



State of Idaho  
Department of Environmental Quality  
Board of Environmental Quality

Meeting Minutes  
May 16, 2019

1410 North Hilton • Boise, ID 83706 • (208) 373-0502  
www.deq.idaho.gov

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John H. Tippetts, Director

**MEMBERS OF THE BOARD**

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**LEGAL COUNSEL**

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**BOARD ASSISTANT**

Rosie Alonzo  
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**Meeting Minutes**

**Idaho Board of Environmental Quality**


**May 16, 2019, 9:00 AM – 12:30 PM**

**Sun Valley Resort  
Continental Conference Room  
1 Sun Valley Road  
Sun Valley, Idaho**

Approved by the board October 7, 2019.

  
Beth Elroy, Chairman

  
Mark Bowen, Secretary

  
Rosie Alonzo, Assistant to the Board and Recorder  
DARIKA BARNES

### **Board Members Present**

Beth Elroy, Chairman

Kermit Kiebert, Vice-Chairman

Mark Bowen, Secretary

Nick Purdy, Member

Dr. John R. "Randy" MacMillan, Member

Carol Mascareñas, Member

Kevin Boling, Member

### **Department of Environmental Quality Staff Present**

Jess Byrne, Deputy Director

Lisa Carlson, Senior Deputy Attorney General-DEQ, Legal Counsel to the Board

Paula Wilson, Administrative Rules Coordinator

Rosie Alonzo, Director's Executive Assistant, Assistant to the Board

Michael McCurdy, Waste Management and Remediation Division Administrator

Barry Burnell, Water Quality Division Administrator

Tiffany Floyd, Air Quality Division Administrator

Don Carpenter, Mine Waste Program Scientist

Tim Wendland, Grants and Loans Bureau Chief

Sue Switzer, DEQ Twin Falls Regional Office Administrator

Dr. Mary Anne Nelson, IPDES Bureau Chief

Jerri Henry, Drinking Water Bureau Chief

Lisa O'Hara, Deputy Attorney General

Dana Swift, Environmental Cleanup Unit Manager

### **Via Conference Phone**

Mark Cecchini-Beaver, Deputy Attorney General

Rick Grisel, Deputy Attorney General

Susan Hamlin, Deputy Attorney General

Hannah Young, Deputy Attorney General

### **Others Present**

Amber Christofferson, Division of Financial Management

Johanna Bell, Association of Idaho Cities

Josh Johnson, Idaho Conservation League

Nancy Cooley, Blaine County Land Use

\* All attachments referenced in these minutes are permanent attachments to the minutes on file at the Idaho Department of Environmental Quality.

### **Call to Order, Roll Call, and Public Comment**

Chairman Beth Elroy called the meeting of the Idaho Board of Environmental Quality (board) to order at 9:00 a.m. Roll call was taken with all seven members present.

Chairman Elroy opened the floor for the public to address the board on topics not specifically on the agenda. Ms. Johanna Bell from the Idaho Association of Cities addressed the board and handed out a May 15, 2019 memorandum relating to the Revision of the Recreational Use Criteria, Docket No. 58-0102-1802.

### **Agenda Item No. 1: Director's Report** (Information item)

Director John Tippets was unable to attend the board meeting. In his absence, Deputy Director Jess Byrne reported briefly on the following:

- **Recognition of Service and Staff Change**

Deputy Director Byrne recognized two Department of Environmental Quality (DEQ) retiring staff members: Mr. Barry Burnell, DEQ's Water Quality Administrator, and Ms. Rosie Alonzo, Executive Assistant to the Director and Assistant to the Board. Each has spent more than 30 years in service to the state of Idaho. Byrne also introduced Dr. Mary Anne Nelson and Jerri Henry, who will be leading the Water Quality division as the administrator and deputy administrator, respectively, as DEQ works to distribute Water Quality responsibilities among two divisions.

