IDAHO GROUND WATER PROTECTION INTERAGENCY COOPERATIVE AGREEMENT June 2020

I. PARTIES TO THE AGREEMENT

This Agreement is made between the Idaho Department of Environmental Quality (DEQ), the Idaho Department of Water Resources (IDWR), the Idaho State Department of Agriculture (ISDA), the Idaho Soil and Water Conservation Commission (ISWCC), Idaho Public Health Districts (Health Districts), and the Idaho Department of Health and Welfare (IDHW), (collectively, the "Parties").

This Agreement is consistent with the Idaho Ground Water Quality Plan (GWQP), which states on page 39: "IDHW-DEQ, IDWR, ISDA, and other appropriate agencies should jointly develop a Memorandum of Understanding (MOU) to clearly define agency roles, enhance cooperative efforts and avoid duplication of efforts whenever possible."

Idaho Code § 39-126, "Duties of State and Local Units of Government," mandates that "all state agencies shall incorporate the adopted ground water quality protection plan in the administration of their programs." This Agreement replaces the Idaho Ground Water Protection Interagency Cooperative Agreement of 2008.

A summary of existing DEQ, IDWR, ISDA, ISWCC, Health Districts, and IDHW agency authorities, roles and responsibilities relative to ground water protection and this Agreement is provided in Appendix A. This Agreement is not intended to expand, diminish or otherwise change any of the authorities found in Appendix A.

II. PURPOSE

The purpose of this Agreement is to facilitate cooperative ground water quality protection programs within DEQ, IDWR, ISDA, ISWCC, Health Districts, and IDHW. Implementation language is included in this Agreement to address ground water protection in a unified manner that will: 1) coordinate activities of agency personnel and available resources; 2) accomplish efficient and effective transfer of information; 3) provide direction for specific ground water protection project and program tasks; 4) provide for implementation of the GWQP policies and other ground water programs; and 5) identify and recommend funding proposals for the protection of ground water quality, if possible.

III. AGREEMENT

The Parties commit to the following activities:

A. MONITORING

1. The Parties will conduct ground water quality monitoring and data collection activities in a manner consistent with the GWQP and agency authorities listed in Appendix A.

2. The Parties will ensure that monitoring results are distributed, when requested, to Parties within an agreed upon timeframe. In addition, the Parties will distribute monitoring results to well owners and the general public in a manner consistent with the Idaho Public Records Act (Title 74, Chapter 1, Idaho Code).

3. The Parties will encourage each Party to conduct monitoring activities in accordance with quality assurance/quality control (QA/QC) protocols. Appropriate QA/QC protocols may be based on the goals of the monitoring programs.

4. The Parties will collect, maintain, and submit to the Environmental Data Management System (EDMS) locational information for each sampled site. To coordinate sampling efforts, the Parties will report any distinguishable tags at a location (e.g. IDWR "D" tags). For locations without identifiable tags, the Parties will attach a metal tag (e.g. IDWR "A" tag), if practical and with the site owner's permission. These tags are important to establish a positive identifier for each sampled site. "A" tags are available upon request from IDWR.

5. The Parties will establish a Ground Water Monitoring Technical Committee (GWMTC), which DEQ will chair. The GWMTC membership includes representatives from DEQ, IDWR, and ISDA. Other Parties may be invited to participate as members of this committee. The GWMTC will meet as necessary to ensure that its responsibilities are properly identified and carried out. GWMTC responsibilities include:

   a) Advising and reporting to the Agricultural Ground Water Quality Coordination Committee on technical matters pertinent to the committee, when it is active;

   b) Soliciting input from individual GWMTC parties regarding ongoing and planned ground water monitoring projects and programs at the federal, state, and local levels;

   c) Coordinating individual GWMTC party monitoring resources and activities to ensure no duplication or omission of GWQP components (including use of staff time and equipment);

   d) Coordinating the responses of individual GWMTC parties to contaminant detections;

e) Receiving and discussing individual GWMTC party presentations and reports on statewide, regional, local, and other monitoring activities including trends and site-specific results at GWMTC meetings;

f) Coordinating informational assistance to individual well owners, such as determining the appropriate agency for education or health assistance; and

g) Considering funding proposals from individual GWMTC parties for related ground water quality monitoring activities, and when applicable, formally supporting individual funding requests.

B. DATA MANAGEMENT

1. EDMS is the state's data management system for housing past, present, and future ground water quality data. IDWR maintains EDMS and specific IDWR authorities related to EDMS are provided in Appendix A, section III.A.

2. Other agency databases and the federally managed Water Quality Exchange (WQX) may be utilized to provide access to ground water quality data. The WQX provides a mechanism for agencies to submit water quality data so that it can be retrieved by the public using the federally managed Water Quality Portal.

3. The Parties will exchange GIS coverage information, as appropriate and consistent with applicable law.

4. To accomplish the data management responsibilities in sections III.B.1 through III.B.3, the Parties will do the following.

   a) Designate a data management contact person, as appropriate, who will be responsible for identifying and facilitating the transfer of data to and from EDMS. This person will participate in the data management working group.

   b) Work to ensure that data are compatible with EDMS to facilitate efficient data transfer.

   c) Submit ground water quality data with locational information (see section III.A.4 of this Agreement) to EDMS at least annually in a format compatible with EDMS. All contributors will retain custodianship and stewardship of data provided. Where there are enforcement and confidentiality concerns, a Party may choose not to transfer specific data into EDMS when so advised by its legal counsel.

   d) Identify funding opportunities to assist with data management, when possible.

   e) Develop procedures and a schedule to convert electronic or hard-copy ground water quality data in agency files to an electronic format compatible with the appropriate EDMS load module.

f) Review and classify all data to be entered into EDMS. Data will be reviewed for accuracy and classified as to its level of confidence (in accordance with guidelines in the GWQP) prior to submitting data to EDMS.

