respiration requirements. ~~(3-31-22)~~( )

(a) Where nitrification is required or will occur, the oxygen requirement for oxidizing ammonia must be added to the above requirement for carbonaceous BOD_5 removal and endogenous respiration requirements. The nitrogenous oxygen demand (NOD) ~~shall be taken as~~ must be four point six (4.6) times the diurnal peak hour total Kjeldahl nitrogen content of the aeration tank influent. In addition, the oxygen demands due to recycle flows must be considered due to the high concentrations of BOD_5 and total Kjeldahl nitrogen associated with such flows. ~~(3-31-22)~~( )

(b) Aeration equipment design must ~~M~~meet maximum oxygen demand, ~~and~~ maintain process performance with the largest unit out of service~~.~~, and ~~P~~provide for varying the amount of oxygen transferred in proportion to the load demand on the plant. ~~(3-31-22)~~( )

(2) ~~Diffused Air Systems.~~ Air requirements including, but not limited to, process air, channel aeration, aerobic digestion, and miscellaneous plant air ~~shall~~ must be submitted to the Department in the ~~preliminary engineering report~~ PER. Blowers ~~shall~~ must be provided in multiple units, so arranged and in such capacities as to meet the maximum air demand with the single largest unit out of service. The design ~~shall~~ must also provide for varying the volume of air delivered in proportion to the load demand of the plant. Aeration equipment ~~shall~~ must be easily adjustable in increments and ~~shall~~ maintain solids suspension within these limits. ~~(3-31-22)~~( )

(3) Mechanical Aeration Systems. (3-31-22)

(a) ~~Oxygen Transfer Performance.~~ The mechanism and drive unit ~~shall~~ must be designed for the expected conditions in the aeration tank in terms of the power performance. Certified testing ~~shall~~ must be provided to verify mechanical aerator performance. Refer to applicable provisions of Subsection 490.02. In the absence of specific design information, the oxygen requirements ~~shall~~ must be calculated for mechanical aeration systems using a transfer rate not to exceed two (2) pounds of oxygen per horsepower per hour in clean water under standard test conditions. Design transfer efficiencies ~~shall~~ must be included in the specifications. ~~(3-31-22)~~( )

(b) ~~Design Requirements.~~ Motors, gear housing, bearings, grease fittings, ~~etc.,~~ and other mechanical units, ~~shall~~ must be easily accessible and protected from inundation and spray as necessary for proper functioning of the unit. ~~(3-31-22)~~( )

(c) ~~Winter Protection.~~ Where extended cold weather conditions occur, the aerator mechanism and associated structure ~~shall~~ must be protected from freezing due to splashing. Due to high heat loss, subsequent treatment units ~~shall~~ must be protected from freezing. ~~(3-31-22)~~( )

b. ~~Non-Aerated Tanks or Zones.~~ Non-aerated tanks or zones within aeration tanks ~~shall~~ must have mixing equipment adequate to fully mix the contents. ~~Provide a~~ Calculations must be provided in the ~~preliminary engineering report~~ PER for sizing ~~of~~ this equipment. ~~(3-31-22)~~( )

c. Return Sludge Equipment. (3-31-22)

i. ~~Return Sludge Rate~~The rate of sludge return must be varied by adjustable weirs or variable speed pumps to pump sludge. For very small wastewater systems, timers may be used for sludge return. The return sludge

rate of withdrawal from the final settling tank is a function of the concentration of suspended solids in the mixed liquor entering it, the sludge volume index of these solids, and the length of time these solids are retained in the settling tank. ~~The rate of sludge return shall be varied by means of adjustable weirs, variable speed pumps, or timers (small plants) to pump sludge.~~ ~~(3-31-22)~~( )

ii. ~~Return Sludge Pumps.~~ If a consolidated return sludge pump facility is used, the maximum return sludge capacity ~~shall~~ must be obtained with the largest pump out of service. If individual sludge pumps are used at each settling basin, the pumps ~~shall~~ must be designed to facilitate their rapid removal and replacement with a standby unit stored at the treatment plant site. If air lifts are used for returning sludge from each settling tank hopper, no standby unit ~~will be~~ is required provided the design of the air lifts facilitate their rapid and easy cleaning and provided other suitable standby measures are made available. Air lifts ~~should~~ must be at least three (3) inches in diameter unless otherwise approved by the Department. ~~(3-31-22)~~( )

iii. ~~Return Sludge Piping.~~ Discharge piping ~~should~~ must be at least four (4) inches in diameter and ~~shall~~ must be designed to maintain a velocity of not less than two (2) feet per second when return sludge facilities are operating at normal return sludge rates. Suitable devices for observing, sampling, and controlling return activated sludge flow from each settling tank hopper ~~shall~~ must be provided. ~~(3-31-22)~~( )

iv. ~~Waste Sludge Facilities.~~ Means for observing, measuring, sampling, and controlling waste activated sludge flow ~~shall~~ must be provided. ~~(3-31-22)~~( )

d. Sequencing Batch Reactors. ( )

i. The fill and draw mode of the activated sludge process commonly termed the Sequencing Batch Reactor may be used in Idaho. The design must be based on experience at other facilities and ~~shall~~ meet the applicable ~~requirements~~ provisions under Sections 450, 470 and 490, except as modified in Subsections 490.02.d.ii. through 490.02.d.xii. Continuity and reliability of treatment equal to that of the continuous flow through modes of the activated sludge process ~~shall~~ must be provided. ~~(3-31-22)~~( )

ii. At least two (2) tanks ~~shall~~ must be provided. ~~(3-31-22)~~( )

iii. The decantable volume and ~~decanter~~ capacity of the sequencing batch reactor system with the largest basin out of service ~~shall~~ must be sized to pass at least seventy-five (75) percent of the design maximum day flow without changing cycle times. A decantable volume of at least four (4) hours with the largest basin out of service based on one hundred (100) percent of the design maximum day flow is permissible. ~~(3-31-22)~~( )

~~iii~~iv. System reliability with any single tank unit out of service and the instantaneous delivery of flow ~~shall~~ must be evaluated in the design of decanter weirs and approach velocities. ~~(3-31-22)~~( )

~~i~~v. Reactor design ~~shall~~ must provide for scum removal and prevent overflow of settled solids. ~~(3-31-22)~~( )

vi. An adequate zone of separation between the sludge blanket and the decanter~~(s) shall~~ must be maintained throughout the decant phase. Decanters which draw the treated effluent from near the water surface throughout the decant phase are recommended. ~~(3-31-22)~~( )

vii. Solids management to accommodate basin dewatering ~~shall~~ must be considered. ~~(3-31-22)~~( )

viii. The blowers ~~shall~~ must be provided in multiple units, so arranged and in such capacities as to meet the maximum air demand in the oxic portions of the fill/react and react phases of the cycle with the single largest unit out of service. ~~See Subsection 490.02.~~ ~~(3-31-22)~~( )

