STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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Governor Brad Little
Director John H. Tippets

July 19, 2019

Mr. Dan Opalski
Office of Water and Watersheds, Region 10
U.S. Environmental Protection Agency
1200 6th Ave., Suite 155
Mail Stop: OWW-192
Seattle, WA 98101

Re: Submission of Revisions to Water Quality Standards for Approval: Idaho Rule Docket 58-0102-1703

Dear Mr. Opalski:

Consistent with the Clean Water Act §303(c) and 40 CFR 131.20, revisions to Idaho's Water Quality Standards (WQS) are hereby submitted for EPA approval.

This rule making designates domestic water supply (DWS) as a beneficial use in 27 water bodies where the Safe Drinking Water Information System indicates an active surface water intake or ground water under direct influence of surface water and where domestic water supply is not currently designated.

IDAPA 58.01.02 Sections 110 through 160 were revised to add Domestic Water Supply (DWS) designations to the "Other" column for 27 water body units. Subsection 100.03.a. was revised to clarify that the domestic water supply use is appropriate for use as untreated raw water for public drinking water supplies. Subsection 252.01 was revised by deleting Subsection 252.01.a, as it is redundant with the Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08. Protection of surface waters from radioactivity is achieved with the narrative criteria in Subsection 200.04.

New Subsection 252.01.a. was added to clarify that general water quality criteria in Section 200 apply, and that turbidity should be measured at any public water intake to determine compliance with criteria.

On December 5, 2017, DEQ posted notice of the negotiated rulemaking on its website, and a preliminary draft rule was made available for public review. The Notice of Negotiated Rulemaking was published in the December 6, 2017, issue of the Idaho Administrative Bulletin. Negotiated rulemaking meetings were held on December 19, 2017, and April 24, 2018. Members of the public participated in the negotiated rulemaking process by attending the meetings and by submitting written comments. At the conclusion of the negotiated rulemaking process, DEQ

formatted the final draft for publication as a proposed rule. The proposed rule was published in the August 1, 2018, issue of the Idaho Administrative Bulletin, followed by a formal 30-day comment period.

The rule was presented to the Idaho Board of Environmental Quality (Board) on November 14, 2018, and adopted as a pending rule.

The pending rule was noticed in the December 5, 2018, issue of the Idaho Administrative Bulletin and finalized by the 2019 Idaho Legislature becoming effective under Idaho Law on April 11, 2019.

DEQ has an online record of the rulemaking process that includes all the rule drafts and comments received, presentations given, and materials distributed, which can be accessed at: www.deq.idaho.gov/58-0102-1703. In addition to the documents itemized below, all materials that are posted at this URL are hereby incorporated by reference in this submittal.

The rule submittal package includes:

1) This cover letter, briefly describing the rulemaking, its justification, and the contents of the package supporting the rule being submitted for approval;

2) December 6, 2017 Notice of Negotiated Rulemaking;

3) August 1, 2018 Notice of Proposed Rule announcing opening of 30-day public comment period on proposed rule;

4) Summary of negotiated rulemaking prepared for the Board, including the summary of public comment and DEQ's response;

5) November 2018 Board Meeting Minutes;

6) December 5, 2018 Notice of Pending Rule announcing adoption by the Board;

7) May 1, 2019 Omnibus Rulemaking Notice of Final Legislative Action (available at www.deq.idaho.gov/58-0102-1803 on May 1, 2019); and

8) An Attorney General's certification that the rules were adopted according to state law.

In addition, electronic copies of the above materials have been burned onto a CD for your convenience. If you have any questions on this rulemaking and the enclosed supporting materials, please contact Jason Pappani at (208) 373-0515 or Jason.pappani@deq,idaho.gov.

Sincerely,

Mary Anne Nelson, PhD
Water Quality Division Administrator

MAN:MD:lf

enclosure

c: Jason Pappani, Surface Water Bureau Chief
Michelle Dale, Senior Water Quality Standards Scientist
Lisa Macchio, EPA Region 10