C. EDUCATION

As appropriate, the Parties:

1. Will participate in and coordinate education efforts with the Idaho Interagency Ground Water Education Committee (GWEC);

2. Will share information and materials related to ongoing educational projects programs and education outreach for the general public, well owners, etc. when possible and appropriate, and coordinate such efforts with other appropriate organizations and groups to improve efficiency, ensure consistency, and avoid duplication of effort;

3. Will agree to cooperatively identify and pursue funding opportunities for ground water quality education, when possible;

4. May share fiscal responsibilities to conduct coordinated educational projects or programs;

5. Will participate in and support the Information and Education Subcommittee of the Agricultural Ground Water Quality Coordination Committee, if active;

6. Will identify a point of contact to coordinate ground water education activities; and

7. Will agree to participate and provide educational information to groups such as ground water quality improvement advisory committees and source water protection groups.

D. RESOURCE AND FUNDING COORDINATION

The Parties will work cooperatively to define the needs and prioritize the ground water protection activities of the state. The Parties will leverage existing resources and cooperatively work together to identify potential funding to address these needs.

Funding for state agencies are subject to and contingent upon available funding and spending authority from the Idaho Legislature. This Agreement, and any continuation thereof, shall be contingent upon available funds appropriated by each Party's funding source. Nothing in this Agreement shall be construed as obligating the Parties to any expenditure or obligation of funds in excess of or in advance of appropriations in accordance with Idaho law. It is understood and agreed that any moneys allocated for purposes covered by this Agreement shall be expended in accordance with its terms and in the manner prescribed by the fiscal

regulations and/or administrative policies of the Party making the funds available. Funds may be limited, discontinued, or eliminated if the Legislature fails to appropriate sufficient funds or if an Executive Order, directive or department decision limits, discontinues, or eliminates the ability of the State of Idaho to utilize appropriated funding.

Parties to this Agreement are all governmental entities, so, as such; the Agreement is not subject to the rules of competitive procurement. Financial transactions may be administered as contracts, or sub-recipient agreements, and not as part of this Agreement.

1. Examples of existing and potential future funding may include:

    a) Federal funding sources such as Clean Water Act Sections 319, 104, and 106, potential Environmental Protection Agency discretionary funds, Conservation Reserve Enhancement Program, United States Department of Agriculture Farm Bill, Homeland Security, Safe Drinking Water Well Head 10% Set-aside;

    b) State funding sources such as State general funding; and

    c) Local funding sources such as opportunities similar to user fees for Aquifer Protection Districts (e.g., Kootenai County).

2. Agency coordination agreement examples include:

    a) Memorandum of Understanding between DEQ and the Health Districts (2013); and

    b) Memorandum of Agreement between Idaho Department of Health and Welfare, Division of Public Health, Bureau of Community and Environmental Health, and Idaho Department of Environmental Quality (Jan. 15, 2020).

E. AREAS OF SPECIAL DESIGNATION

1. The Parties will coordinate and solicit input from each other when identifying areas of special designation and related GIS data layers. Examples of areas of special designation include:

    a) IDWR areas of drilling concern;

    b) ISDA areas of pesticide use restriction or prohibition;

    c) IDEQ nitrate priority areas; and

    d) Other areas identified by the Parties.

2. Before identifying areas of special designation, the Party proposing the area of special designation will solicit input from the other Parties, when appropriate.

3. Parties may develop comprehensive strategies, recommendations, policies, plans, and tools relative to land use activities in areas of special designation. These efforts will be in cooperation with appropriate local governments.

4. Source water assessment and delineation information developed by DEQ will be available to agencies upon request.

F. GROUND WATER BEST MANAGEMENT PRACTICES (BMPs)

1. For those programs in which the Parties have jurisdiction over ground water BMPs, the Parties will keep each other apprised of any significant new ground water BMP developments or significant BMP modifications.

2. The Parties will work with other managing agencies which have jurisdiction over BMPs to ensure the BMPs adequately protect ground water quality.

3. The Parties will make summary information pertaining to available ground water BMPs accessible to the public.

4. The Parties will participate in and support BMP activities as described in the GWQP and as outlined in the Agricultural Pollution Abatement Plan for the State of Idaho. This support may consist of:

   a) Participation in the development and improvement of agricultural component practices; or

   b) Participation in performance evaluations of agricultural BMP implementations, adoption or rejection of component practices, and identification of sources for BMP cost sharing and incentives; and participation in the coordination and implementation of the agricultural BMP Feedback Loop.

5. The Parties will support and develop, as appropriate, BMPs for the prevention activities listed in the GWQP.

G. NEW OR MODIFIED RULES

1. A Party initiating any change or modification to the administrative rules referenced in Appendix A will notify and provide an opportunity for the other Parties to meet and provide comments at an early stage of draft development prior to formal rulemaking. As appropriate, Parties will participate in negotiated rulemaking.

2. Any Party developing a new rule pertaining to or potentially impacting ground water quality will notify and provide an opportunity for the other Parties to meet and provide comments at an early stage of draft rule development prior to formal rulemaking.

3. The Parties may discuss needs for new rule development pertaining to ground water quality protection.

H. SPECIAL STUDIES OR EVALUATIONS

Where appropriate, the Parties will engage in cooperative studies or evaluations, using available staff resources from all appropriate Party agencies or outside agencies to prepare special reports as deemed necessary to respond to contamination events or complaints requested by 1) the Governor, 2) the Legislature, 3) agency directors, 4) local elected officials, or 5) other sources.