~~vii~~ix. Mechanical mixing independent of aeration ~~shall~~ must be provided for all systems where biological phosphorus removal or denitrification is required. ~~(3-31-22)~~( )

~~i~~x. ~~Flow paced composite sampling equipment and continuous turbidity metering for separately monitoring the effluent quality from each basin may be required by the regulatory agency.~~ All twenty-four (24) hour

effluent quality composite samples for compliance reporting or monitoring plant operations ~~shall~~ must be flow-paced and include samples collected at the beginning and end of each decant phase. ~~(3-31-22)~~( )

xi. A programmable logic controller (PLC) ~~shall~~ must be provided. Multiple PLCs ~~shall~~ must be provided as necessary to assure rapid process recovery or minimize the deterioration of effluent quality from the failure of a single controller. An uninterruptible power supply with electrical surge protection ~~shall~~ must be provided for each PLC to retain program memory (i.e., process control program, last-known set points and measured process/equipment status, etc.) through a power loss. A hard-wired backup for manual override ~~shall~~ must be provided in addition to automatic process control. Both automatic and manual controls ~~shall~~ must allow independent operation of each tank. In addition, a fail-safe control allowing at least twenty (20) minutes of settling between the react and decant phases ~~shall~~ must be provided. The fail-safe control ~~shall~~ must not be adjusted by the operator. ~~(3-31-22)~~( )

xii. A sufficient quantity of spare parts ~~shall~~ must be on hand. ~~Consideration shall be~~ and consideration given to parts with a low mean time between failure such as electrical relays and solid state electronics. ~~(3-31-22)~~( )

03. Other Biological Systems. (3-31-22)

a. ~~General.~~ Biological treatment processes not included in these rules ~~shall~~ must be ~~considered~~ in accordance with Subsection 450.03. ~~(3-31-22)~~( )

b. ~~Membrane Bioreactors.~~ Details for Membrane Bioreactor (MBR) plants ~~shall~~ must be submitted and approved in the ~~preliminary engineering report~~ PER. In addition to the ~~requirements~~ provisions of Section 411, details ~~shall~~ must include plant layout, calculations for hydraulic capacity and air required, membrane technology considered and membrane type and model selected, results from similar type MBR plants already in operation, and anticipated sludge production. ~~(3-31-22)~~( )

491. -- 492. (RESERVED)

493. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: WASTEWATER LAGOONS.

01. General. (3-31-22)

a. These rules pertain to all new, and existing material modified, municipal wastewater lagoons, including discharging or ~~non-discharging~~ total containment lagoons, municipal wastewater treatment lagoons, municipal wastewater or recycled water storage lagoons, and any other municipal wastewater lagoons not regulated under IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks," that~~, if leaking,~~ have the potential to degrade waters ~~of the state~~. Lagoons are also sometimes referred to as ponds. Section 493 does not apply to industrial lagoons or mining tailings ponds, single-family dwellings utilizing a single lagoon, two (2) cell infiltrative system, those animal waste lagoons excluded from review under Section 39-118, Idaho Code, or storm water ponds. ~~(3-31-22)~~( )

b. Lagoons utilized for equalization~~, percolation, evaporation,~~ and sludge storage do not have to meet the requirements ~~set forth in~~ of Subsections 493.05~~6~~ through 493.~~10~~08, but must comply with all other applicable subsections. ~~(3-31-22)~~( )

02. Seepage Testing ~~Requirements~~. ~~(3-31-22)~~( )

a. ~~Existing Lagoons. All existing lagoons covered under these rules shall be seepage tested by an Idaho licensed professional engineer, an Idaho licensed professional geologist, or by individuals under their supervision by April 15, 2012 unless otherwise specified in a current permit issued by the Director~~All lagoons covered under this section must be seepage tested at an interval of at least every ten (10) years by or under the supervision of an Idaho licensed professional engineer or an Idaho licensed professional geologist. ~~(3-31-22)~~( )

b. ~~New Lagoons.~~ As part of the construction process, all new lagoons must be seepage tested by or

under the supervision of an Idaho licensed professional engineer~~,~~ or an Idaho licensed professional geologist~~, or by individuals under their supervision prior to being put into service~~. ~~(3-31-22)~~( )

~~e.~~ ~~Subsequent Tests. All lagoons covered under these rules must be seepage tested by an Idaho licensed professional engineer, an Idaho licensed professional geologist, or by individuals under their supervision every ten (10) years after the initial testing.~~ ~~(3-31-22)~~

~~d~~c. ~~Testing Due to Change of Conditions to Liner. Prior to being returned to service, l~~Lagoons must be seepage tested if a change of condition to the liner occurs that may affect its permeability, including but not limited to liner repair below the high water line, liner replacement, lagoon dewatering of soil-lined lagoons which results in desiccation of the soil liner, seal installation, or earthwork affecting liner integrity. ~~A seepage test may be required after solids removal.~~ Prior to performing activities that may affect liner permeability, such as solids removal, the system owner must contact the Department in writing to determine if a seepage test will be required prior to returning the lagoon to service. ~~(3-31-22)~~( )

~~e~~d. ~~Procedures for Performing a Seepage Test.~~ The procedure for performing a seepage test or alternative analysis must be approved by the Department prior to conducting the test, and the test results must be submitted to the Department for review. ~~If an existing lagoon has passed a seepage test before April 15, 2012 and submitted the results to the Department, the owner of that lagoon has ten (10) years from the date of the testing to comply with this requirement.~~ ~~(3-31-22)~~( )

