

**Preliminary Draft Negotiated Rule (Draft No. 1)
Docket No. 58-0102-1701, Dated March 27, 2017**

Written comment deadline for this draft – May 5, 2017

**Water Quality Standards
IDAPA 58.01.02**

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

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- 01. Criteria for Toxic Substances.** The criteria of Section 210 apply to surface waters of the state as follows. (5-3-03)
- a.** Columns B1 and B2 of the following table apply to waters designated for aquatic life use. (3-25-16)
 - b.** Column C2 of the following table applies to waters designated for primary or secondary contact recreation use. (3-25-16)
 - c.** Column C1 of the following table applies to waters designated for domestic water supply use.

A		B Aquatic life			C Human health for consumption of:		
(Number) Compound	a	b	b	Carcinogen?	Water & fish (µg/L)	Fish only (µg/L)	
	CAS Number	CMC (µg/L) B1	CCC (µg/L) B2		C1	C2	
10 ¹ Selenium	7782492	20 f	5 f		29 c	250 c	
¹ Effective for CWA purposes. The CMC value and footnote and the CCC value are effective for CWA purposes until the date EPA issues written notification that the revisions adopted under Rule Docket No. 58-0102-1701 have been approved.							
10 ² Selenium	7782492		r f		29 c	250 c	
² Not yet effective for CWA purposes. CCC footnote r is not effective for CWA purposes until the date EPA issues written notification that the revisions adopted under Rule Docket No. 58-0102-1701 have been approved.							

Table Footnotes

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

(Break in Continuity)

<i>r.</i>					
<i>Chronic</i>					<i>Short-term</i>
<i>Egg-Ovary (mg/kg dw)</i>	<i>Fish Tissue (mg/kg dw)</i>		<i>Water Column (ug/L)</i>		<i>Water Column (ug/L)</i>
<i>Egg-Ovary</i>	<i>Whole Body</i>	<i>Muscle</i>	<i>Water Lentic</i>	<i>Water Lotic</i>	<i>Water</i>
<u>15.1^{1,2}</u>	<u>8.5^{3,2}</u>	<u>11.3^{3,2}</u>	<u>1.5 (30 day)^{4,5}</u>	<u>3.1 (30 day)^{4,5}</u>	<u>Intermittent exposure Equation^{4,5,6}</u>

1. Egg/Ovary supersedes any whole-body, muscle, or water column element when fish egg/ovary concentrations are measured. Instantaneous measurement.
2. Frequency: Not to be exceeded.
3. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Instantaneous measurement.
4. 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.
5. Frequency: Not to be exceeded more than once in three years on average.
6. Intermittent Exposure Equation =

$$\frac{WQC_{30\text{-day}} - C_{bkg\text{r}nd} (1 - f_{int})}{f_{int}}$$

where $WQC_{30\text{-day}}$ is the water column monthly element, for either lentic or lotic waters; $C_{bkg\text{r}nd}$ 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)

(3-25-16)

Footnote r is not effective for CWA purposes until the date EPA issues written notification that the revisions adopted under Rule Docket No. 58-0102-1701 have been approved.