

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 – WATER QUALITY STANDARDS

DOCKET NO. 58-0102-2601

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Sections 39-105, 39-107, and Chapter 36, Title 39, Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting. For those who cannot participate by attending the meeting, information for submission of written comments is provided at the end of this notice.

MEETING SCHEDULE: A negotiated rulemaking meeting has been scheduled. Details, including a Teams meeting link for this meeting and any additional meetings, will be posted at: [Water Quality Standards: Docket No. 58-0102-2601 | Idaho Department of Environmental Quality](#).

Wednesday, April 8, 2026
1:30 p.m. MT

ATTEND IN PERSON OR VIA MICROSOFT TEAMS

DEQ State Office
Conference Room B
1410 N. Hilton
Boise, ID 83706

The Teams meeting link is available at:

[Join the meeting now](#)

Meeting ID: 240 735 328 035 34

Passcode: yY2kZ9Ni

The meeting location will be accessible to persons with disabilities, and language translators will be made available upon request. Requests must be made no later than five (5) business days prior to the meeting date. For arrangements contact the undersigned.

DESCRIPTIVE SUMMARY: In accordance with Idaho Code Section 67-5292, the Department of Environmental Quality (DEQ) is reviewing IDAPA 58.01.02 to assess whether the content of the rule chapter is still necessary. As part of negotiated rulemaking, the DEQ will consider additional necessary updates and improvements while strengthening economic opportunity and protecting public health and safety including revising three site-specific aquatic life criteria for selenium.

In 2019, under Rule Docket No. 58-0102-1701, site-specific aquatic life selenium criteria were proposed and a petition was filed by the J.R. Simplot Company (Simplot) for North Fork Sage Creek (and tributaries) and Crow Creek (and tributaries) in the Salt River Basin. These were subsequently disapproved in an EPA Action Letter dated July 9, 2019, stating that there was not sufficient data to prove the site-specific criteria were protective. Simplot subsequently gathered an additional five (5) years' worth of data to support their proposed site-specific aquatic life criteria for selenium for those waters in IDAPA 58.01.02.287.03 and 58.01.02.287.04. That data is being used to update the criteria in this rule.

Additionally, the draft rule revises the Whole-Body Fish Tissue criterion from tables in IDAPA 58.01.02.287.01 for the Upper Blackfoot River and 58.01.02.287.02 for Georgetown Creek based on updated tissue-to-tissue conversion factors with the removal of hatchery fish from the calculation.

Several administrative updates to the rule are being proposed including: removal of the definition of Waters and Waters Of The State at 58.01.02.010.113 to align state rule with the definition of Waters Of This State cited in State Statute in Idaho Code [39-3602\(35\)](#); updating 27 stream names in Sections 58.01.02.102-150 to agree with USGS stream name changes per the Department of the Interior Secretary Order 3404, finalized January 13, 2023; and example numbers for hardness-based calculated metals criteria in the aquatic life criteria Table 1 in IDAPA 58.01.02.210.01.a will be removed and replaced with footnote f, which specifies that it is a calculated value.

PRELIMINARY DRAFT RULE: The preliminary draft rule is available at: [Water Quality Standards: Docket No. 58-0102-2601 | Idaho Department of Environmental Quality](#).

DEQ will facilitate negotiation of this rule in conjunction with a committee made up of stakeholders having an interest in the revision of this rule. Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rulemaking, contact Elizabeth Spelsberg at Elizabeth.Spelsberg@deq.idaho.gov or (208) 373-0158.

SUBMISSION OF WRITTEN COMMENTS: Information regarding public comment opportunities provided throughout the rulemaking process will be available at: [Water Quality Standards: Docket No. 58-0102-2601 | Idaho Department of Environmental Quality](#).

Dated this 1st day of April, 2026.

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