I. PLANNING AND IMPLEMENTATION

1. The Parties will coordinate ground water related basin or watershed planning and implementation activities, as appropriate. These activities include but are not limited to: ground water quality improvement plans (GWQIPs), Pesticide Management Plans (PMPs), Soil Conservation District BMP projects, Clean Water Act § 319 plans and projects, Source Water Protection Plans (SWPPs) and implementation activities, and coordination with other water quality planning and implementation efforts such as Total Maximum Daily Load (TMDL) implementation.

2. Planning and implementation activities shall be consistent with the State Water Plan, the GWQP, and the Idaho Agricultural Pollution Abatement Plan.

J. MEETINGS

1. The Parties will participate in meetings, as appropriate, to discuss implementation of this Agreement. The responsibility for preparing agendas and chairing meetings will be rotated among the Parties. Additional contributing personnel, such as representatives from other agencies or interest groups, shall be invited to meetings when agenda items address areas where non-signatory parties have significant responsibility, involvement, or interest. Meetings may address:

   a) Agreement planning and implementation issues;

   b) Updates and edits to this Agreement;

c) Additional strategies and goals for implementing the GWQP;

d) Work items generated from agency coordination meetings;

e) Results of monitoring projects and implementation activities; and

f) Other items as necessary.

2. Additional meetings between project/program personnel or management will be held as needed to ensure adequate implementation of this Agreement. Minutes or summaries of significant meetings will be taken by the host Party and distributed to all other parties.

K. PROGRAM COORDINATION

The Parties will coordinate their respective ground water related programs with each other, as appropriate, especially those pertaining to permit and approval activities (see Appendix A: Agency Authorities, Roles, and Responsibilities). This will provide a consistent and effective approach to protect the State's ground water, avoid duplication of efforts, reduce the potential for ground water contamination, and ensure that existing and projected future beneficial uses of ground water and interconnected surface waters are identified and protected. This will include continued interaction among the Parties' programs related to ground water quality protection.

L. MANAGEMENT OF COMPLAINTS, CONCERNS, AND REQUESTS

1. A complaint, concern, or request received by any Party that pertains to a responsibility of one or more of the other Parties shall be forwarded promptly to the responsible Party or Parties. Information forwarded will include date and time of the complaint, a description of the concern or request, and other pertinent information.

2. When requested, the responsible Party will inform the Party that received the initial complaint, concern, or request, of a particular action it has taken in response to the complaint.

3. In referring a complaint, concern or request, the Party initially contacted will not commit the responsible Party to any particular action.

IV. AGREEMENT ADDITIONS

Agency program managers, with the approval of the Parties' Directors may develop additional agreement items or implementation details to be added to the text of this document or as an appendix.

V. SIGNATORY PARTIES

State and public agencies may enter into interagency cooperative agreements under authority of Title 67, Chapter 23, Idaho Code.

This Agreement replaces the January 2008 Idaho Ground Water Protection Interagency Cooperative Agreement. This Agreement, when signed by a representative from each Party, will be effective on the date of the last signature. This Agreement remains effective until it is terminated through mutual agreement by the Parties. A Party may withdraw from the Agreement by submitting a written notice of termination to DEQ.

John H. Tippets — 6/18/2020

John Tippets, Director — Date
Department of Environmental Quality

Gary Spackman — 6/25/2020

Gary Spackman, Director — Date
Idaho Department of Water Resources

Celia R. Gould — 6/30/2020

Celia R. Gould, Director — Date
Idaho Department of Agriculture

Melody Bowyer — 7/9/2020

Melody Bowyer, Chairman, Idaho Association of Public Health District Directors — Date
Idaho Public Health Districts

6/29/2020

Teri Murrison, Administrator — Date
Idaho Soil and Water Conservation Commission

8/13/2020

David Jeppesen, Director — Date
Idaho Department of Health and Welfare

APPENDIX A: AGENCY AUTHORITIES, ROLES, AND RESPONSIBILITIES

IDAHO GROUND WATER PROTECTION INTERAGENCY COOPERATIVE AGREEMENT

Please note that agency authorities, roles, and responsibilities are subject to change as a result of changes to local, State, and Federal law and funding.

MOU signatory parties to this MOU Agreement understand, acknowledge and agree that this MOU Agreement does not expand, diminish, or otherwise change existing legal authorities or obligate an agency to perform a task not specifically authorized by law.

I. IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

The DEQ, under the Environmental Protection and Health Act (EPHA) (Title 39, Chapter 1, Idaho Code), is responsible for "the general supervision of the promotion and protection of the life, health, and environment of the people of the state." Idaho Code § 39-105. This includes the authority to formulate and recommend rules to the Idaho Board of Environmental Quality as necessary, issue licenses and permits, conduct inspections and investigations, and initiate enforcement actions as prescribed by law and rules and regulations in protection of the environment, including ground water.

The Ground Water Quality Protection Act specifies additional DEQ authority directly related to the protection of ground water quality. DEQ "is designated as the primary agency to coordinate and administer ground water quality protection programs for the state" and "has the responsibility for collecting and monitoring data for water quality management purposes." Idaho Code § 39-120.

DEQ is the lead state agency for the development and implementation of a State Source Water Protection Program under the Federal Safe Drinking Water Act and as designated by the governor of Idaho. DEQ's specific authorities related to ground water protection includes the following sections of Idaho Code and implementing rules.