03. Allowable Seepage Rates. (3-31-22)

a. ~~Design Standard. Lagoons shall be designed for a maximum leakage rate of five hundred (500) gallons per acre per day~~Lagoons must be designed and sealed such that seepage loss through the seal is as low as possible. Seals consisting of soils, bentonite, or synthetic liners may be considered, provided the permeability, durability, and integrity of the proposed material can be satisfactorily demonstrated for anticipated conditions. ~~(3-31-22)~~( )

b. ~~Operating Standard.~~ The ~~leakage~~ seepage rate for lagoons constructed after April 15, 2007~~,~~ ~~shall~~ must be no more than zero point one hundred twenty-five (0.125) inches (1/8 inch) per day~~, which is approximately thirty-four hundred (3400) gallons per acre per day~~. The leakage rate for existing lagoons constructed prior to April 15, 2007~~,~~ ~~shall~~ must be no more than zero point twenty-five (0.25) inches (1/4 inch) per day. ~~(3-31-22)~~( )

c. For lagoons located over sensitive aquifers or ~~near~~ with a documented direct hydraulic connection to a 303d listed stream segment~~s~~, the ~~leakage~~ seepage rate ~~shall~~ may be no more than zero point one hundred twenty-five (0.125) inches (one-eighth (1/8) inch) per day~~, which is approximately thirty-four hundred (3400) gallons per acre per day. The operating standard may be considerably lower based on a ground water investigation considering fate and transport of contaminants to determine the effect of the seepage on the aquifer or stream segment and the best capability of measurement at the time of the investigation~~. ~~(3-31-22)~~( )

04. ~~Requirements for~~ Lagoons Leaking Above the Allowable Amount. If a lagoon is found to be leaking at a rate higher than ~~that~~ allowed ~~under Subsection 493.03.b.~~, the owner of the lagoon, in accordance with a schedule negotiated with and approved by the Director, is required to: ~~(3-31-22)~~( )

a. Repair the leak and retest for compliance; (3-31-22)

b. Re-line the lagoon and retest for compliance with a leakage rate of no more than zero point one hundred twenty-five (0.125) inches (1/8 inch) per day regardless of the original lagoon construction date; ~~(3-31-22)~~( )

c. Drain the lagoon in an approved manner and stop using the lagoon; or (3-31-22)

d. Determine the impact of the leaking lagoon on the environment based on ~~ground water~~ groundwater sampling and modeling. The procedure for performing ~~ground water~~ groundwater sampling and monitoring must be approved by the Department. Any impact must comply with IDAPA 58.01.11, "~~Ground Water~~Groundwater Quality Rule," and IDAPA 58.01.02, "Water Quality Standards." If the impact does not comply

with IDAPA 58.01.11, ~~"Ground Water Quality Rule,"~~ and IDAPA 58.01.02, ~~"Water Quality Standards,"~~ the owner of the lagoon must follow one (1) of the steps set out in Subsections 493.04.a. through 493.04.c. ~~(3-31-22)~~( )

05. Location. (3-31-22)

a. Wastewater ~~treatment~~ lagoons ~~shall~~ must be placed ~~a minimum of two hundred (200) feet from residential property lines~~ in accordance with the provisions in Section 450.01.c. In all cases, the design location ~~shall~~ must consider odors, nuisances, etc. This distance is to the toe of the exterior slope of the dike or to the top of the cut for a lagoon placed into a hillside. More restrictive planning and zoning or other local requirements ~~shall~~ may apply. ~~(3-31-22)~~( )

b. ~~Ground Water Separation.~~ A minimum separation of two (2) feet between the bottom of the ~~pond~~ lagoon and the maximum ~~ground water~~ groundwater elevation ~~shall~~ must be ~~maintained~~ provided in the design. ~~(3-31-22)~~( )

c. ~~Bedrock Separation.~~ A minimum separation of two (2) feet between the ~~pond~~ lagoon bottom and any bedrock formation ~~shall~~ must be ~~maintained~~ provided in the design. ~~(3-31-22)~~( )

06. Basis of Design. (3-31-22)

a. Design variables such as climatic conditions, odor, ~~pond~~ lagoon depth, multiple units, detention time, and additional treatment units must be considered with respect to applicable standards for BOD_5, total suspended solids (TSS), fecal coliform, dissolved oxygen (DO), pH, and other effluent requirements and limits. ~~(3-31-22)~~( )

b. The ~~preliminary engineering report shall~~ PER must include all design criteria for the development of the ~~pond~~ lagoon design. ~~(3-31-22)~~( )

c. The reaction rate coefficient for domestic wastewater which includes some industrial wastes, other wastes, and partially treated wastewater must be determined experimentally for various conditions which might be encountered in the lagoons or actual data from lagoons in similar climates. Conversion of the reaction rate coefficient at other temperatures ~~shall~~ must be made based on experimental data. ~~(3-31-22)~~( )

d. Oxygen requirements ~~generally will depend~~ are based on the design average BOD_5 loading, the degree of treatment, and the concentration of suspended solids to be maintained. If needed for treatment objectives, aeration equipment ~~shall~~ must be ~~capable of~~ designed to maintain~~ing~~ a minimum dissolved oxygen level of two (2) mg/L in the ~~ponds~~ lagoons at all times. Suitable protection from weather ~~shall~~ must be provided for electrical controls. Aerated cells ~~shall~~ must be followed by a polishing cell with a detention time of a minimum of twenty-four (24) hours. ~~(3-31-22)~~( )

~~**e.** See Subsection 490.02 for details on aeration equipment.~~ ~~(3-31-22)~~

07. Industrial Wastes as a Part of the Municipal Wastewater. (3-31-22)

a. ~~Consideration shall be given to~~Design must account for the type and effects of industrial wastes on the treatment process. ~~(3-31-22)~~( )

b. Industrial wastes ~~shall~~ must not be discharged to ~~ponds~~ lagoons without assessment of the effects such substances may have upon the treatment process or ~~discharge~~ disposal requirements in accordance with state and federal laws. ~~(3-31-22)~~( )

08. Number of Cells ~~Required~~. (3-31-22)

a. A wastewater treatment ~~pond~~ lagoon system ~~shall~~ must consist of a minimum of three (3) cells designed to facilitate both series and parallel operations. Two (2) cell systems may be utilized in very small installations of less than fifty thousand (50,000) gallons per day average day flow. ~~(3-31-22)~~( )

b. All systems ~~shall~~ must be designed with piping flexibility to permit isolation of any cell without affecting the transfer and ~~discharge~~ disposal capabilities of the total system. ~~(3-31-22)~~( )