- **DEQ's FY2020 Budget**

DEQ's total appropriation for FY 2020 is \$68,415,600, representing a 2.2% increase. Included in the increase were: three positions for the IPDES Program; a \$1.5 million transfer from the Water Pollution Control Account to the Environmental Remediation account for the Triumph Mine; general fund support for the Beneficial Use Recognizance Program and the Lake Management Program; \$167,200 for arsenic monitoring to determine background levels in surface water; and funds for the Change in Employee Compensation.

- **Rules and Legislative Actions**

All nine rules DEQ presented to the Legislature were approved. The water quality rule involving bacteria criteria for recreational use received some testimony in opposition when first proposed in the Senate Committee. A motion was made to approve the rule as presented; however, the motion did not pass. When state rules are reviewed by the Idaho Legislature, they do not have to be approved by the Legislature, but they do have the opportunity to disapprove them. When DEQ testified before the House, the agency asked the committee to approve the rule with the exception of the bacteria criteria that had been opposed in the Senate. The House made a motion to that effect. DEQ later went back to the Senate, asking them to make the same motion. In order for a change such as this to take effect, the Senate or House must introduce a concurrent resolution that then goes through both chambers. This proceeded with the House introducing and passing a concurrent resolution. It then went to the Senate and never received a hearing. The Legislature adjourned and, ultimately, all of DEQ

rules went into effect. DEQ has committed to working with the groups that opposed the bacteria criteria rule to address their concerns.

DEQ's only legislation related to payment of fees was for the Crop Residue Burning Program. It passed through the Legislature without any opposing votes. Other legislation of interest to DEQ was briefly mentioned.

- **Red Tape Reduction**

A brief explanation was given on Governor Little's Executive Order 2019-02, Red Tape Reduction Act. DEQ is evaluating rules to simplify and eliminate as appropriate. There will be changes in the rulemaking cycle, which will include requiring more lead time to accommodate the traditional negotiated rulemaking process.

- **Environmental Protection Agency (EPA) Submittals Update**

Director Tippetts previously reported on the lack of action by EPA on a number of DEQ's water quality rule submittals. Since then, DEQ met with staff from EPA Region 10 and Headquarters, and EPA committed to taking action in a timelier manner. Recently we received approval on Human Health Criteria and on the Copper Criteria. This means DEQ currently has seven water quality rule submittals awaiting action by EPA, one of which is fairly new.

Deputy Director Byrne stood for questions from the board, of which there were none. Chairman Elroy acknowledged Mr. Burnell and Ms. Alonzo for their many years of service to the state and the board.

**Agenda Item No. 2: Approval of November 14, 2018 Meeting Minutes**  
(Action item)

The meeting minutes from the November 14, 2018 were presented for approval. Board member Mark Bowen mentioned his address needed to be corrected on the letterhead of the minutes.

- Motion: Dr. Randy MacMillan moved that the board approve the minutes of the November 14, 2018 board meeting with the correction of Mr. Bowen's address.
- Second: Mr. Kevin Boling
- Voice Vote: Motion carried unanimously.

**Agenda Item No. 3: Status of Triumph Mine Site cleanup**  
(Information item)

Mr. Michael McCurdy, Waste Management and Remediation Division Administrator, introduced Mr. Don Carpenter, Mine Waste Program Scientist, who gave an in-depth presentation of the Triumph Mine site as requested by the board. Together they responded to questions from the board.

**Agenda Item No. 4: FY2020 Water Pollution Control State Revolving Fund Intended Use Plan and State Wastewater Loan Priority List**  
(Action item)

Mr. Barry Burnell, Water Quality Division Administrator, and Mr. Tim Wendland, Grants and Loans Bureau Chief, presented the next four agenda items around priority lists. Mr. Burnell gave an overview of each priority list process, and Mr. Wendland gave a detailed review of each. For the State Wastewater Loan Priority List, there were six entities that submitted Letters of Interest but were not included on the fundable list: Mud Lake and Terretton, Aberdeen, Filer, Fruitland, Albion, and Fairfield. If a fundable entity opts out of the process, one of the remaining six will be contacted to make loan arrangements. Mr. Wendland stood for questions. There were none.

- Motion: Dr. Randy MacMillan moved that the board approve the FY2020 Water Pollution Control State Revolving Fund Intended Use Plan, which includes the State Wastewater Loan Priority List.
- Second: Mr. Kermit Kiebert
- Voice Vote: Motion carried unanimously.