A. The EPHA; Title 39, Chapter 36, Idaho Code; IDAPA 58.01.02, "Water Quality Standards"; and IDAPA 58.01.11 "Ground Water Quality Rule," give DEQ authority to protect surface water and ground water quality.

B. The EPHA; Title 39, Chapters 36, 44, 72, and 74, Idaho Code; IDAPA 58.01.02, "Water Quality Standards"; and IDAPA 58.01.24 "Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites," give DEQ authority to regulate petroleum releases.

C. The EPHA; Title 39, Chapter 36, Idaho Code; and IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules," give DEQ authority to regulate individual and subsurface sewage disposal systems.

D. Title 39, Chapters 44 and 58, Idaho Code and IDAPA 58.01.05, "Rules and Standards for Hazardous Waste," give DEQ authority to regulate hazardous wastes.

E. The EPHA; Title 39, Chapters 65 and 74, Idaho Code; and IDAPA 58.01.06. "Solid Waste Management Rules," give DEQ authority to regulate solid waste and solid waste facilities.

F. The EPHA; Title 37, Chapter 21, Idaho Code; and IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," give DEQ authority to regulate public drinking water systems.

G. The EPHA and IDAPA 58.01.13, "Rules for Ore Processing by Cyanidation," give DEQ authority to regulate ore processing by cyanidation.

H. The EPHA; Title 39, Chapter 36, Idaho Code; and IDAPA 58.01.16, "Wastewater Rules." give DEQ the authority to regulate wastewater treatment and sludge disposal facilities.

I. The EPHA; IDAPA 58.01.16, "Wastewater Rules"; and IDAPA 58.01.17, "Recycled Water Rules," give DEQ authority to regulate managed recharge by land application of wastewater or recharge water.

J. The EPHA and IDAPA 58.01.17, "Recycled Water Rules," give DEQ authority to administer pollution source permits for wastewater reuse facilities.

K. The EPHA and IDAPA 58.01.25, "Regulating the Idaho Pollutant Discharge Elimination System," give DEQ authority for the issuance and maintenance of permits for facilities or activities for which a person is required by Idaho Code and the Clean Water Act to obtain authorization to discharge pollutants to waters of the United States.

Roles and Responsibilities (related to ground water protection):

1. Work cooperatively with federal, state and local entities to implement the Idaho Ground Water Quality Plan (GWQP).

2. Implement Ground Water Bureau Activities:

   a) Conduct regional and local monitoring projects to assess ground water quality trends;

b) Conduct follow up monitoring in response to complaints or detections exceeding Idaho Ground Water Quality Standards;
c) Prepare annual ground water quality monitoring summary report and technical reports for ground water quality investigations;
d) Utilize the DEQ ground water quality database to store sampling data and information;
e) Maintain and enhance the DEQ online ground water quality mapping application;
f) Continue to provide data to IDWR Environmental Data Management System
g) Evaluate Nutrient-Pathogen studies;
h) Participate as a member of the statewide confined animal feeding operation (CAFO) site advisory team as defined in IDAPA 02.04.30. The CAFO site advisory team provides counties with environmental risk characterizations of proposed CAFO sites;
i) Collaborate with Ground Water Monitoring Technical Committee (GWMTC) members to identify and rank Nitrate Priority Areas utilizing the DEQ Policy for Addressing Degraded Ground Water Quality Areas;
j) Develop ground water quality improvement plans with local input;
k) Review and approve monitoring plans for managed aquifer recharge projects by land application.

3. Implement Source Water Protection Program: Source Water Assessment (SWA) Reports, Source Water Protection Plans (SWPPs), Source Water Protection Projects, interagency coordination, and facilitating implementation of SWPPs.

4. Implement Wastewater Bureau activities: centralized onsite system reviews and approvals, recycled water (reuse) permits, and wastewater treatment plan reviews and approvals.

5. Implement Grant and Loan Bureau activities: Drinking Water Planning Grants & Construction Loans, Wastewater Planning Grants & Construction Loans,

6. Implement Drinking Water Program: Idaho's Safe Drinking Water Program, regulates and enforces state drinking water standards, assists public water systems (PWS) with compliance, conducts sanitary surveys, and reviews public water system plans and specifications.

7. Implement Hazardous Waste Bureau Programs: Resource Conservation Recovery Act Idaho National Laboratory (INL), and permitting.

8. Implement Assessment and Compliance Bureau Programs: Underground Storage Tank and Leaking Underground Storage Tank program activities, Brownfields, Solid Waste, Preliminary Assessment, and Emergency Response.

9. Implement Remediation Bureau Programs: Mining, Voluntary Cleanup Defense Site Remediation, and Kellogg Remediation.

10. Implement DEQ pollution prevention programs: encourage green chemistry practices and proper disposal of wastes.

11. Implement the Idaho Pollutant Discharge Elimination System program: ensure beneficial uses of interconnected ground water and surface water are protected.

II. IDAHO STATE DEPARTMENT OF AGRICULTURE (ISDA)

ISDA has legislative responsibilities to protect ground water quality primarily through indirect regulatory management practices, with the exception of the direct authority of ground water quality protection from accumulation of pesticide residue from applications. Required monitoring, detailed responses and the regulation of ground water quality for pesticide residuals are described in IDAPA 02.03.01, "Rules Governing Pesticide Management Plans for Ground Water Protection," which allows for pesticide application restrictions or prohibitions. The protection of wellheads through chemigation and pesticide application rules are implemented and add additional protections to ground water quality (Title 22, Chapter 34, Idaho Code, "Pesticides and Chemigation" and IDAPA 02.03.03, "Pesticide and Chemigation Use and Application"). Compliance with regulation for Dairy and Beef CAFOs, and IPDES inspections are required (Title 22, Chapter 49, Idaho Code, "Beef Cattle Environmental Control Act" and IDAPA 02.04.15 and, "Rules Governing Beef Cattle Animal Feeding Operations" and Title 37, Chapter 6, Idaho Code, "Dairy Environmental Control Act" and IDAPA 02.04.14, "Rules Governing Dairy Byproduct"); however, a voluntary ground water monitoring program for nitrate testing is active and data are shared.

