

IDAPA 58.01.02

Water Quality Standards

IDAPA 58.01.25

Rules Regulating the Idaho Pollution Discharge
Elimination System Program



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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Meeting Objectives

- Zero-Based Regulation
- Rulemaking process and timeline
- Examples of potential changes to 58.01.02 and 58.01.25
- Suggestions & Recommendations





EO No. 2020-01

Zero-Based Regulation (ZBR)

- Purpose
 - Critical and comprehensive review of all rule chapters
 - Reduce regulatory burden
 - Increase clarity and ease of use
- Goals
 - Remove obsolete, outdated, unnecessary regulations
 - Simplify rules
 - Review each ruleset every 5 years

ZBR Objectives



Clarity

- Improve consistency
- Reduce redundancy
- Remove statutory definitions

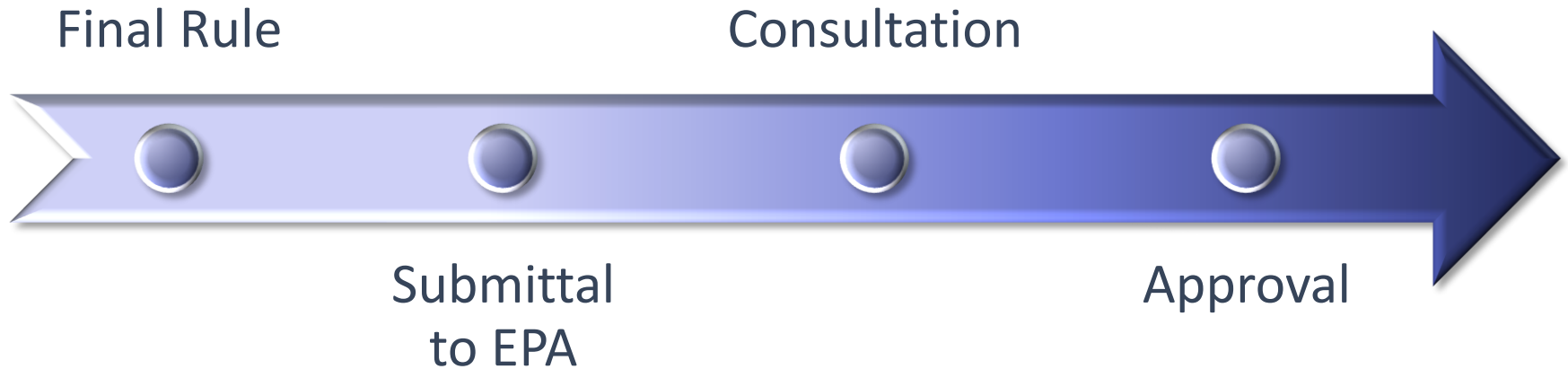
Restrictions

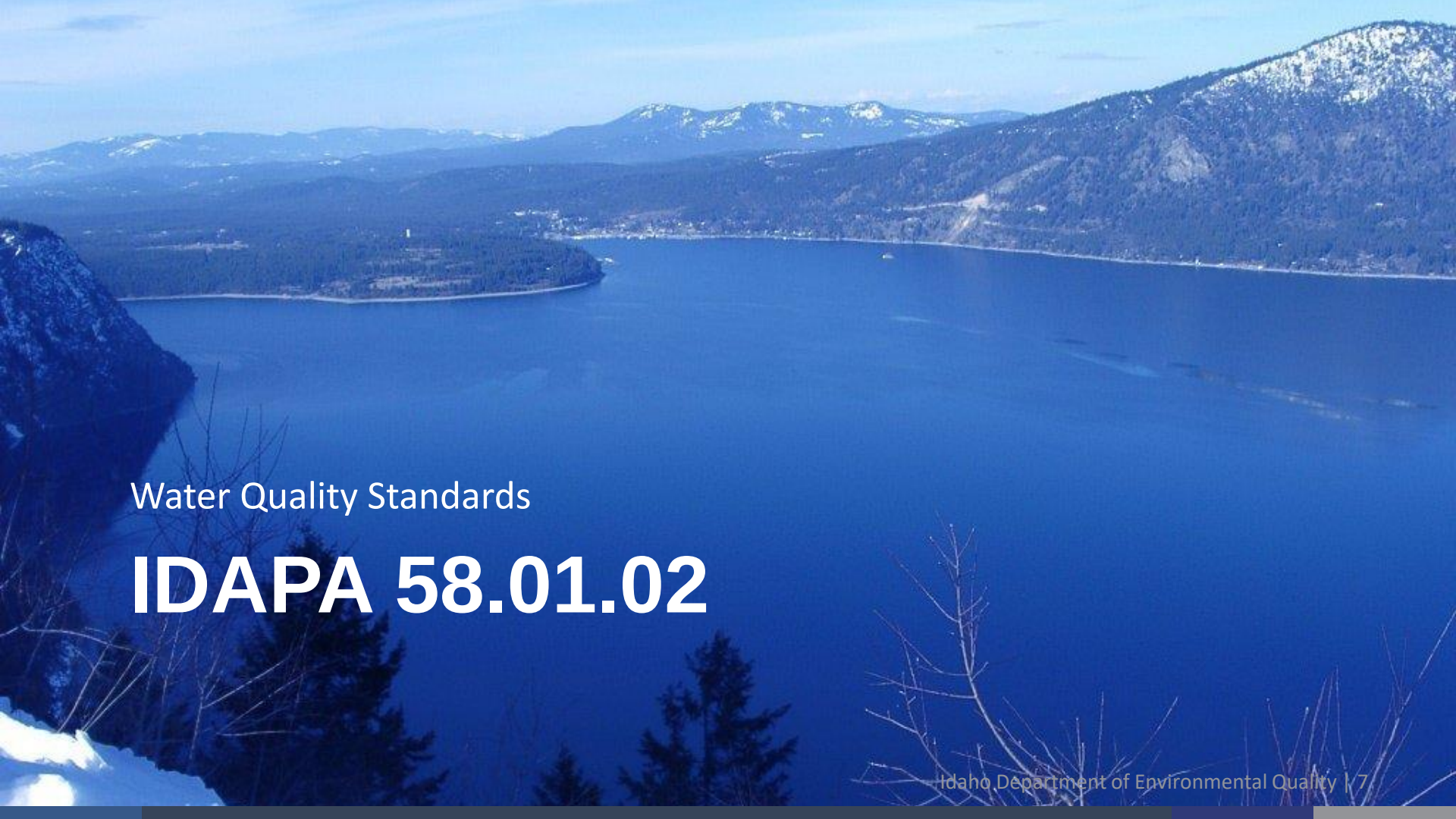
- Eliminate archaic 'shall'
- Reduce use of 'must'

Rulemaking



EPA Rule Approval





Water Quality Standards

IDAPA 58.01.02

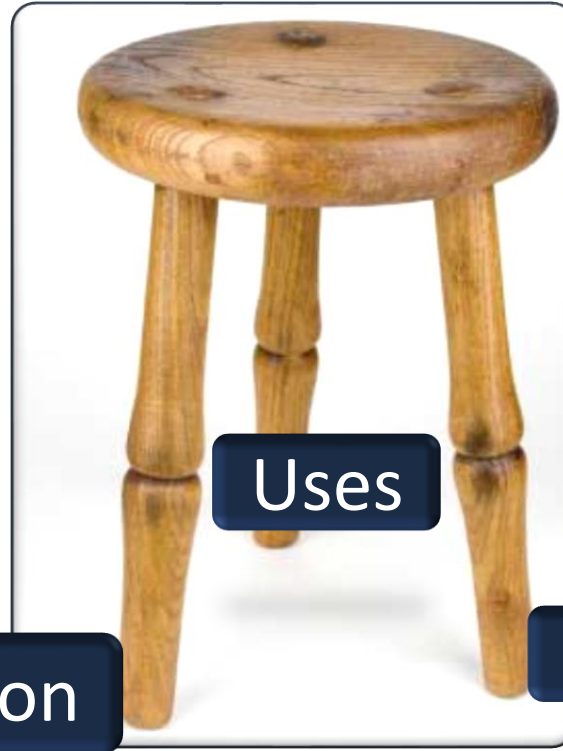
IDAPA 58.01.02

Water quality standards define the designated and beneficial uses of a water body and the quality of the water necessary to support those uses. Water quality standards include three elements:

