

Negotiated Rulemaking
Docket No. 58-0102-1703

Designation of Domestic Water Supply

April 24, 2018



Outline

- Review of comments received from December Rulemaking
- Summary of Issues
 - Domestic Water Supply Use Definition
 - Identification of Waters to Designate
 - Designated Small Water Supply Table and Turbidity Criteria
- Review of Draft 2
- Next Steps

Comment Summary

- Idaho Conservation League
- Stephen Tanner
- Richard Rogers
- EPA
- Suez



Comment Summary

- 100.03.a: Changes to Domestic Water Supply Definition
 - Questions of intent and implications from adding language regarding treatment
 - Suggestions for clarification
- 110 – 160: Identification of Waters to Designate
 - Suggestion to use IDWR domestic water rights database
 - Suggestion to include GWUDI

Comment Summary

- 252: Designated Small Public Water Supplies Table and Numeric Turbidity Criteria
 - Suggestion to maintain and update static table of Public Water Systems
 - Suggestion to maintain Turbidity Criteria
 - Commenters indicated that an absolute value of 5 NTU is required
- General: Hold additional meeting, reach out to public water system operators

Summary of Issues

- Domestic Water Supply Use Definition
- Identification of Waters to Designate
- Designated Small Water Supply Table and Turbidity Criteria



Domestic Water Supply Use Definition

- Clarify intent and implications of revision by adding language referencing Drinking Water Rules
 - Raw water should never be considered safe to drink, DWS use should make this clear
 - Use and Criteria always apply to the entire Water Body Unit as described in WQS; not post-treatment
 - Criteria that apply are the HHC for Fish + Water in Section 210



Domestic Water Supply Use Definition

100.03.a. *Domestic (DWS): water quality appropriate for use as untreated raw water (as defined under IDAPA 58.01.08 “Idaho Rules for Public Drinking Water Systems”) for public drinking water supplies ~~after appropriate treatment.~~*

**IDAPA 58.01.08.003.115 defines “raw water” as “any ground water, spring water, or surface water utilized as source water prior to treatment for the purpose of producing potable water.”*

Domestic Water Supply Use Definition

100.03.a. *Domestic (DWS): water quality appropriate for use as untreated raw water (as defined under IDAPA 58.01.08 “Idaho Rules for Public Drinking Water Systems”) for public drinking water supplies ~~after appropriate treatment.~~*

*Defines water quality requirement, not limitation on where it can be applied.

Domestic Water Supply Use Definition – applicable criteria

252. Surface Water Quality Criteria for Water Supply Use Designation

01. Domestic. Waters designated for domestic water supplies are to exhibit the following characteristics:

- a. Must meet general water quality criteria set forth in Section 200 and the Water & Fish criteria set forth in Subsection 210.01.b.*

Domestic Water Supply Use Definition – applicable criteria

252. Surface Water Quality Criteria for Water Supply Use Designation

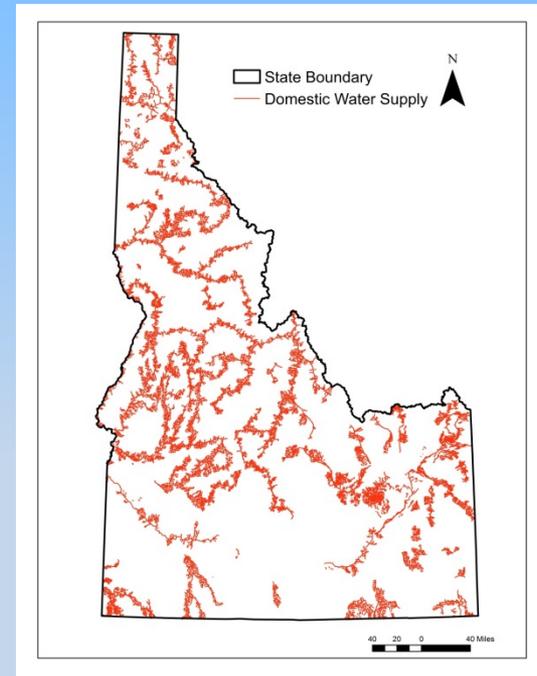
*01. Domestic. **Waters designated for domestic water supplies** are to exhibit the following characteristics:*

*a. **Must meet general water quality criteria set forth in Section 200 and the Water & Fish criteria set forth in Subsection 210.01.b.***

*Clarifies where it applies (designated waters) and what criteria are applied (200 and 201.01b).