A. Division of Agricultural Resources:

The ISDA Division of Agricultural Resources has primacy from EPA for Federal Insecticide Fungicide Rodenticide Act (FIFRA) in Idaho and is responsible for implementing the Idaho Pesticides and Chemigation laws and rules. Authorities related to ground water quality protection are granted through the following sections of Idaho Code and administrative rules:

1. Title 22, Chapter 34, Idaho Code and IDAPA 02.03.03 give the ISDA the authority to:

   a) Register all pesticides and surfactants sold in Idaho.
   b) Grant the use of experimental pesticide permits authorized by EPA in Idaho.
   c) License professional and private applicators for the application of pesticides and application of pesticides and fertilizers through chemigation systems.
   d) License dealers for the sale of restricted use pesticides (RUP) and fertilizers used in chemigation systems.
   e) Require pesticide application records are maintained by professional applicators.
   f) Conduct dealer inspections to ensure that RUPs and sales of fertilizers for the use in chemigation systems are sold only to properly licensed applicators.
   g) Set maximum wind speeds during which pesticides can be applied.
   h) Monitor the storage, transportation, handling and display of pesticides as not to endanger humans or the environment.

i) Take possession and dispose of unusable, canceled or suspended pesticides to minimize risks to humans and the environment.
j) Conduct inspections of containment pads and/or areas where bulk pesticides are stored, loaded and unloaded.
k) Conduct general pesticide use inspections during the application of pesticides.
l) Conduct pesticide use inspections on applications of pesticides and/or fertilizers that are being chemigated.
m) Conduct chemigation equipment inspections to ensure proper chemigation equipment is used for the protection of both surface water and ground water.

2. Title 22, Chapter 34, Idaho Code and IDAPA 02.03.01 give the ISDA the authority to:

a) Restrict or prohibit the use of pesticides to prevent injury to land, people, animals, crops or the environment.
b) Establish a restricted area for the use of a pesticide if it is deemed necessary.
c) Create Chemical Specific Pesticide Management Plans (PMP)
d) Require elements of a PMP.
e) Use a four (4) level response to a pesticide detection for the protection of ground water.
   i. Use a level one (1)-response when a pesticide or metabolite(s) is detected at or above (20%) the reference point.
   ii. Use a level two (2)-response when a pesticide or metabolite(s) is detected at or above (50%) the reference point.
   iii. Use a level three (3)-response when a pesticide or metabolite(s) is detected at or above (50%) and below (100%) of the reference point.
   iv. Use a level four (4)-response when a pesticide or metabolite(s) is detected at or above (100%) the reference point.
f) Conduct ground water monitoring programs for pesticides.
g) Determine pesticide area boundaries for pesticide PMPs.
h) Repeal specific pesticide areas for PMPs.
i) Develop a pesticide advisory committee when needed to provide appropriate guidance on this rule.

Division of Agricultural Resources Roles and Responsibilities (related to ground water protection):

1. Regulate the use and distribution of pesticides in Idaho: Conduct routine inspections of pesticide applications, dealers, market places and pesticide facilities to ensure compliance with state and federal environmental regulations including ground water. Conduct complaint driven investigations on the misuse of pesticides that could endanger ground water.

2. Implement rules regarding pesticide management plans for ground water: Conduct Ground water monitoring projects statewide and collect and submit ground water samples for laboratory analysis. If pesticides residues have reached aquifers, those results are then compared against reference points (like a drinking water standard) to determine their magnitude, and the respective response levels.

B. Division of Animal Industries:

The ISDA Division of Animal Industries is responsible for implementing the dairy and beef CAFO state laws and rules. Specific authorities related to ground water quality protection are granted through the following sections of Idaho Code and administrative rules:

1. Title 22, Chapter 49, Idaho Code and IDAPA 02.04.15 give the ISDA (and the director of the DEQ (d)) the authority to:

   a) Govern the design, construction, operation and maintenance of wastewater storage and containment facilities on beef cattle animal feeding operations.
   b) Approve and enforce compliance with the beef CAFO nutrient management plan.
   c) Conduct inspections, review records and sample or monitor substances or parameters directly related to compliance with the Beef Cattle Environmental Control Act.
   d) The director of the department of environmental quality shall consult with the director of the department of agriculture before certifying discharges from beef cattle animal feeding operations as provided under 33 U.S.C. § 1341.

2. Title 37, Chapter 6, Idaho Code and IDAPA 02.04.14 give the ISDA (and the director of the DEQ (d)) authority to:

   a) Govern the design, construction operation and maintenance of dairy storage and containment facilities.
   b) Approve and enforce compliance with the dairy environmental management plan.
   c) Conduct inspections, review records, sample or monitor substances or parameters directly related to the Dairy Environmental Control Act and to determine compliance with the dairy farm's environmental management plan.
   d) The director of the department of environmental quality shall consult with the director of the department of agriculture before certifying discharges from dairy farms as provided under 33 U.S.C. § 1341.