1. Beneficial Uses
2. Criteria
3. Antidegradation



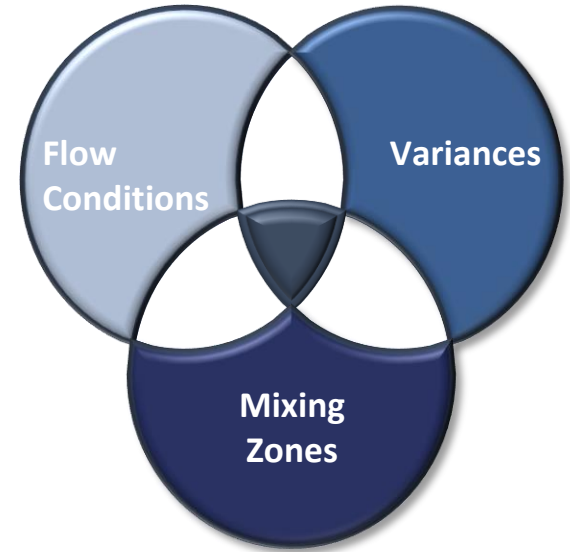
Water Quality Standards



Uses

Antidegradation

Criteria

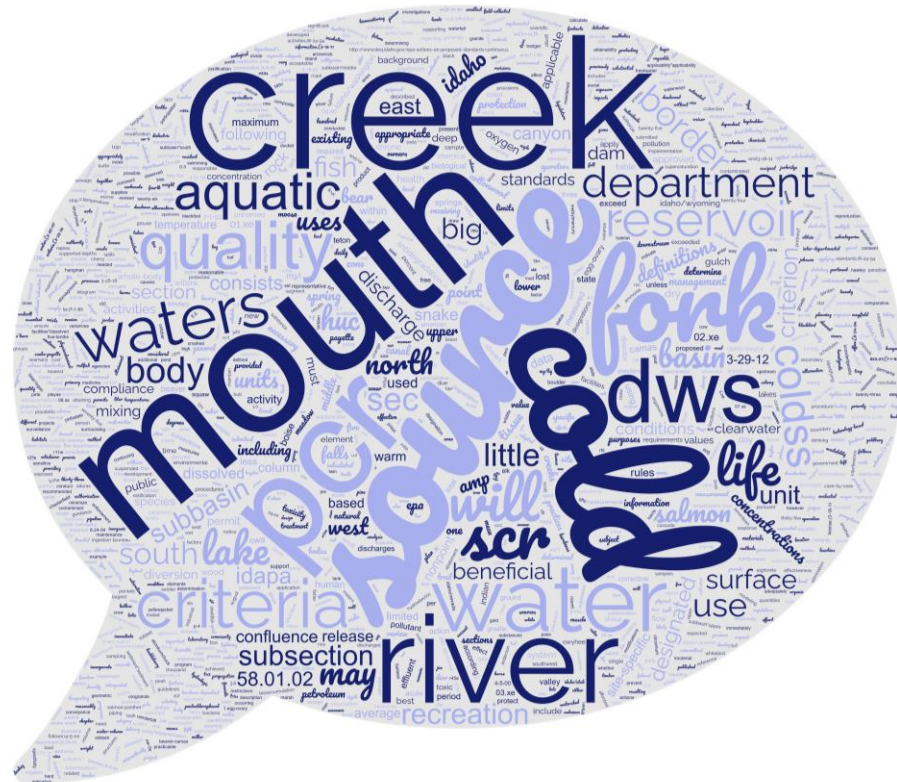


IDAPA 58.01.02 – Summary

Reviewed current language for consistency

Reduced redundancy with Idaho Code and other rules

Removed 220
occurrences of the word
shall



IDAPA 58.01.02 – Examples (cont'd)

c. In calculating the daily mean for dissolved oxygen, values used in the calculation ~~shall~~ will not exceed the dissolved oxygen saturation value. If a measured value exceeds the dissolved oxygen saturation value, then the dissolved oxygen saturation value will be used in calculating the daily mean.
(8-24-94)

Changing
shall to will



a. ~~Water bodies identified in the Integrated Report as f~~ Fully supporting assessed uses will be provided Tier II protection. ~~—~~
(3-29-12)

b. ~~Water bodies identified in the Integrated Report as n~~ Not assessed will be provided an appropriate level of protection on a case-by-case basis using information available at the time of a proposal for a new or reissued permit or license. ~~and —~~
(3-29-12)

c. ~~Water bodies identified in the Integrated Report as n~~ Not fully supporting assessed uses will receive Tier I protection for the impaired aquatic life or recreational use, except ~~as follows~~.
(3-29-12)

Removing
repeating titles.



IDAPA 58.01.02 – Example Changes

01. Upper Kootenai Subbasin. ~~The Upper Kootenai Subbasin,~~ HUC 17010101, ~~is~~ comprised of six-
(6) water body units.



Removed
repeating
words or
titles.

f. ~~Salmonid Spawning.~~ The Department ~~will~~~~shall~~ determine ~~salmonid~~ spawning periods on a water
body-specific basis ~~using~~~~taking into account~~ knowledge of local fisheries biologists, published literature, records of
the Idaho Department of Fish and Game, and other appropriate records of spawning and incubation, as ~~further~~
~~described~~ ~~the Department's most current~~~~in the current version of the~~ "Water Body Assessment Guidance," ~~published~~
~~by the Idaho Department of Environmental Quality.~~ Waters designated for salmonid spawning, in areas used for
spawning and during the time spawning and incubation occurs, ~~cannot~~ ~~are not to~~ vary from the following
characteristics due to human activities:



Tightening
up
language

(3-30-07)