Summary of Issues

- Domestic Water Supply Use Definition
- Identification of Waters to Designate
- Designated Small Water Supply Table and Turbidity Criteria



Water Body Identification System

- Provides the basis for use designations in Idaho WQS
- Based on subbasins and numbered after USGS Hydrologic Unit Codes (HUC)
- Include all named and unnamed tributaries to the defined water body unit

Idaho Basins & HUCs



Legend

-  Administrative Basins
-  HUC Boundaries



Example of Use
Designation by
WBID

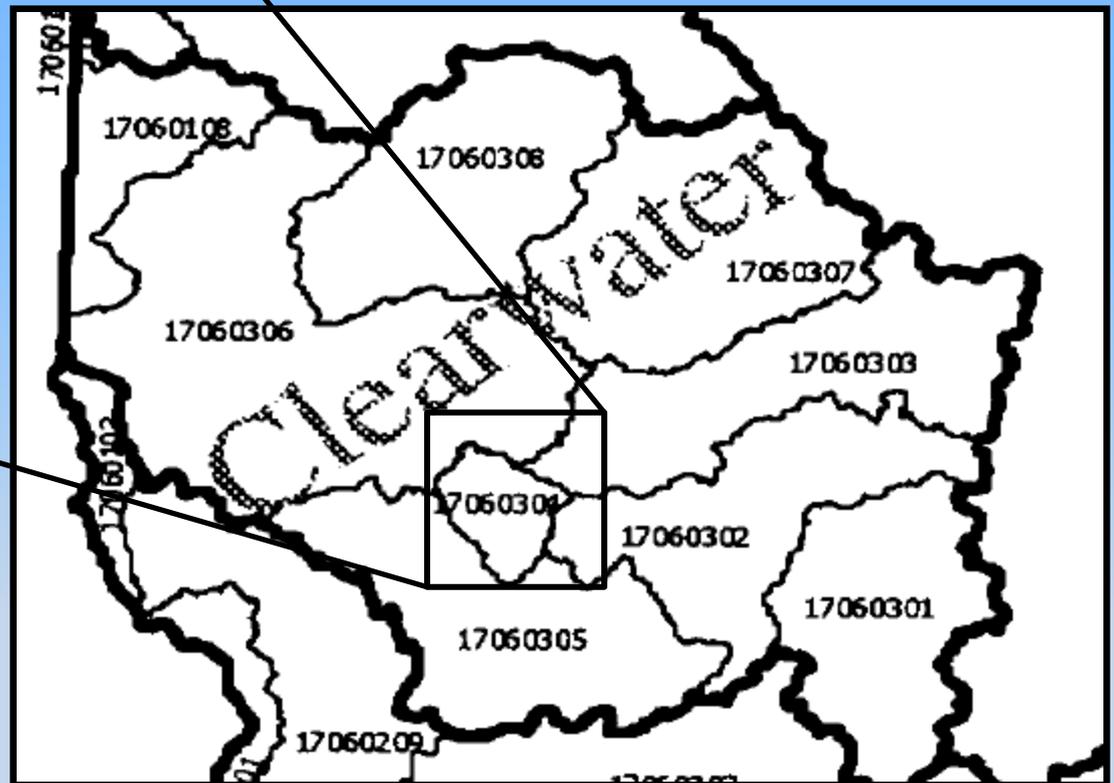
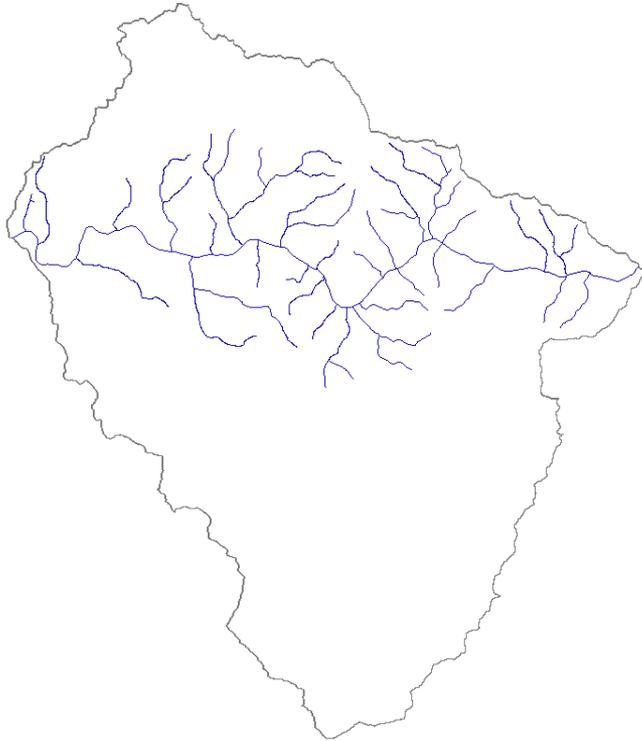
120. Clearwater Basin