**Agenda Item No. 5: FY2020 State Wastewater Planning Grant Priority List**  
(Action item)

Mr. Wendland proceeded with the FY2020 State Wastewater Planning Grant Priority List. There were no substantive changes to the draft list. Public Comments were received from the Southside Water and Sewer District. The district was awarded five more points, but their position on the Priority List was not changed. Out of 18 letters of interest received, DEQ was able to fund 10 planning efforts with a maximum grant amount is \$65,000. Mr. Wendland responded to questions from the board. There were no comments from the public.

- Motion: Ms. Carol Mascareñas moved that the board approve the FY2020 State Wastewater Planning Grant Priority List.
- Second: Mr. Kevin Boling
- Voice Vote: Motion carried unanimously.

**Agenda Item No. 6: FY2020 Drinking Water State Revolving Fund Intended Use Plan and State Drinking Water Loan Priority List**  
(Action item)

Mr. Wendland continued with the FY2020 Drinking Water State Revolving Fund Intended Use Plan and State Drinking Water Loan Priority List. Changes to the initial plan included an increase to the capitalization grant from \$7,663,830 to \$7,700,000. Public comment was received from the Southside Water and Sewer District. Lewiston requested \$42 million in funding, and the final funding amount was \$32,082,661. The balance (nearly \$10 million) allowed DEQ to include all parties submitting a Letter of Interest on the FY2020 State Drinking Water Loan Intended Use Plan Fundable List. There were no questions from the board or public.

- Motion: Mr. Nick Purdy moved that the board approve the FY2020 Drinking Water State Revolving Fund Intended Use Plan, which included the State Drinking Water Loan Priority List.
- Second: Dr. Randy MacMillan
- Voice Vote: Motion carried unanimously.

**Agenda Item No. 7: FY2020 State Drinking Water Planning Grant Priority List**  
(Action item)

Mr. Wendland continued with the FY2020 State Drinking Water Planning Grant Priority List and reported there were no changes to the initial draft list. DEQ received 18 Letters of Interest and was able to offer funding to 12 entities with a maximum grant amount of \$45,000. There were no questions from the board or public.

- Motion: Mr. Kevin Boling moved that the board approve the FY2020 State Drinking Water Planning Grant Priority List.
- Second: Mr. Mark Bowen
- Voice Vote: Motion carried unanimously.

**Agenda Item No. 8: Contested Case and Rule Docket Status Report**

Administrative Rules Coordinator Paula Wilson requested the Chairman move this agenda item to the end of the meeting to continue with the dockets that needed to be presented. The Chairman granted Ms. Wilson's request.

**Agenda Item No. 9: Temporary Rule Adoption – Omnibus Rulemaking – Fee Rules, Docket No. 58-0000-1900F**  
(Action item)

*Adopt and re-publish existing and previously approved codified fee rule chapters under IDAPA 58, rules of the Department of Environmental Quality*

Deputy Director Byrne provided background information regarding the provision in the Idaho Administrative Procedures Act (Chapter 52, Title 67, Idaho Code), which results in automatic expiration of all rules in the state of Idaho on July 1 of the following year, unless the rule is extended by statute. Typically that extension occurs toward the later part of the legislative session. That did not occur this session, so all rules are set to expire July 1. To deal with this situation, the Governor authorized the use of temporary rules. The Division of Financial Management developed a process to reauthorize the rules beyond July 1, which includes dividing the fee rules and non-fee rules. These temporary rules require approval by the board with an effect date of June 30, 2019.

DEQ has a provision in Idaho Code § 39-107(D) requiring additional processes if rules are (1) more stringent, (2) broader in scope, or (3) regulating an activity not regulated by the federal government. If DEQ meets any of these three criteria, additional requirements kick in, including a statement in the public notices and the use of best-available peer reviewed science. If there is a standard proposed, DEQ has more requirements, such as identifying the receptors of public health or environmental effects and the expected risk of those receptors. There are some rules that were in effect prior to this requirement and will be treated differently.

