

Groundwater Quality Rule

IDAPA 58.01.11

Third Negotiated Rule Making

May 27, 2025

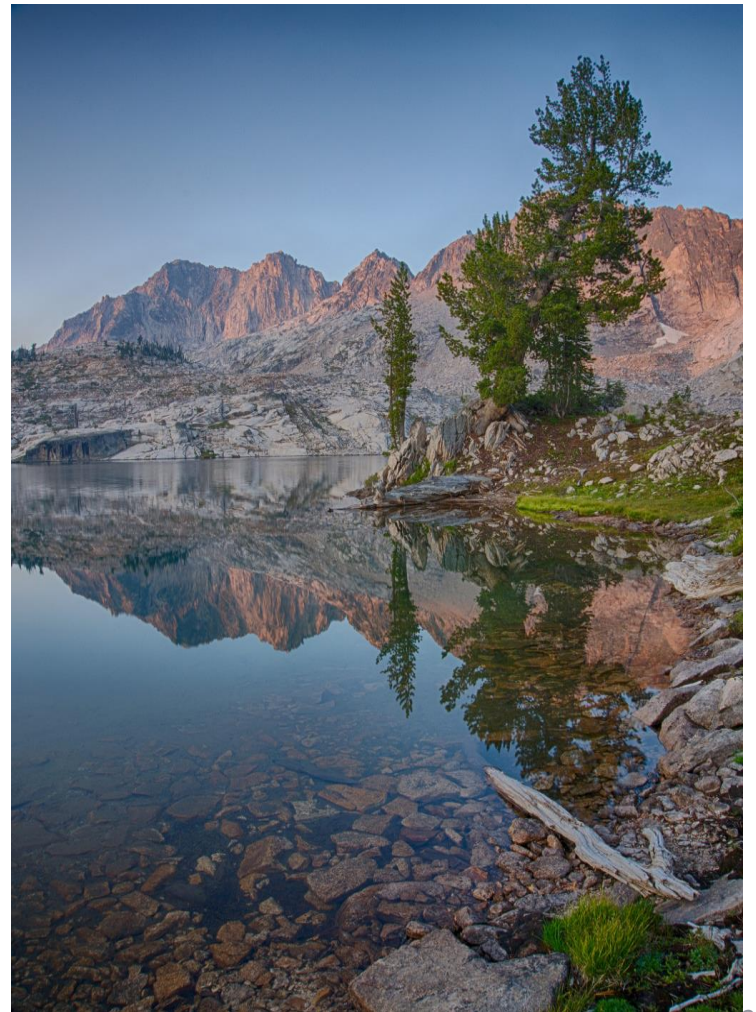


STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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 **June 3, 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 - Remove obsolete, outdated, unnecessary language/regulations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. 3	05/20/2025	05/27/2025	06/03/2025
Negotiated Rulemaking Meeting No. 2 – Presentation	05/02/2025	04/18/2025	04/25/2025
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 3 Changes

1. Wording: impact to degradation in 007.04 and 06 and impair/impairment in 400.02 & 401.03 & effects in 401.03.g. & injury to impairment
 - **04. Best Available Method.** Any system, process, or method ~~which~~ that is available to the public for commercial or private use to minimize the ~~impact~~ degradation ~~of~~ from point or nonpoint sources of contamination ~~on~~ ground ~~water~~ of groundwater quality.
 - **06. Best Practical Method.** Any system, process, or method that is established and in routine use ~~which could~~ that can be used to minimize the ~~impact~~ degradation ~~from~~ of point or nonpoint sources of contamination ~~on~~ ground ~~water~~ of groundwater quality.

Draft 3 Changes cont.

- (2) The degradation will not ~~adversely impact~~impair a beneficial use. (3-24-22)
- The point(s) of compliance ~~shall~~will be set so that, outside the mining area boundary, there is no ~~injury~~impairment to current or projected future beneficial uses
- The existing quality of the ~~ground-water~~ groundwater, including other sources of contamination and their cumulative ~~impacts~~effects on the ~~ground-water~~ groundwater;

2. Added back in lead (.010 mg/L), new lower drinking water standard and copper (1.3 mg/L)

Comment	Response
Move Rathdrum Prairie Aquifer classification from rule text to a separate updateable table.	Thank you for your comment. The Rathdrum Prairie Aquifer as the only sensitive aquifer is outlined in rule in large part due to it being a rule-driven process for that determination. The reference in the rule allows for ease of reference. No changes were made.
Consider classifying Eastern Snake River Plain Aquifer as a sensitive resource.	Thank you for your comment. The re-categorization of an aquifer is performed through a petition process outlined in section 350. Although it states the Department may petition the Board, the process is intended to be a local decision. The Snake River Plain Aquifer is a large aquifer and would require significant evaluation. DEQ suggests that if there is interest in reclassifying the aquifer or a portion of the aquifer, local parties petition the Board of Environmental Quality with the appropriate documentation for consideration. The DEQ Board would then determine the approval to move forward with a rulemaking. No changes were made.
Require public comment opportunities during aquifer categorization or recategorization processes.	Thank you for your comment. If the Board determines that an aquifer should be recategorized, the Department would initiate a rulemaking with the appropriate public comment process. No changes were made.

References/Links

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



Rulemaking Process and Next Steps

Negotiations

1st: March 14, 2025 & public comments due March 21, 2025

2nd: April 18, 2025. Public comments due by April 25, 2025

3rd: May 27, 2025, public comments due to Diane Cutler by 6/3/2025

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 **June 3, 2025** to:
Diane.Cutler@deq.Idaho.gov



Thank you