06. Middle Fork

Clearwater Subbasin

C-1: MF Clearwater

Confluence of Lochsa and
Selway to Mouth



Identification of Waters to Designate

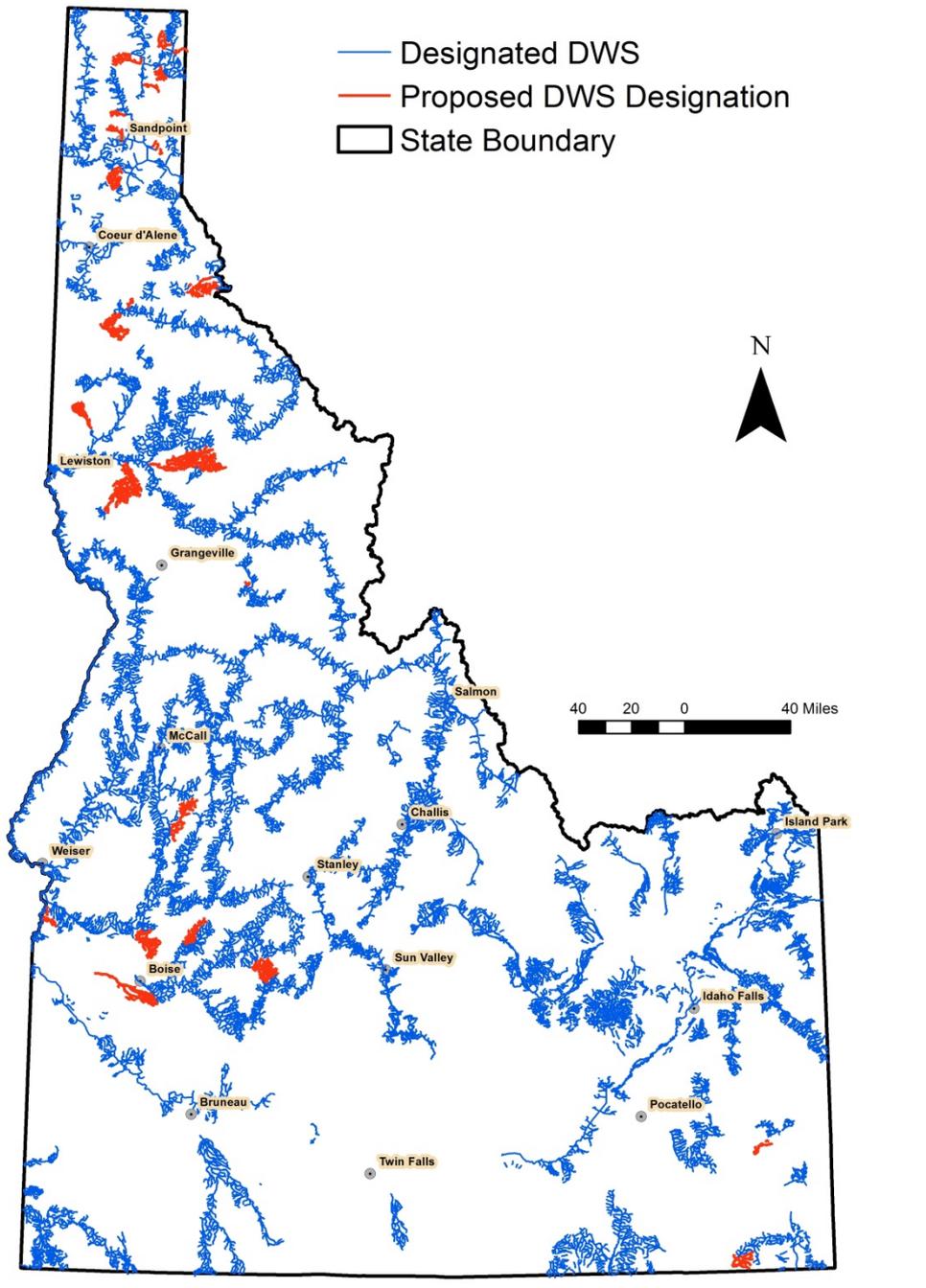
- Initially identified 12 water body units where DWS was an existing use but not designated