Rules Regulating the Idaho Pollutant Discharge Elimination System Program

IDAPA 58.01.25

IDAPA 58.01.25

- Rules regulating the Idaho Pollutant Discharge Elimination System Program
- Delegated in 2018
- Full primacy in 2021

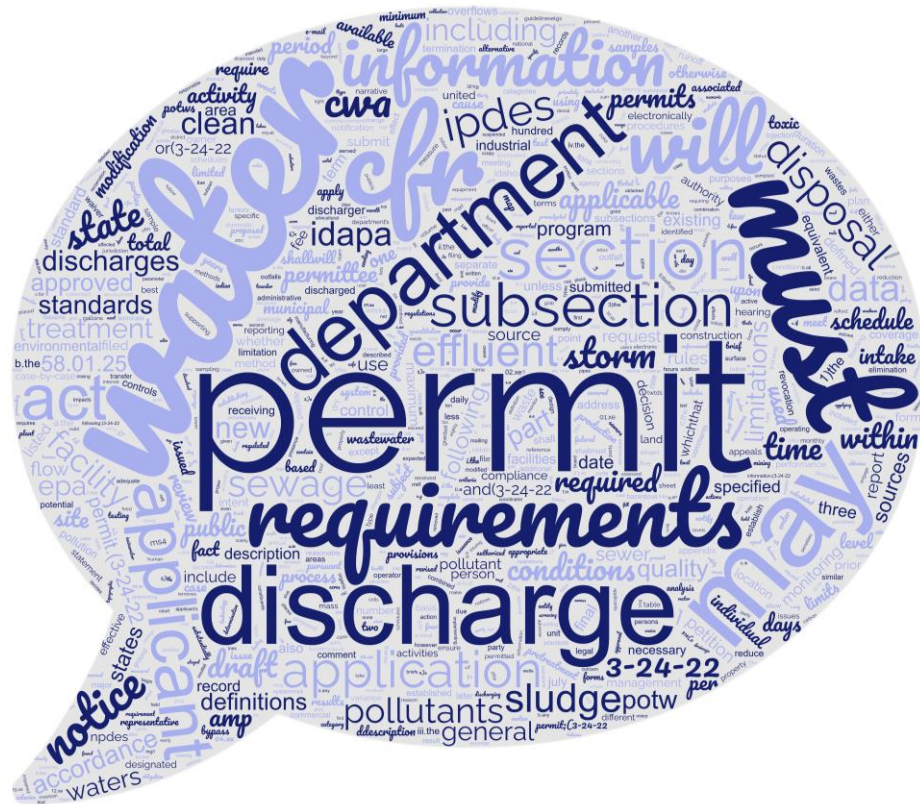


IDAPA 58.01.25 – Summary

Reviewed current language for consistency

Reduced redundancy with Idaho Code and other rules

Removed 168
occurrences of the word
shall



IDAPA 58.01.25 – Example changes

53. Notice of Intent to Obtain Coverage under an IPDES General Permit. An applicant seeking discharge coverage under an IPDES general permit **shall must** submit a notice of intent to obtain coverage for discharges to waters of the United States under general permit classifications, including, but not limited to:



Changing
shall to
must

01. Title. The rules are titled IDAPA 58.01.25, “~~Rules Regulating the~~ Idaho Pollutant Discharge Elimination System ~~Program~~Rules.” (3-24-22)

41. Hazardous Substance. ~~Any~~ substance designated under 40 CFR Part 116 ~~pursuant to the Clean Water Act section under CWA Section~~ 311.



Simplifying
and
abbreviating
names, titles

IDAPA 58.01.25 – Example Changes

~~07. Department. The Idaho Department of Environmental Quality. (4-1-88)~~

~~08. Director. The Director of the Idaho Department of Environmental Quality or the Director's designee. (4-1-88)~~

Removed
because
defined in
code

05. **Application Information for All Dischargers.** In addition to the application information required for specific dischargers, the Department may require the following ~~submission of any information necessary to ensure compliance to comply~~ with Section 103 (Permit Prohibitions). ~~Such information includes, but is not limited to and to:~~ (3-24-22)

a. ~~Information required to determine~~ determine compliance with the antidegradation policy and antidegradation implementation provisions ~~set forth~~ in IDAPA 58.01.02.051 and 052, "Water Quality Standards"; (3-24-22)

b. ~~Information required to determine~~ determine compliance with the mixing zone provisions ~~set forth~~ in IDAPA 58.01.02.060, "Water Quality Standards"; or (3-24-22)

c. ~~Information necessary for the Department to authorize a~~ authorize a permit compliance schedule under

Remove
needless
words and
clarify
meaning

Resources

- IDAPA 58.01.02 and 58.01.25 available at:
<https://adminrules.idaho.gov/rules/current/58/index.html>
- DEQ rule making info: <https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/>

Rulemaking



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