



Idaho Water Policy Group, Inc.
 IGWA
 IIPA
 IRWA
 RRGWD



1109 W. Main, Suite 300
 P.O. Box 2624
 Boise, ID 83701-2624

Phone: 208 381-0294
 Fax: 208 381-5272
 Email:

l_tominaga@hotmail.com
btominaga@hotmail.com

**May 21, 2010
 Water Reuse
 Conference
 &
 May 27, 2010
 Reuse
 Negotiated Rule-
 making**

Visit our webpage:
www.idahowaterpolicygroup.org

Upcoming Events

- June 10:** Treasure Valley CAMP, Location TBA, 9 a.m.
- June 14:** Surface Water Supply Index, Boise, NRCS, 1:30 p.m.
- June 15:** Antidegradation Negotiated Rulemaking, Boise, IDEQ, 9 a.m.
- June 16-18:** Association of Idaho Cities Annual Conference, Idaho Falls To register: www.idahocities.org
- June 21-22:** IWUA Water Law Seminar, Sun Valley To register: www.iwua.org
- June 22:** Reclamation and Reuse of Municipal and Industrial Wastewater, Boise, IDEQ Conference Rm B, 9:30 a.m.
- June 24:** Idaho Water Resource Board, Boise, Idaho Fish & Game, 8:30 a.m. Work Session; 1 p.m. Board meeting
- June 24:** Sno-tel Advisory Committee, Boise, NRCS, 1:30 p.m.
- June 29:** IGWA EC, Pocatello, Racine Law, 9:30 a.m.

Idaho is revising its Rules for Reclamation and Reuse of Municipal and Industrial Wastewater (Docket No. 58-0117-1001) at a time when any water and consequently reclaimed water is increasingly more valuable. Presenters at the recently convened 2010 Idaho Water Reuse Conference emphasized that new technology is can produce reclaimed water that, in some instances, is of better quality than existing drinking water sources. Obtaining the full benefit of this increasingly valuable commodity will require public policy, regulatory, and judicial action that keeps pace with this new technology. Two factors that may impact Idaho are the implementation of conjunctive management and the recently proposed changes to Water Quality Standards with respect to Anti-degradation Policy and Implementation.

Other key factors to its expanding the applications for reclaimed water will be public education and acceptance along with the development of the infrastructure needed for those applications. Crucial to the entire process is avoiding unintended consequences that could impact public policy or perception or increase costs.

The Guidance Revision Committee met after the Reuse Conference.. This committee meets twice a year, generally in the spring and fall. The committee addresses guidance issues as they are identified.

To view the presentations from the 2010 Idaho Water Reuse Conference, visit the following website: http://www.deq.idaho.gov/water/assist_business/workshops/water_reuse_conf_2010_presentations.cfm

Meanwhile, Idaho Department of Environmental Quality (IDEQ) is moving forward with its negotiated rule-making for Reclamation and Reuse of Municipal and Industrial Wastewater (Docket 58-0117-1001). At the most recent meeting on May 27th, a second draft was reviewed and discussed. That draft incorporates feedback from the prior April meeting and written comments received by April 29th. From Thursday's discussion, perhaps the most significant conversation revolved around the municipal setbacks required in existing rule with respect to ground water recharge.

The proposed rule in its various draft forms, public comments and supporting documents may be viewed on IDEQ's website at http://www.deq.idaho.gov/rules/waste_water/58_0117_1001_negotiated.cfm.

The next negotiated rulemaking is scheduled for June 22, 2010 I Conference Room B at Idaho Department of Environmental Quality headquarters in Boise at 9:30 a.m. Teleconferencing from regional offices is also available.

With respect to the specific sections discussed at this meeting, under Section 51.04 Restoration, IDEQ is considering the development of Memorandums of Agreement with various agencies. Stakeholders asked for clarification with respect to impacts of exemptions to downstream permit holders.

EPA is questioning the need to include Section 51.05 Emergency Actions. If included, stakeholders asked the agency to address their full intent and how they would address damages.

Section 51.06 Implementation triggered much of the discussion on lowering water quality and stream designations.

Interim Anti-degradation Procedure: Because there are NPDES permits currently before the agency, IDEQ has worked with EPA to develop an interim anti-degradation procedure. The procedure is posted on its website for transparency, but is not intended to be a model for this rulemaking. Depending on the outcome of the rulemaking, that procedure may need to be modified.

Next Meeting: The next negotiated rulemaking meeting is scheduled for June 2, 2010 from 9 a.m. to 3 p.m. at IDEQ's Boise office. Teleconferencing is available at the regional offices. The meeting will address the developing an implementation plan using a water body by water body criteria or contaminant parameters. IDEQ will distribute a White Paper on the subject outlining the pros and cons associated with both and explaining their preference for using contaminant parameters. If it is available and there is time, there may also be further discussion on the definition of "lower water quality".

Comments: Comments received on or before May 19th will be incorporated in the draft discussed at the June 2nd meeting. Comments may be submitted at any time during this process.

Information relating to this negotiated rulemaking is available on IDEQ's website. That information contains a table IDEQ is developing to compare what is being done in other states. The website link is: http://www.deq.state.id.us/rules/water/58_0102_1001_negotiated.cfm