Division of Animal Industries Roles and Responsibilities (related to ground water protection):

1. Regulate Dairy and Beef CAFOs: Conduct annual routine inspections to ensure compliance with state environmental regulations including surface and ground water protection.

2. Idaho Pollutant Discharge Elimination System: Under the DEQ-ISDA IPDES Memorandum of Understanding, the ISDA Division of Animal Industries is responsible for conducting CAFO IPDES permit and/or complaint-based inspections. CAFO inspections will be conducted to verify that CAFOs are not illegally discharging to waters of the United States and that permitted CAFOs are complying with their IPDES permits. As the primary agency working with CAFOs throughout the state, the ISDA routinely conducts annual inspections of all CAFOs to ensure compliance with state law. The ISDA will conduct IPDES CAFO inspections in accordance with the specifications required by the DEQ.

3. Ground Water Monitoring: Although not required by statute, the ISDA Division of Animal Industries will continue collecting ground water samples on all dairies in the state annually for nitrate testing. Laboratory results on all samples will be made available to the DEQ upon request.

C. Division of Plant Industries:

The ISDA Division of Plant Industries is responsible for the implementation of Idaho Commercial Fertilizer Law and Rules, Soil & Plant Amendment Law and Rules, and the Plant Pest Act statute and associated rules, including Rules Governing Disposal of Cull Onion and Potatoes. The Fertilizer and Amendment statutes are focused on registration, labeling, ingredients, and inspection of registered products to verify labeling compliance. The Plant Pest Act and Disposal rule are focused on the control and prevention of plant pests and disease.

1. Title 22, Chapter 6, Idaho Code "Commercial Fertilizers" and IDAPA 02.06.02.404, "Rules Governing Registrations and Licenses, Subchapter D-Fertilizer Rules Pertaining to the Idaho Fertilizer Law," give the ISDA authority to:

   a) Require registration of fertilizer products and storage facilities, including a registration fee.
   b) Set standards for product labels, including information required to be posted on such labels.
   c) Inspect facilities and sample fertilizer products for compliance with label guarantees and absence of adulteration.

2. Title 22, Chapter 20, Idaho Code "Idaho Plant Pest Act of 2002" and IDAPA 02.06.05.610, "Rules Governing Plant Disease and Quarantines, Subchapter F-Disposal of Cull Onions and Potatoes," give the ISDA authority to:

   a) Promulgate rules to carry out the purposes of the Plant Pest Act, including setting quarantine boundaries, restricting the importing and exporting of plant materials, and in general prevent the spread of plant pests within the state.
   b) The Disposal Rule in particular outlines standards for the proper disposal of cull onions and potatoes in order to prevent the spread of pests and disease.

D. Areas of Special Designation:

1. For Agricultural Resources: Under Idaho Code § 22-3418, "Restricted Pesticide Use," the ISDA Director may restrict or prohibit the use of a pesticide if it is determined that restrictions on the labeled use is necessary to protect injury to the environment (i.e. ground water). There are nine listed factors and other scientifically defensible information options that can be used to identify the necessity of a use restriction/prohibition (IDAPA 02.03.01). Methods for use restriction boundary development are detailed, and can include ground and surface water divides, and public roads (IDAPA 02.03.01 Section 400.02 (a-e). In addition, IDAPA 02.03.03 Section 961(05) has chemigation application restrictions over waters of the state (i.e. any surface waters – canals, ditches, laterals, lakes, streams or rivers).

2. For Animal Industries: CAFO siting evaluation is conducted at the request of the county and a risk determination provided to the county (IDAPA 02.04.30, "Rules Governing Environmental and Nutrient Management," and Idaho Code § 67-6529F, "Department Responsibilities – Authority to Adopt Rules and Contract With Other Agencies").

III. IDAHO DEPARTMENT OF WATER RESOURCES (IDWR)

IDWR has statutory responsibility for administering the appropriation and allotment of surface and ground water resources of the state, including geothermal resources, and to protect the resources against waste and contamination, Title 42, Chapter 2, Idaho Code, "Appropriation of Water – Permits, Certificates, and Licenses – Survey." IDWR's Director is empowered to conduct administration and enforcement "in the effectuation of the policy of the state to conserve its ground water resources" and to regulate ground water development activities.

Idaho Code § 42-1805, "Director of Department of Water Resources," states that:

> In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:
>
> 1. To prepare a present and continuing inventory of the water resources of this state, ascertain means and methods of conserving and augmenting these and determine as accurately as possible the most effective means by which these water resources may be applied for the benefit of the people of this state.
>
> 2. To conduct surveys, tests, investigations, research, examinations, studies, and estimates of costs relating to availability of unappropriated water, effective use of existing supply, conservation, storage, distribution and use of water.
>
> 3. To prepare and compile information and data obtained and to make the same available to interested individuals or agencies.
>
> 4. To cooperate with and coordinate activities with the director of the department of environmental quality as such activities relate to the functions of either or both departments concerning water quality. Such cooperation and coordination shall specifically require that:
>
> a) The directors meet at least quarterly with the director of the department of environmental quality and his staff to discuss water quality programs. A copy of the minutes of such meeting shall be transmitted to the governor.
> b) The director transmit to the director of the department of environmental quality reports and information prepared by him pertaining to water quality programs, and proposed rules pertaining to water quality programs.
> c) The director shall make available to the director of the department of environmental quality and the director of the department of environmental quality shall make available to the director all notices of hearings relating to the promulgation of rules relating to water quality, waste discharge permits, and stream channel alteration, as such directly affect water quality, and notices of any other hearings and meetings which relate to water quality.