09. ~~Pond~~ Lagoon Construction Details. (3-31-22)

a. Embankments and Dikes. (3-31-22)

i. ~~Material.~~ Dikes ~~shall~~ must be constructed of relatively impervious soil and compacted to at least ninety-five (95) percent Standard Proctor Density to form a stable structure. Vegetation and other unsuitable materials ~~shall~~ must be removed from the area where the embankment is to be placed. ~~(3-31-22)~~( )

ii. ~~Top Width.~~ The minimum dike top width ~~shall~~ must be ten (10) feet to permit access for maintenance vehicles. ~~(3-31-22)~~( )

iii. ~~Maximum Slopes.~~ Inner and outer dike slopes ~~shall~~ must not be steeper than one (1) vertical to three (3) horizontal (1:3). ~~(3-31-22)~~( )

iv. ~~Minimum Slopes.~~ Inner slopes ~~should~~ must not be flatter than one (1) vertical to four (4) horizontal (1:4). Flatter slopes can be specified for larger installations because of wave action but have the disadvantage of added shallow areas being conducive to emergent vegetation. Outer slopes ~~shall~~ must be sufficient to prevent surface runoff from entering the ~~ponds~~ lagoons. ~~(3-31-22)~~( )

v. ~~Freeboard.~~ Minimum freeboard ~~shall~~ must be three (3) feet, except ~~that~~ for small systems of less than fifty thousand (50,000) gallons per day average day flow, two (2) feet ~~may be~~ is acceptable. ~~(3-31-22)~~( )

vi. ~~Design Depth.~~ The minimum operating depth ~~shall~~ must be ~~sufficient~~ designed to prevent growth of aquatic plants and damage to the dikes, bottom, control structures, aeration equipment, and other appurtenances. ~~In no case shall pond~~ Operating depths must not be less than two (2) feet. ~~(3-31-22)~~( )

b. ~~Pond~~Lagoon Bottom. ~~(3-31-22)~~( )

i. ~~Soil.~~ Soil used in constructing the ~~pond~~ lagoon bottom (not including the seal) and dike cores ~~shall~~ must be relatively incompressible and tight and compacted to at least ninety-five (95) percent Standard Proctor Density. ~~(3-31-22)~~( )

ii. ~~Seal. Ponds shall~~Lagoons must be sealed such that seepage loss through the seal complies with Subsection 493.03. Results of a testing program which substantiates the adequacy of the proposed seal must be incorporated into or accompany the ~~preliminary engineering report~~ PER. ~~(3-31-22)~~( )

c. Miscellaneous. (3-31-22)

i. ~~Fencing.~~ The ~~pond~~ lagoon area ~~shall~~ must be enclosed with an adequate fence to prevent ~~entering of~~ livestock entering and discourage trespassing. This requirement does not apply to ~~pond~~ lagoon areas which store or impound Class A ~~municipal reclaimed effluent~~ recycled water. ~~(3-31-22)~~( )

ii. ~~Access.~~ An all-weather access road ~~shall~~ must be provided to the ~~pond~~ lagoon site to allow year-round maintenance of the facility. (3-31-22)

iii. ~~Warning Signs.~~ Appropriate permanent signs ~~shall~~ must be provided along the fence around the ~~pond~~ lagoon to designate the nature of the facility and advise against trespassing. At least one (1) sign ~~shall~~ must be provided on each side of the site and one (1) for every five hundred (500) feet of its perimeter. ~~(3-31-22)~~( )

iv. ~~Flow Measurement.~~ Flow measurement requirements are provided in Subsection 450.06.~~e~~c. Effective weather protection ~~shall~~ must be provided for the recording equipment. ~~(3-31-22)~~( )

v. ~~Ground Water Monitoring.~~ A ~~ground water~~ groundwater monitoring plan ~~shall~~ must be submitted to the Department for review and approval as a part of the ~~preliminary engineering report~~ PER. ~~An approved~~ Unless

otherwise approved by the Department, a system of wells or lysimeters ~~shall be~~ is required around the perimeter of the ~~pond~~ lagoon site to facilitate ~~ground water~~ groundwater monitoring. ~~(3-31-22)~~( )

10. Closure. The owner ~~shall~~ must notify the Department at least six (6) months prior to permanently removing any wastewater lagoon facility from service, including any treatment or storage ~~pond~~ lagoon. Prior to commencing closure activities, the ~~facility shall~~ owner must: ~~(3-31-22)~~( )

a. Participate in a pre-closure on-site meeting with the Department; (3-31-22)

b. Develop a site closure plan that identifies specific closure, site characterization, or cleanup tasks with scheduled task completion dates in accordance with agreements made at the ~~pre-site closure meeting~~ pre-closure on-site meeting; and ~~(3-31-22)~~( )

c. Submit the completed site closure plan to the Department for review and approval within forty-five (45) days of the ~~pre-site closure meeting~~ pre-closure on-site meeting. The facility must complete the Department approved site closure plan. ~~(3-31-22)~~( )

494. -- 499. (RESERVED)

500. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: DISINFECTION.

01. General. Disinfection of ~~the effluent shall~~ treated wastewater must be provided as necessary to meet applicable standards. The design of new municipal wastewater treatment facilities, or municipal wastewater treatment facilities undergoing material modifications, ~~shall consider~~ must meet~~ing both~~ the bacterial standards and the disinfectant residual limit ~~in~~ for the effluent. The disinfection process ~~shall~~ must be selected after due consideration of waste characteristics, type of treatment process provided prior to disinfection, waste flow rates, pH of waste, disinfectant demand rates, current technology application, cost of equipment and chemicals, power cost, and maintenance requirements as determined in the ~~preliminary engineering report~~ PER. Where a disinfection process other than chlorination, ultraviolet disinfection, or ozone is proposed, supporting data from pilot plant installations or similar full scale installations ~~shall be~~ are required as a basis for the design of the system. ~~(3-31-22)~~( )

02. Determining the Necessity f~~F~~or Disinfection ~~of Sewage Wastewater Treatment Plant Effluent~~. ~~(3-31-22)~~

~~**a.**~~ Disinfection ~~of~~ at a municipal wastewater treatment facility ~~effluent shall be~~ is required when: ~~(3-31-22)~~( )

~~i~~**a.** Required by ~~an NPDES~~ a surface water discharge permit; or ~~(3-31-22)~~( )

~~ii~~**b.** The effluent is ~~discharged~~ disposed to a ~~land application/reuse~~ facility ~~and is~~ required to meet the disinfection requirements ~~found~~ in IDAPA 58.01.17, "Recycled Water Rules." ~~(3-31-22)~~( )

~~iii~~**c.** The effluent ~~discharged~~ is disposed to a ~~land application/reuse~~ facility, where ~~ground water~~ groundwater contamination has exceeded the bacterial limit ~~found~~ in IDAPA 58.01.11, "~~Ground Water~~Groundwater Quality Rule~~s~~," and it has been determined by the Department that disinfection is required. ~~(3-31-22)~~( )

~~**b.** The need for disinfection of sewage wastewater treatment plant effluent where treatment consists of lagoons with at least thirty (30) day retention time shall be evaluated on a case by case basis.~~ ~~(3-31-22)~~

