

**Idaho Water Quality Standard Rule
Adopts Aquatic Life Criteria for 3 Toxics and
Adopts an Alternate Fecal Indicator Bacteria Criteria
Docket No. 58-0102-1802
<< Senate Tab 2 Page 209>>**

1. Why was this rulemaking necessary?

- The purpose of this rulemaking is to adopt criteria to protect aquatic life in surface waters from three toxic substances and to adopt an alternate fecal indicator bacteria criteria.
- 3 Toxics are:
 - acrolein (aquatic herbicide - EPA 304a recommended criteria in 2009 = 3 ug/L)
 - carbaryl (pesticide- EPA 304a recommended criteria in 2012 = 2.1 ug/L)
 - diazinon (pesticide- EPA 304a recommended criteria in 2005 = 0.17 ug/L) (pg 215)
- The alternate fecal indicator bacteria proposed is enterococci. (pg 229)
 - E. coli is the current bacteria standard (126 counts per 100 mL)
 - Enterococci criteria is proposed to be 35 counts per 100 mL
 - The relationship of enterococci concentration to human illnesses is direct, whereas E. coli criteria is derived based on its relationship to enterococci.
 - Additionally, enterococci is proposed to be an alternate fecal indicator bacteria because it is anticipated to have longer holding times for analysis than E. coli. This provides for remote sampling locations to get the bacteria samples into the lab in time to run the analysis within standard laboratory methods.
- One additional change is to include secondary contact recreation (wading) in with waters that are designated for primary contact recreation (swimming). (pg 212)
- This rule should benefit point source dischargers to surface waters by the selection of the bacteria criteria in there IPDES application that suits there needs.

2. What opportunities did we provide for public involvement?

- The draft Rule was published in the May 2018 Administrative Bulletin and was negotiated on May 31, and June 28, 2018.
- DEQ provided a 30 day public comment period after publication of the proposed rule in the administrative bulletin September 5, 2018.
- DEQ's Board approved the rule at the November Board meeting.

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

- No additional costs to the regulated community.

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

- There are no controversial issues with this rule.

5. Stringency issue?

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

DEQ requests the Committee recommend approval of the rule docket 58-0102-1802. This concludes my presentation. I'll stand for questions.