

FINAL PROPOSAL

RECYCLED WATER RULES
DOCKET NO. 58-0117-2201

The proposed rule was published in the Idaho Administrative Bulletin, September 7, 2022, Vol. 22-9, pages 491 through 515.

DEQ recommends that the Idaho Board of Environmental Quality adopt a pending rule that includes 1) the attached “Revisions to Proposed Rule for Board Consideration,” and 2) the remainder of the rule adopted as initially proposed. The draft “Notice of Rulemaking – Adoption of Pending Rule” is also attached.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
58.01.17 – RECYCLED WATER RULES
DOCKET NO. 58-0117-2201 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule will become final and effective upon the adjournment *sine die* of the First Regular Session of the Sixty-seventh Idaho Legislature unless the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapter 1, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, September 7, 2022, Vol. 22-9, pages 491 through 515.

After consideration of public comments, Subsection 100.01.a. has been revised. The remainder of the rule has been adopted as initially proposed. The board meeting documents are available at <https://www.deq.idaho.gov/recycled-water-docket-no-58-0117-2201/> or by contacting the undersigned.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 7th day of December, 2022

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Revisions to Proposed Rule for Board Consideration, Docket No. 58-0117-2201
Dated October 20, 2022
Revisions are in Subsection 100.01.a. and are highlighted in yellow.

100. APPLICABILITY.

01. Applicability to Reuse Facilities. All reuse facilities are subject to these rules except:

a. Land application of wastewater from mining, livestock truck washing facilities, feedlots, dairies, and digesters where the digestate is ~~returned to the originating farm and~~ applied according to ~~an~~ the originating dairy's Idaho Department of Agriculture approved nutrient management plan;