Identification of Waters to Designate

- Worked with DEQ Drinking Water Staff to make sure list was complete, expanded to include GWUDI systems

Identification of Waters to Designate

- 29 Water Body Units with active SW intakes or GWUDI systems proposed for designation (from SDWIS)



Designated DWS:

- 22,957 miles of rivers and streams
- serving 46 Public Water Systems

Proposed DWS:

29 additional Water Body Units

- 1,269 miles
- serving 35 Public Water Systems

Summary of Issues

- Domestic Water Supply Use Definition
- Identification of Waters to Designate
- Designated Small Water Supply Table and Turbidity Criteria



Designated Small Water Supply Table

- Concerns with maintaining static table:
 - May be misinterpreted as list of designated waters
 - Requires frequent updates
 - Criteria only apply to waters listed (no protection when existing but not designated)
- Expanding protection to everywhere with an intake

Turbidity Criteria

- Preliminary Draft:
 - Proposed removal of numeric turbidity criteria



Turbidity Criteria

- Draft 2:
 - Revised to include numeric criteria *nearly* identical to current WQS

Turbidity Criteria

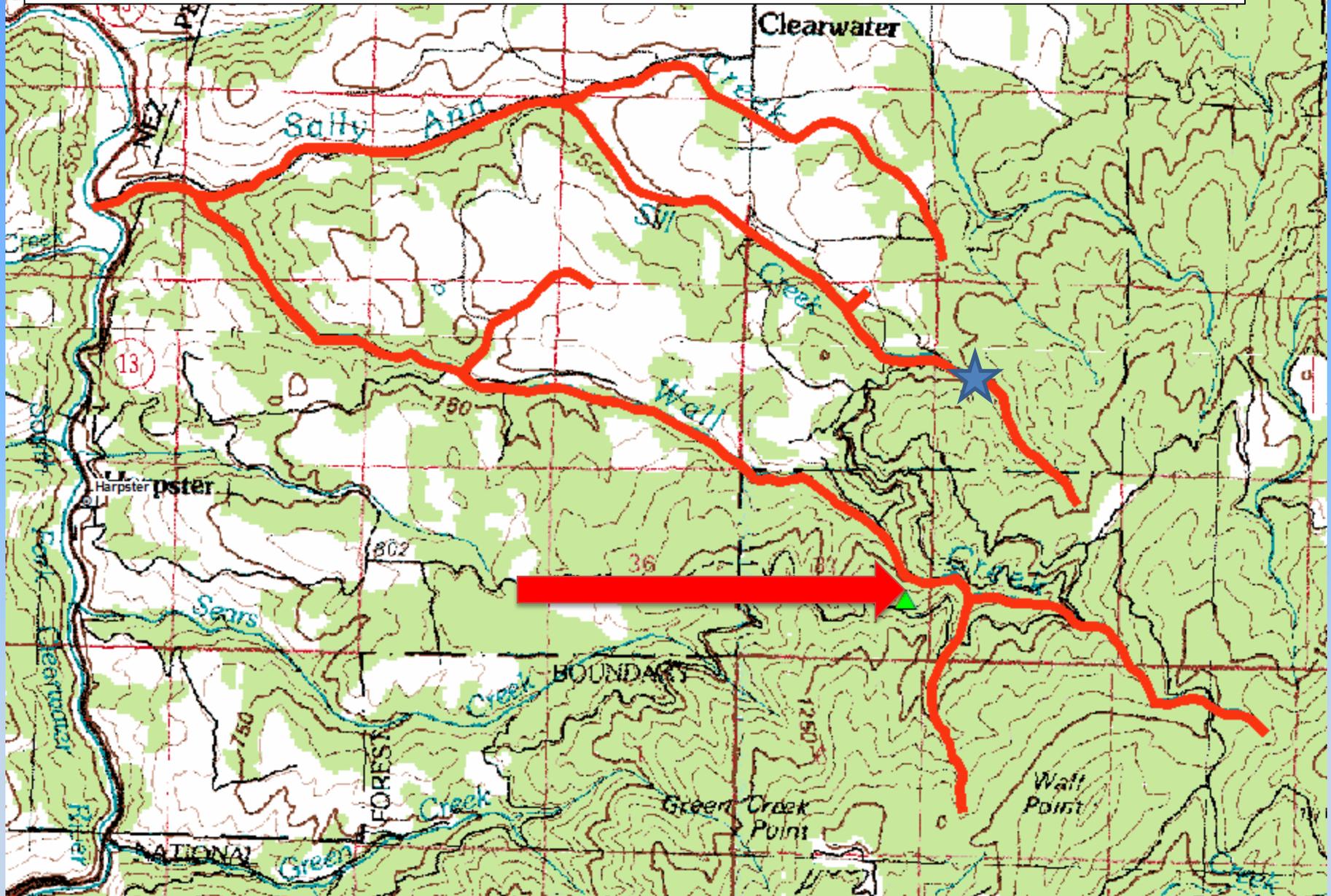
- b. ~~For those surface waters identified in Subsection 252.01.b.i~~ Turbidity as measured at ~~the~~ any public water intake shall not be:*
- i. Increased by more than five (5) NTU above ~~natural~~ background, measured at a location upstream from or not influenced by any human induced nonpoint source activity, when background turbidity is fifty (50) NTU or less.*

 - ii. Increased by more than ten percent (10%) above ~~natural~~ background, measured at a location upstream from or not influenced by any human induced nonpoint source activity, when background turbidity is greater than fifty (50) NTU.*