03. Chlorine Disinfection. (3-31-22)

a. ~~Type.~~ Chlorine is available for disinfection in gas, liquid (hypochlorite solution), and pellet (hypochlorite tablet) form. The type of chlorine ~~should~~ must be ~~carefully~~ evaluated ~~during~~ in the facility plan~~ning~~ or ~~preliminary engineering process. The use of chlorine gas or liquid will be most dependent on the size of the facility and the chlorine dose required. Large quantities of chlorine, such as are contained in ton cylinders and tank cars, can~~

~~present a considerable hazard to plant personnel and to the surrounding area should such containers develop leaks. Both monetary cost and the potential public exposure to chlorine shall be considered when making the final determination~~ PER. ~~(3-31-22)~~( )

b. ~~Dosage.~~ For disinfection, the capacity ~~shall~~ must be adequate to produce an effluent that will meet the applicable bacterial limits specified by the regulatory agency for that installation. Required disinfection capacity will vary, depending on the uses and points of application of the disinfection chemical. The chlorination system ~~shall~~ must be designed on a rational basis and calculations justifying the equipment sizing and number of units ~~shall be~~ and submitted for the whole operating range of flow rates for the type of control to be used. System design considerations ~~shall~~ must include the controlling wastewater flow meter (sensitivity and location), telemetering equipment, and chlorination controls. ~~(3-31-22)~~( )

c. ~~Piping and Connections.~~ Piping systems ~~shall~~ must be as simple as practicable, specifically selected and manufactured to be suitable for chlorine service, with consideration for minimizing number of joints. Piping ~~should~~ must be well supported and protected against temperature extremes. Venting of excess gas ~~shall~~ must be provided. Special considerations ~~shall~~ must be given to piping and fixture selection for hypochlorite and chlorine use. ~~Section 008 provides a reference to guidance documents; see Subsections 008.01, 008.04 and 008.05.~~ ~~(3-31-22)~~( )

d. ~~Standby Equipment and Spare Parts.~~ Standby equipment of sufficient capacity ~~should~~ must be available to replace the largest unit during shutdowns. Spare parts ~~shall~~ must be available for all disinfection equipment to replace parts which are subject to wear and breakage. ~~(3-31-22)~~( )

e. Housing. (3-31-22)

i. ~~Feed and Storage Rooms.~~ Gas chlorination equipment and chlorine cylinders ~~shall~~ must be housed in a building. If this building is used for other purposes, a gas-tight room ~~shall~~ must separate this equipment from any other portion of the building. Floor drains from the chlorine room ~~shall~~ must not be connected to floor drains from other rooms. Doors to this room ~~shall~~ must open only to the outside of the building and ~~shall~~ be equipped with panic hardware. Rooms ~~shall~~ must permit easy access to all equipment. ~~Section 009 provides a reference to requirements of other regulatory entities, compliance with which may be required by other law~~ Local and state safety requirements must be satisfied. ~~(3-31-22)~~( )

ii. ~~Ventilation. Section 009 provides a reference to the requirements of the National Electric Code, compliance with which may be required by other law~~Electrical and ventilation equipment must comply with local and state codes. ~~(3-31-22)~~( )

~~iii. Electrical Controls. Section 009 provides a reference to the requirements of the National Electric Code, compliance with which may be required by other law.~~ ~~(3-31-22)~~

iv~~ii~~. ~~Protective and Respiratory Gear.~~ Respiratory air-pac protection equipment ~~shall~~ must be available where chlorine gas is handled, and ~~shall~~ be stored at a convenient location, but not inside any room where chlorine is used or stored. Instructions for using the equipment ~~shall~~ must be posted. ~~Section 008 provides a reference to guidance documents; see Subsections 008.01, 008.04 and 008.05.~~ ~~(3-31-22)~~( )

04. Dechlorination. (3-31-22)

a. Types. (3-31-22)

i. Dechlorination of wastewater effluent ~~may be necessary~~ must be provided when required to meet effluent limits to reduce the toxicity due to chlorine residuals. ~~The most common dechlorination chemicals are sulfur compounds, particularly sulfur dioxide gas or aqueous solutions of sulfite or bisulfite. Pellet dechlorination systems are also available for small facilities.~~ ~~(3-31-22)~~( )

ii. The type of dechlorination system ~~should~~ must be ~~carefully~~ selected considering ~~criteria including the following:~~ the type of chemical storage required, amount of chemical needed, ease of operation, compatibility with existing equipment, and safety. ~~(3-31-22)~~( )

b. ~~Dosage.~~ The dosage of dechlorination chemical ~~depends on~~ must consider the residual chlorine in the effluent, the final residual chlorine limit, and the ~~particular~~ form of the dechlorinating chemical used. ~~(3-31-22)~~( )

c. ~~Standby Equipment and Spare Parts.~~ The same requirements apply for standby equipment and spare parts as ~~for~~ chlorination systems. See Subsection 500.0~~4~~3.d. ~~(3-31-22)~~( )

d. ~~Housing Requirements/Feed and Storage Rooms.~~ The requirements for housing ~~SO2~~ sulfur dioxide gas equipment ~~shall~~ must follow the same guidelines as used for chlorine gas. Refer to Subsection 500.0~~4~~3.e. for specific details. When using solutions of the dechlorinating compounds, the solutions ~~may~~ must be stored in a room that meets the safety and handling requirements set forth in Subsection 450.07. The mixing, storage, and solution delivery areas must be designed to contain or route solution spillage or leakage away from traffic areas to an appropriate containment unit. ~~(3-31-22)~~( )

e. ~~Protective and Respiratory Gear.~~ The respiratory air-pac protection equipment is the same as for chlorine. See Subsection 500.0~~4~~.e3.e.iii. ~~(Refer to The Compressed Gas Association Publication CGA G-3-1995, "Sulfur Dioxide.")~~ ~~(3-31-22)~~( )

05. Ultraviolet (UV) Radiation. (3-31-22)

a. The following documents ~~are recommended to be used as references~~ or other references acceptable to the Department must be used for UV system sizing and facility design~~:~~. ~~(3-31-22)~~( )

i. "Wastewater Engineering, Treatment and Reuse," Metcalf and Eddy~~, referenced in Section 008~~. ~~(3-31-22)~~( )

ii. For ~~reuse~~ recycled water applications, "Ultraviolet Disinfection Guidelines for Drinking Water and Water Reuse," National Water Research Institute/AWWA Research Foundation~~, referenced in Section 008~~. ~~(3-31-22)~~( )

b. ~~For UV systems to be installed at any existing wastewater treatment facility,~~ All UV disinfection must be designed based on expected ranges of UV transmittance (UVT). For facilities larger than five million gallons per day (5 mgd) (design peak hour flow), or facilities that have industries that vary flows throughout the year, collection of one (1) year's worth of ~~UV transmittance (~~ UVT~~)~~ data (four (4) times per day) prior to ~~predesign is encouraged, especially for facilities larger than five million gallons per day (5 mgd) (design peak hour flow), and facilities that have industries that vary discharge throughout the year~~ the PER is required unless otherwise approved by the Department. ~~(3-31-22)~~( )

c. All UV disinfection facilities must include the following: ( )

i. A minimum of two (2) channels (or justification for using a smaller system); and ( )

ii. A minimum of two (2) banks of UV lamps per channel (or justification for using a smaller system). ( )

ed. The ~~preliminary engineering report~~ PER for all UV disinfection facilities ~~shall~~ must include a description of the following: ~~(3-31-22)~~( )