The Idaho Water Resource Board (IWRB) was established as the constitutional water agency within IDWR. The IWRB was tasked to progressively formulate, adopt and implement a comprehensive state water plan for conservation, development, management, and optimum use of all unappropriated water resources waterways of the state, in the public interest. The State Water Plan adopted in 1976 as a policy plan, was updated and readopted in 1982, 1986, 1992, 1996, and 2012. Legislation passed in 1988 directed the IWRB to develop plans based on river basins, aquifers, or other geographic areas, for the conservation, development, management, and optimum use of all unappropriated waters. The plans have specific policies, rationales, and implementation items that now have the force of law, which are the basis for many IDWR priorities and action items below.

Specific authorities related to ground water quality protection are granted through the following Sections of Idaho Code and implementing rules:

A. Idaho Code § 39-120(2) states that IDWR has the, "responsibility to maintain the natural resource geographic information system for the state and is the collector of baseline data for the state's water resources." Idaho Code § 39-126 mandates that "all state agencies shall incorporate the adopted ground water quality protection plan in the administration of their programs." The GWQP delegates to IDWR responsibility for administering the Statewide Ambient Ground Water Monitoring Program, which collects baseline water quality data across the state, analyzes the data, and writes interpretative reports. The baseline data are stored in the ground water quality database and the publicly accessible EDMS. This is an integral part of the ground water protection program.

B. Idaho Code § 42-238 and IDAPA 37.03.09, "Well Construction Standards Rules," give IDWR authority to regulate the construction of wells, and the modification and abandonment of existing wells, including Low Temperature Geothermal wells.

C. Idaho Code § 42-238 and IDAPA 37.03.09.040, "Areas of Drilling Concern," give IDWR the authority to designate an "area of drilling concern" in which drillers must comply with additional drilling requirements in order to protect public health and the state's water resources.

D. Idaho Code § 42-238 and IDAPA 37.03.10, "Well Driller Licensing Rules," give IDWR authority to require licensing of well drillers within the state and the collection of well driller reports.

E. Title 42, Chapter 2, Idaho Code, "Appropriation of Water – Permits, Certificates, and Licenses – Survey" and IDAPA 37.03.08, "Water Appropriation Rules," give IDWR the authority to administer appropriation, through permits, of the rights to beneficial uses of waters of the state.

F. Title 42, Chapter 16, Idaho Code, "Artesian Wells," gives IDWR authority to regulate the construction and operations of artesian wells.

G. Title 42, Chapter 39, Idaho Code, "Injection Wells," and IDAPA 37.03.03, "Rules and Minimum Standards for the Construction and Use of Injection Wells," provide that ground water of the state is a public resource which must be protected against unreasonable contamination or deterioration of quality to preserve such waters for diversion to beneficial use and give IDWR authority to regulate the disposal of wastewater through injection wells.

H. Title 42, Chapter 40, Idaho Code, "Geothermal Resources Act," and IDAPA 37.03.04, "Drilling for Geothermal Resources Rules," give IDWR the authority to regulate the drilling, operation, maintenance, and abandonment of all geothermal wells in the State. IWDR's authority also includes regulatory jurisdiction over other related operations and environmental hazards pertaining to the exploration and development of geothermal resources. The Director may consider the adequacy of measures proposed to safeguard subsurface, surface, and atmospheric resources from unreasonable degradation, and especially to protect ground water aquifers and surface water sources from contamination which would render such water of lesser quality than it would have had but for the contamination.

I. Title 42, Chapter 42, Idaho Code, "Ground Water Recharge," gives IDWR authority to issue a permit for the appropriation and underground storage of unappropriated waters of the state. Policy V-C of the Idaho Ground Water Quality Plan holds that "The policy of the state of Idaho is that any program designed specifically for the artificial recharge of ground water, existing or proposed, be consistent with the policies and management objectives for water quality and quantity as defined in the Idaho Ground Water Quality Plan and the Idaho State Water Plan."

Roles and Responsibilities (related to ground water protection):

1. Regulate the construction, modification and abandonment of wells, including artesian wells, geothermal wells and underground injection wells.

2. Ensure well compliance with driller licensing standards and rules, and collection of well driller reports.

3. Coordinate the Statewide Ground Water Quality Monitoring Network, including selection of representative replacement wells, and collection of analytical data.

4. Coordinate the Statewide Ground Water Level Monitoring Network, including selection of representative replacement wells and collection of water level observation data.

5. Administer the Managed Aquifer Recharge Program.

6. Administer EDMS as per the Environmental Protection and Health Act (Idaho Code § 39-120), including coordination with data provider agencies to load and publish ground water quality data and make it available to the public.

7. Process applications for permits to appropriate water and applications to transfer water rights.

8. Monitor ground water usage through the Water Measurement Program.

9. Maintain ground water models and model data to evaluate the potential impact of ground water pumping on surface water availability.

10. Perform aquifer studies to characterize ground water aquifers and understand how aquifers interact with the environment and development.

11. Maintain geospatial information for the state's natural resources.

12. Participate as a member of the statewide CAFO site advisory team as defined in IDAPA 02.04.30. The CAFO site advisory team provides counties with environmental risk characterizations of proposed CAFO sites.

IV. PUBLIC HEALTH DISTRICTS

The Public Health Districts were created by the Idaho Legislature in 1970 to ensure that essential public health services were available to protect the health of all citizens of the state, no matter how large the county's population. Each of the seven Public Health Districts is governed by a Board of Health composed of seven to nine members appointed by the county commissioners from that district (Idaho Code § 39-411). Each Board of Health defines the public health services to be offered in its district based on the particular needs of the local populations served. They also employ a director to oversee the daily operations of the district.