Toxics vs. Turbidity

- Numeric toxics criteria apply throughout the Water Body Unit
- Numeric turbidity criteria apply *at a public water system intake*

ID17060305 C-81, Sally Ann Creek – Source to Mouth



Draft 2

Next Steps

- Comments Due May 11, 2018
 - Draft 2 language
 - Waters identified for designation
- Basin and Watershed Advisory Group Consultation on Use Designation (May 31)
- Proposed rule published in August Bulletin

Questions?

Draft 2 - Rule language as drafted

100.03.a

Domestic (DWS): water quality appropriate for use as untreated raw water (as defined under IDAPA 58.01.08, “Idaho Rules for Public Drinking Water Systems”) for public drinking water supplies.

Draft 2 - Rule language as drafted

252.01.

Domestic. Waters designated for domestic water supplies are to exhibit the following characteristics:

a. Must meet general water quality criteria set forth in Section 200 and the Water & Fish criteria set forth in Subsection 210.01.b.

Draft 2 - Rule language as drafted

252.01.

b. Turbidity as measured at any public water intake shall not be:

i. Increased by more than five (5) NTU above background, measured at a location upstream from or not influenced by any human induced nonpoint source activity, when background turbidity is fifty (50) NTU or less.

Draft 2 - Rule language as drafted

252.01.

b. Turbidity as measured at any public water intake shall not be:

ii. Increased by more than ten percent (10%) above background, measured at a location upstream from or not influenced by any human induced nonpoint source activity, not to exceed twenty-five (25) NTU, when background turbidity is greater than fifty (50) NTU.