~~i. A minimum of two (2) open channels (or justification for using a smaller system).~~ ~~(3-31-22)~~

~~ii. A minimum of two (2) banks of UV lamps per channel (or justification for using a smaller system).~~ ~~(3-31-22)~~

i~~i~~i. ~~Description of t~~The redundancy provided~~.~~; ~~(3-31-22)~~( )

i~~v~~i. ~~Description of t~~The upstream flow splitting device (which splits flow to the two (2) or more UV

channels).~~.~~; ~~(3-31-22)~~( )

~~v~~iii. ~~Description of w~~Water level control device~~.~~; ~~(3-31-22)~~( )

i~~v~~vi. ~~Description of m~~Method used to take a channel off-line for maintenance, and method to dewater a channel~~.~~; ~~(3-31-22)~~( )

v~~ii~~. Type of UV system technology (low-pressure low-intensity, low-pressure high-intensity, medium pressure, etc.), with consideration given to power consumption~~.~~; ~~(3-31-22)~~( )

vi~~ii~~. Summary of UVT data and collimated beam data~~.~~; ~~(3-31-22)~~( )

~~ix~~vii. ~~Description of HVAC~~Climate controls system requirements to ensure adequate UV system performance during summer peak temperature period~~.~~; ~~(3-31-22)~~( )

~~x~~viii. ~~Description of m~~Maintenance requirements including removal (cleaning) of biofilms from the channel walls upstream and downstream of the UV system~~.~~; ~~(3-31-22)~~( )

ix~~i~~. ~~General description of a~~Alarming and controls~~.~~; ~~(3-31-22)~~( )

x~~ii~~. ~~Description of p~~Procedure used for UV system sizing~~.~~; and ~~(3-31-22)~~( )

xi~~ii~~. Design criteria must include: ~~(3-31-22)~~( )

(1) Design UVT~~.~~; ~~(3-31-22)~~( )

(2) TSS~~.~~; ~~(3-31-22)~~( )

(3) Design water temperature range~~.~~; ~~(3-31-22)~~( )

(4) Dose~~.~~; ~~(3-31-22)~~( )

(5) End of lamp life factor~~.~~; ~~(3-31-22)~~( )

(6) Fouling factor~~.~~; ~~(3-31-22)~~( )

(7) Quartz sleeve transmittance factor~~.~~; ~~(3-31-22)~~( )

(8) Design peak hour flow~~.~~; ~~(3-31-22)~~( )

(9) Existing minimum flow~~.~~; ~~(3-31-22)~~( )

(10) Number of channels~~.~~; ~~(3-31-22)~~( )

(11) Disinfection requirements (coliform concentration)~~.~~; and ~~(3-31-22)~~( )

(12) Maximum head-loss from upstream of the first bank to downstream of the last bank of lamps (lamp spacing divided by two (2)). (3-31-22)

~~d~~e. Use of bioassay method of UV system sizing is encouraged if all manufacturers under consideration have existing bioassays performed using identical protocol, and the bioassay was performed under conditions similar to the design application. Use of the bioassay method of UV system sizing is discouraged if these conditions ~~of Subsection 500.05.d.~~ cannot be met. ~~(3-31-22)~~( )

~~e~~f. Closed chamber units will be reviewed on a case~~-~~by~~-~~case basis in accordance with Subsection 450.03.b. ~~(3-31-22)~~( )

06. Ozone. Ozone systems for disinfection ~~shall~~ will be evaluated by the Department on a case-by-case basis. Design of these systems ~~shall~~ must be based upon experience at similar full-scale installations or thoroughly documented prototype testing ~~with the particular~~ of the wastewater. ~~(3-31-22)~~( )

501. -- 509. (RESERVED)

510. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: SUPPLEMENTAL TREATMENT PROCESSES.

01. Chemical Treatment. ~~Many c~~ Chemicals treatment in various forms can be ~~applied in wastewater treatment~~ used to aid in ~~nutrient~~ phosphorus and nitrogen removal, pH adjustment, enhanced clarification, and sludge conditioning. ( )

a. Chemicals treatment must be evaluated for each specific treatment process in the PER and must be compatible with other liquids, solids and air treatment processes. Laboratory tests such as jar tests or pilot-scale studies on actual process wastewater ~~shall~~ must be used to select appropriate chemicals and dosage ranges. ~~(3-31-22)~~( )

~~**a.** Phosphorus removal. Chemical phosphorus removal from wastewater involves the addition of metal salts (aluminum or iron) or lime to wastewater to form insoluble phosphate precipitates, removal of the precipitate from the wastewater, and disposal of the precipitate with the settled sludge. Many process options are available, and the designer shall select the chemical to insolubilize the phosphorus, estimate the dosage requirements, and select the point of chemical addition. (3-31-22)~~

~~**b.** Nitrogen Removal. Several chemical processes have been used for nitrogen removal. The three (3) major processes include breakpoint chlorination, selective ion exchange, and air stripping. Although these processes are technically feasible ways of removing nitrogen, the Department does not anticipate widespread use of chemicals for nitrogen removal, and justification to do so shall be demonstrated in the Preliminary Engineering Report. (3-31-22)~~

~~**c.** pH Adjustment. A common chemical process used in wastewater treatment is pH adjustment. Several methods are available to neutralize or adjust low pH wastewater. The methods used shall be mixing acid wastes with lime slurries, or adding the proper amount of concentrated caustic soda (NaOH) or soda ash (Na_2CO_3) as determined in the Preliminary Engineering Report. (3-31-22)~~