A. Title 39, Chapter 4, Idaho Code, "Public Health Districts," establishes the Public Health Districts. Section 39-401 states in part: "The various health districts...are not a single department of state government unto themselves, nor are they a part of any of the twenty (20) departments of state government authorized by [the]...Idaho constitution...It is legislative intent that the health districts operate and be recognized not as state agencies or departments, but as governmental entities whose creation has been authorized by the state, much in the manner as other single purpose districts."

B. Title 39, Chapter 4, Idaho Code, "Public Health Districts" establishes that each of Idaho's seven health districts be governed by a district board of health. Section 39-414 gives the powers and duties to the district Board of Health that enable it "To do all things required for the preservation and protection of the public health and preventative health, and such other things delegated by the director of the state Department of Health and Welfare or the director of the Department of Environmental Quality."

Roles and Responsibilities (related to ground water protection):

1. Issue permits for individual subsurface sewage disposal systems (IDAPA 58.01.03).

2. Certify the availability of adequate drinking water and sewer facilities by lifting sanitary restrictions for subdivisions (Title 50, Chapter 13, Idaho Code, "Plats and Vacations"); per Memorandum of Understanding with DEQ.

3. Provide well disinfection and other safety information to owners of private wells.

V. IDAHO SOIL AND WATER CONSERVATION COMMISSION (ISWCC)

The ISWCC was created by the Idaho Legislature in 1939. The ISWCC has the authority to organize Soil Conservation Districts (SCDs) and to provide assistance and guidance to the supervisors of SCDs in order to enhance their capabilities in carrying out effective local conservation programs. The ISWCC is composed of five members appointed by the Governor for five-year terms, and administers the 50 SCDs throughout Idaho. The ISWCC operates through the local SCDs, and does not have regulatory authority or licensing authority over water quality or pollution control.

A. Title 22, Chapter 27, Idaho Code, "Soil Conservation Districts," gives ISWCC the authority to organize districts.

B. Idaho Code § 39-3602(9) names ISWCC as the designated agency for grazing activities and for agricultural activities.

Roles and Responsibilities (related to ground water protection):

1. As funding allows, implement the Idaho Agricultural Pollution Abatement Plan for private and state agricultural lands in support of the Agricultural Ground Water Quality Protection Program. Chair the Agricultural Plan BMP Technical Committee and BMP Effectiveness Technical Subcommittee.

2. Provide technical assistance to owners and operators of private lands for the planning, implementation, and evaluation of agricultural BMPs for ground water.

3. Provide technical and administrative assistance to SCDs in carrying out their authorities and programs.

4. Review SCD workload inventories and analyses and five-year business plans. Recommend financing and legislation necessary to apply needed programs and practices, including those that affect ground water quality.

5. Organize and support local SCDs in addressing state and local natural resource concerns. Assist SCDs in bringing together public outreach activities and technical/financial resources to assist in meeting ground water goals.

6. As funding allows, administer the Agricultural Water Quality Cost-share Program for Idaho.

7. Administer the Resource Conservation and Rangeland Development Program for loan distribution.

8. Develop the agricultural components of TMDL watershed implementation plans in consultation with SCDs and Watershed Advisory Groups. Insure integration of ground water quality issues and solutions into TMDL watershed planning process.

9. Implement the ISWCC strategy for addressing ground water pollution related to agriculture within Idaho's Degraded Ground Water Quality Areas.

10. Provide technical assistance for developing agricultural components of Ground Water Quality Improvement Plans, and/or Source Water Protection Plans.

VI. IDAHO DEPARTMENT OF HEALTH AND WELFARE (IDHW)

The Idaho Department of Health and Welfare, through the powers and duties of the director and the board of health and welfare shall, pursuant and subject to the provisions of Title 56, Chapter 10, Idaho Code, "Department of Health and Welfare," ...formulate and recommend to the board rules, codes and standards, as may be necessary to deal with problems related to personal health, and licensure and certification requirements pertinent thereto, which shall, upon adoption by the board, have the force of law relating to any purpose which may be necessary and feasible for enforcing the provisions of this chapter including, but not limited to, the maintenance and protection of personal health.... The director, under the rules, codes or standards adopted by him, shall have the general supervision of the promotion and protection of the life, health and mental health of the people of this state. The powers and duties of the director shall include, but not be limited to, the following:

A. The supervision and administration of laboratories and the supervision and administration of standards of tests for environmental pollution, chemical analyses and communicable diseases. The director may require that laboratories operated by any city, county, institution, person, firm or corporation for health or environmental purposes conform to standards set by the board of health and welfare and the board of environmental quality;

B. The establishment of liaison with other governmental departments, agencies and boards in order to effectively assist other governmental entities with the planning for the control of or abatement of health problems. All of the rules and standards adopted by the board shall apply to state institutions;

C. The supervision and administration of administrative units whose responsibility shall be to assist and encourage counties, cities, other governmental units, and industries in the control of and/or abatement of health problems; and

D. The enforcement of all laws, rules, codes and standards relating to health.

Roles and Responsibilities (related to ground water protection):

1. Administer IDAPA 16.02.13 Rules Governing Certification of Idaho Water Quality Laboratories. IDHW certifies drinking water laboratories to ensure that ground water sources that supply drinking water comply with the Safe Drinking Water Act and State of Idaho standards.

2. Assist with the identification, investigation, and risk mitigation activities associated with contaminated ground water sources.

3. Provide public health education and other interventions necessary to protect the health of Idahoans from contaminated ground water.