

Groundwater Quality Rule

IDAPA 58.01.11

Second Negotiated Rule Making

April 18, 2025

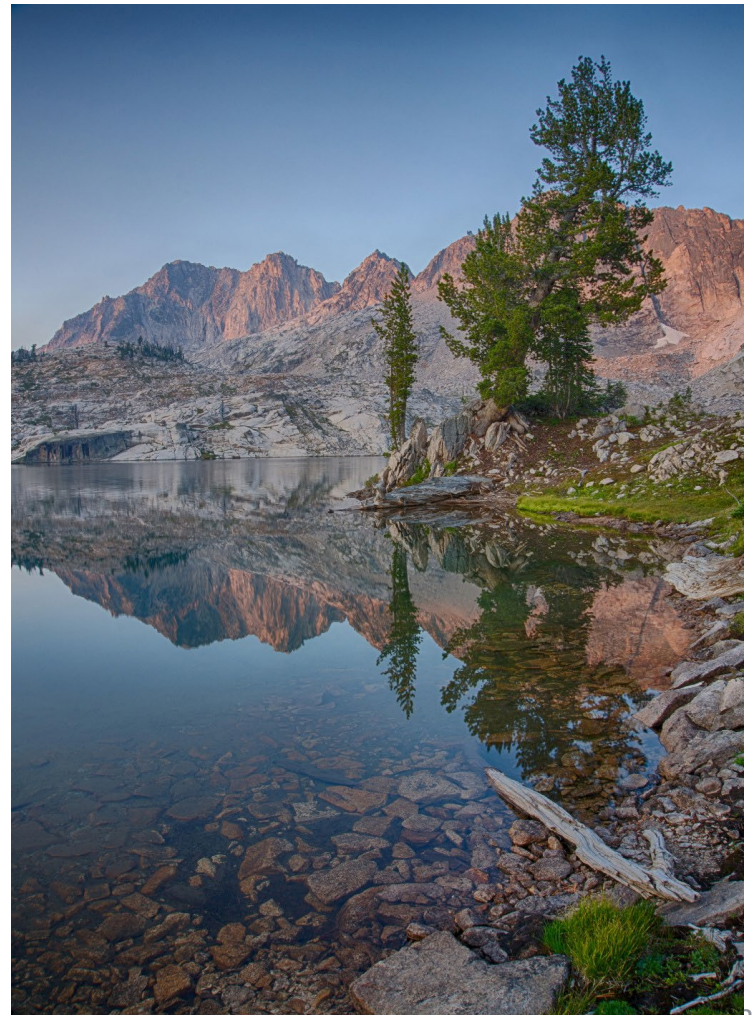


STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

Groundwater Bureau

Objectives

- Introductions
- Housekeeping
- Zero Based Regulation
- Rule Changes
- Notes Requested Changes
- Rulemaking Process & Next Steps



Housekeeping and Reminders

- In person: Please sign in
- In person: Please silence cell phones
- Online: Mute microphone when not talking
- Online: Raise hand feature or type question in chat box
- Please introduce yourself before speaking
- This meeting will not be recorded
- We encourage discussion but please submit written comments to Diane.Cutler@deq.idaho.gov by **April 25, 2025**
- Only written comments will be considered

Executive Order 2020-01

Zero Based Regulation (ZBR)

- Followed from Executive Order 2019-02, Red Tape Reduction Act
- Simplify rules
- Reduce regulatory burden
- Provide clarity and ease of use
 - Remove obsolete, outdated, unnecessary language/regulations
- Review rules on a defined schedule
- GW Rules scheduled for 2025 for the 2026 legislative session

The draft rule is available on the webpage:

[Rulemaking | Idaho Department of Environmental Quality](#)

Negotiated Rule Documents and Meeting Presentations	Date Posted	Date of Meeting	Written Comment Deadline
Negotiated Rule Draft No. 2	04/10/2025	04/18/2025	04/25/2025
Negotiated Rulemaking Meeting No. 1 – Presentation	03/18/2025	03/14/2025	03/21/2025
Negotiated Rule Draft No. 1	03/05/2025	03/14/2025	03/21/2025

Draft 2 Changes

1. Section 004. Referenced Material.
 1. Removed date reference for statistical guidance.
2. New 003. Incorporation by Reference and related section 200. Groundwater Quality Standards.
 1. Replaced table with drinking water standards consistent with Idaho Code 39-120.4. [[see next slide](#)]
 2. Exceptions: Bacterial, Disinfection MRDLs (chlorine, chloramine)
3. 007.03. Added “including drinking water supplies”
4. 200.01.c. Reference added to cyanidation rules
5. 301. Removed redundant language and added modeling language

Idaho Code 39-120(4)

The director of the department of environmental quality may develop and recommend for approval by the board through rulemaking, ambient ground water quality standards for contaminants for which the administrator of the United States environmental protection agency has established drinking water maximum contaminant levels. The director may develop and recommend for approval by the board, through rulemaking, ground water quality standards for contaminants for which the administrator of the United States environmental protection agency has not established drinking water maximum contaminant levels. However, the existence of such standards, or the lack of them, should not be construed or utilized in derogation of the ground water quality protection goal and protection policies of the state.

Additional Notes

- Microbial contaminants (note)
- **Add back in** - Lead & copper (action levels versus MCLs)
- Request to modify 007.13:
 - **13. Degradation.** The lowering of ground water quality and injury to beneficial use as measured in a statistically significant and reproducible manner.
- Request consistent terminology: injury, impairment, threat, etc.
- Request unlisted constituents in permit conditions.
 - 200.02 Narrative standards can apply

Additional Notes

- 200.02.a. request for addition
 - Best scientific information currently available on human health risk of ~~adverse effects~~ of the contaminant(s);
- 400.02.b. Request for addition:
 - The following criteria shall be considered when determining the regulatory significance of degradation:
- Request to add Section 600 of the Wastewater Rules into 58.01.11

References/Links

- [Idaho Code 39-120](#)
- [40 CFR 141](#)
- [Statistical Guidance](#)
- [Groundwater Quality Plan](#)



Rulemaking Process and Next Steps

Negotiations

March 14, 2025 & public comments due March 21, 2025

2nd: April 18, 2025

Public comments due by April 25, 2025

Proposed Rule

Publish in August 2025 bulletin

21-day public comment (August 27, 2025)

DEQ Board

November 2025

Pending Rule will be published in the December 2025 Bulletin

Public Discussion

- Please state your name and affiliation.
- Note this is not the official public comment forum.
- Please provide comments in writing by April 25, 2025 to:
Diane.Cutler@deq.Idaho.gov



Thank you