~~**d**~~**b.** ~~Enhanced Primary Clarification.~~ When settling aids are used during the primary clarification process to enhance solids removal in the primary treatment process, the additional solids volume ~~shall~~ must be accounted for in pumping, solids handling, stabilization, and disposal processes. The coagulant ~~shall~~ must be added and mixed before the sedimentation process. Flocculants, if used, ~~shall~~ must be added after the coagulant. The design ~~shall~~ must provide for chemical addition points at several locations to give process personnel the opportunity to adjust for optimum performance. ~~(3-31-22)~~( )

02. Filtration for Tertiary Treatment. Details for ~~plants~~ treatment facilities with tertiary treatment utilizing ~~filtration shall~~ membrane, media, cloth, or reverse osmosis must be submitted and approved in the ~~Preliminary Engineering Report~~ PER. In addition to the provisions of Section 411, the PER must include plant layout, calculations for hydraulic capacity and air required, filtration technology considered and the type and model selected, results from similar type filtration systems already in operation, and anticipated sludge production. ~~(3-31-22)~~( )

~~**a.** Membranes. In addition to requirements of Section 411, details shall include plant layout, calculations for hydraulic capacity and air required, membrane technology considered and membrane type and model selected, results from similar type filtration plants already in operation, and anticipated sludge production. (3-31-22)~~

~~**b.** Media. In addition to requirements of Section 411, details shall include plant layout, calculations for hydraulic capacity, media considered and media type selected, results from similar type filtration plants already in operation, and anticipated sludge production. (3-31-22)~~

~~**c.** Cloth. In addition to requirements of Section 411, details shall include plant layout, calculations for~~

~~hydraulic capacity, technology considered and type and model selected, results from similar type filtration plants already in operation, and anticipated sludge production.~~ (3-31-22)

~~**d.** Reverse Osmosis. In addition to requirements of Section 411, details shall include plant layout, calculations for hydraulic capacity required, technology considered and type and model selected, results from similar type filtration plants already in operation, and anticipated sludge production.~~ (3-31-22)

511. -- 518. (RESERVED)

519. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES --~~ SYSTEMS: SEPTAGE TRANSFER STATIONS.
Prior to construction of a new septage transfer station or upon material modification of an approved existing station, the owner of the station must satisfy the following requirements. (3-31-22)( )

01. Design. Septage holding tanks, transfer/storage tanks, and transfer hoses for either type of tank ~~shall~~ will meet the applicable ~~requirements~~ provisions of Subsections 519.01.a. through 519.01.c. (3-31-22)( )

a. All tanks ~~shall~~ will be watertight, not open to the air, and provided with containment structures to prevent the discharge of septage spills to the surrounding environment. (3-31-22)( )

b. All piping, transfer hoses, valves, and connections ~~shall~~ will be watertight, accessible, and capable of being cleaned, repaired, and replaced. (3-31-22)( )

c. All inlet and outlet connections ~~shall~~ will be constructed and maintained such that septage will not leak, spill, or overflow the holding tank. (3-31-22)( )

d. No septage holding or transfer/storage tank ~~shall~~ will be permitted within the one hundred (100) year flood plain as defined and delineated by the flood insurance rate maps published by the Federal Emergency Management Agency. (3-31-22)( )

e. Odor controls ~~shall~~ will be provided to mitigate nuisance odor ~~discharge~~ during transfer. Odor control may be attained by employing appropriate setback distances to neighboring facilities, using appropriate air scrubbing technologies in conjunction with an enclosed transfer station or other suitably engineered configuration that provides assurances of minimal odor nuisances. (3-31-22)( )

f. The property is owned by the individual~~(s)~~ operating the septage transfer station, or the property owner has granted permission to ~~so~~ use the property. (3-31-22)( )

g. Septage transfer stations ~~shall~~ will provide total containment for the entire volume of the holding tanks and transfer/storage tanks in the event of spilled septage. (3-31-22)( )

h. Truck washing facilities ~~shall~~ will be constructed to retain all wash water on site. (3-31-22)( )

02. Plans and Specifications. In addition to the ~~requirements~~ provisions of Section 400, plans and specifications for septage transfer stations ~~must include the requirements of Subsections 519.02.a. through 519.02.f.~~ will provide or identify: (3-31-22)( )

a. A map which identifies the proposed septage holding or transfer/storage tank location~~.~~; (3-31-22)( )

b. The footprint of the proposed activity area~~.~~; (3-31-22)( )

c. All access roads and access control measures~~.~~; (3-31-22)( )

d. All roads, property boundary lines, and structures within two hundred (200) feet of the septage holding or transfer/storage tank location; any structures on the property; and any easements or rights-of-way which exist on the property~~.~~; (3-31-22)( )

e. Surrounding land use within two hundred (200) feet of the footprint of the proposed activity area on which the septage holding or transfer/storage tank is proposed to be located.~~:~~; and ~~(3-31-22)~~( )

f. A spill response plan, describing spill response equipment and disinfection and containment capability at the septage transfer station,~~ shall~~ must be submitted to and approved by the Department.~~(3-31-22)~~( )

03. Record Keeping. Every owner of a septage transfer station~~ shall~~ will maintain the following records for a minimum of five (5) years. ~~(3-31-22)~~( )

a. For each load of septage received: (3-31-22)

i. The date received or picked up; (3-31-22)

ii. The name and address of the client~~(s)~~ from whom the septage was received; and ~~(3-31-22)~~( )

iii. The volume of the septage received, in gallons; and (3-31-22)

b. Records indicating the final disposal destination~~(s)~~ for septage removed from the transfer/storage tank. ~~(3-31-22)~~( )

520. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER~~ TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: HANDLING AND TREATMENT OF SEPTAGE AT A WASTEWATER TREATMENT~~ PLANT~~ FACILITY.

01. General. Septage disposal at a wastewater treatment plant is at the discretion of the owner of the wastewater treatment plant, unless other conditions apply.~~ One method of septage disposal is the discharge to a municipal wastewater treatment plant.~~ All~~ plants~~ treatment facilities require special design considerations prior to the acceptance of septage. Prior to acceptance of septage at a wastewater treatment~~ plant~~ facility, the plan for doing so must be addressed in the Facility Plan or PER. ~~(3-31-22)~~( )

02. Characteristics.~~ Tables No. 1 and No. 2 (Tables 3-4 and 3-8 from~~ Prior to acceptance at a treatment facility, septage must be characterized. ~~t~~The U.S. EPA Handbook entitled "Septage Treatment and Disposal" 1984, EPA-625/6-84-009)~~ give a comparison of some of the~~ may be used to estimate common parameters for septage and municipal wastewater.~~ These tables are located at the end of Appendix A-3 of the Recommended Standards for Wastewater Facilities. See Section 008 of these rules.~~ ~~(3-31-22)~~( )

03. Considerations.~~ It is essential that an adequate~~ An engineering evaluation of the existing~~ plant~~ treatment facility and the anticipated septage loading must be conducted prior to receiving septage at the~~ plant~~ treatment facility.~~ The wastewater treatment plant owner shall be contacted to obtain the appropriate approvals prior to the acceptance of septage.~~ For proposed~~ plant~~ treatment facility expansion and upgrading, the~~ Preliminary Engineering Report and Facility Plan shall~~ PER or facility plan must include anticipated septage loading in addressing treatment~~ plant~~ facility sizing and process selection. ~~(3-31-22)~~( )

521. -- 599. (RESERVED)

600. LAND APPLICATION OF WASTEWATER~~(S)~~ OR RECHARGE WATERS.
Land application of wastewater or recharge waters is subject to the following~~ requirements~~: ~~(3-31-22)~~( )

01.~~ Land Application/~~Reuse Permit.~~ Idaho Department of Environmental Quality Rules,~~ IDAPA 58.01.17, "Recycled Water Rules,"~~ require~~ govern when a permit prior to land application~~/~~ or reuse of certain types of wastewater is necessary. ~~(3-31-22)~~( )

02. Applied Waters Restricted to Premises. Wastewater~~(s)~~ or recharge waters applied to the land surface must be restricted to the premises of the application site.~~ Wastewater discharges to surface water that require a permit under the Clean Water Act must be authorized by the U.S. Environmental Protection Agency.~~
~~(3-31-22)~~( )

03. Hazard or Nuisance Prohibited. Wastewaters or recharge waters must not create a public health hazard or a nuisance condition. ~~(3-31-22)~~( )

04. Monitoring. Provision must be made for monitoring the quality of the ~~ground water~~ groundwater in proximity of the application site. The ~~ground water~~ groundwater monitoring program is subject to approval by the Department. All data and reports resulting from the ~~ground water~~ groundwater monitoring program must be submitted to the Department upon request. ~~The minimum~~ To determine the frequency of monitoring and data submittal ~~will be determined by,~~ the Department ~~and in general will be dependent upon~~ will consider the following: ~~(3-31-22)~~( )

a. The nature and volume of wastewater ~~material~~ or recharge water; ~~(3-31-22)~~( )

b. The frequency and duration of application; and (3-31-22)

c. The characteristics of the soil mantle on and lithology underlying the application site. (3-31-22)

05. Basis for Evaluation. The evaluation for an approval to irrigate, either by sprinkling or flooding or surface spreading of wastewater ~~material or by burying wastewater material~~ or recharge water in the upper soil horizon as a method of treatment, must include, but will not ~~necessarily~~ be limited to, consideration of the following ~~items~~: ~~(3-31-22)~~( )

a. The type and quantity of wastewater~~(s)~~ or recharge water proposed for land application. In general, the ~~wastewater(s)~~ organic constituents are to be biologically degradable and inorganic constituents must be utilized by vegetation or those organisms normally present in the soil. Other wastewater~~(s)~~ or recharge waters will be considered provided it can be shown that land application will not adversely affect beneficial uses of waters ~~of the state~~. ~~(3-31-22)~~( )

b. The nature of the soils and geologic formations underlying the application site. The entity proposing the activity must provide reasonable assurance that the soils and site geology will provide the required level of treatment and will not allow movement of pollutants into the underlying ~~ground water~~ groundwater. ~~(3-31-22)~~( )

c. The ability of the soil and vegetative cover on the application site to remove the pollutants contained in the applied waters through the combined processes of consumptive use and biological and chemical inactivation. (3-31-22)

601. -- 649. (RESERVED)

650. SLUDGE ~~USAGE~~ MANAGEMENT PROGRAM.

01. ~~Disposal~~ Plans ~~Required~~. Sludge can be disposed or utilized ~~as soil augmentation~~ only in conformance with: ~~(3-31-22)~~( )

a. A Department approved sludge disposal plan; ~~or~~ ~~(3-31-22)~~( )

b. A Department approved sludge use plan; or ( )

~~b~~c. Procedures and in a manner approved by the Department on a site-by-site basis. (3-31-22)

02. Basis for Evaluation. Sludge disposal plans and sludge ~~utilization proposals~~ use plans will be evaluated by the Department ~~in regard to~~ regarding their protection of water quality and public health. ~~(3-31-22)~~( )

03. Elements of Sludge Disposal Plans. Plans must at a minimum provide: ( )

a. Method of sludge transportation and disposal; ( )

b. Location of disposal and applicable acceptance criteria; ( )

c. Amount of sludge to be disposed, and whether the disposal is ongoing or one-time; and ( )

d. Emergency procedures, including spill cleanup, notification, and reporting procedures. ( )

034. Elements of Sludge Use Plans ~~and Proposals~~. Plans ~~and proposals~~ must at a minimum provide: ~~(3-31-22)~~( )

a. That only stabilized sludge will be used~~.~~; ~~(3-31-22)~~( )

b. The criteria utilized for site selection, including: (3-31-22)

i. Soil description; (3-31-22)

ii. Geological features; (3-31-22)

iii. Groundwater characteristics; (3-31-22)

iv. Surrounding land use; (3-31-22)

v. Topography; and (3-31-22)

vi. Climate~~.~~; ~~(3-31-22)~~( )

c. A description of the transportation and application process~~.~~; ~~(3-31-22)~~( )

d. A statement detailing procedures to prevent application which could result in a reduction of soil productivity or in the percolation of excess nutrients~~.~~; ~~(3-31-22)~~( )

e. Identification of potential adverse health effects ~~in regard to~~ regarding the sludge and its proposed use~~.~~; ~~(3-31-22)~~( )

f. Delineation of methods or procedures to be used to alleviate or eliminate adverse health effects~~.~~; ~~(3-31-22)~~( )

g. Emergency procedures, including spill cleanup, notification, and reporting procedures; and ( )

h. Recordkeeping and reporting procedures. ( )

045. Reference to Federal Regulations. See Code of Federal Regulations, 40 CFR, Part 503, Standards for the Use or Disposal of Sewage Sludge. (3-31-22)

651. -- 659. (RESERVED)

660. WAIVERS.
Waivers from the ~~requirements~~ provisions of these rules may be granted by the Director on a case-by-case basis upon ~~full~~ demonstration by the person requesting the waiver(s) that such activities for which the waivers are granted ~~will have no significant impact on the environment or on the public health~~ are not necessary for the protection of public health and the environment, and that the facilities are satisfactorily operated and maintained. ~~(3-31-22)~~( )

661. -- 999. (RESERVED)