As part of the new executive order for the Red Tape Reduction Act, DEQ is going to ask the board to allow IDAPA 5801.19 – Small Communities Improvement Program Rules – to expire. These rules have been in effect for 20 years and have never been utilized.

Deputy Director Byrne explained that the remaining rule chapters will fall within one of three categories: 1) Omnibus Rulemaking fee rules, 2) Omnibus Rulemaking non-fee rules, or 3) those rules dealing with the 39-107(D) requirement.

For agenda item #9 – the Omnibus Rulemaking fee rules – Deputy Director Byrne explained that there are no changes to the fee rules listed in agenda item number 9 from what is already codified in Idaho Administrative Code. Deputy Director Byrne responded to questions from the board. There were no questions from the public.

- Motion: Dr. Randy MacMillan moved that the board adopt as temporary rules the rules presented under Docket No. 58-0000-1900F, with an effective date of June 30, 2019. This temporary rule adoption is for previously approved codified fee rule chapters under IDAPA 58, rules of the Department of Environmental Quality:
  - IDAPA 58.01.05, Rules and Standards for Hazardous Waste;
  - IDAPA 58.01.06, Solid Waste Management Rules;
  - IDAPA 58.01.07, Rules Regulating Underground Storage Tank Systems;
  - IDAPA 58.01.08, Idaho Rules for Public Drinking Water Systems;
  - IDAPA 58.01.12, Rules for Administration of Water Pollution Control Loans;
  - IDAPA 58.01.13, Rules for Ore Processing by Cyanidation;
  - IDAPA 58.01.14, Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services;
  - IDAPA 58.01.18, Idaho Land Remediation Rules;
  - IDAPA 58.01.20, Rules for Administration of Drinking Water Loan Program;
  - IDAPA 58.01.25, Rules Regulating the Idaho Pollutant Discharge Elimination System Program.
- Second: Mr. Kermit Kiebert
- Voice Vote: Motion carried unanimously.

**Agenda Item No. 10: Temporary Rule Adoption – Omnibus Rulemaking –  
(Action item) Non-Fee Rules, Docket No. 58-0000-1900**

*Adopt and re-publish existing and previously approved codified fee rule chapters under IDAPA 58, rules of the Department of Environmental Quality*

Deputy Director Byrne presented the non-fee rules with no changes to these rules from what is currently codified in Idaho’s administrative code. There were no questions or comments from the board or public.

- Motion: Mr. Mark Bowen moved that the board adopt as temporary rules the rules presented under Docket No. 58-0000-1900, with an effective date of June 30, 2019. This temporary rule adoption is for previously approved codified rule chapters under IDAPA 58, rules of the Department of Environmental Quality:
  - IDAPA 58.01.05, Rules and Standards for Hazardous Waste;
  - IDAPA 58.01.02, Water Quality Standards;
  - IDAPA 58.01.04, Rules for Administration of Wastewater Treatment Facility Grants;

IDAPA 58.01.10, Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, As Amended;

IDAPA 58.01.16, Wastewater Rules;

IDAPA 58.01.21, Rules Governing the Protection and Disclosure of Records in the Possession of DEQ;

IDAPA 58.01.22, Rules for Administration of Planning Grants for Public Drinking Water Facilities;

IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality;

IDAPA 58.01.24, Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites.

- Second: Mr. Kevin Boling
- Voice Vote: Motion carried unanimously.

**Agenda Item No. 11: Temporary Rule Adoption – Rules for the Control of Air Pollution in Idaho Docket No. 58-0101-1904F – Fee Rule**  
(Action item)

*Adopt and re-publish existing and previously approved codified fee rule chapters under IDAPA 58, rules of the Department of Environmental Quality*

Ms. Tiffany Floyd, AQ Division Administrator, requested temporary adoption of Rule Docket 58-0101-1904F, the Rules for Control of Air Pollution. The air quality rules have been reviewed and are necessary to ensure that the state of Idaho maintains primacy over federal programs and is able to continue offering services such as permit issuance and compliance assistance, as well as to operate our crop residue burning program and the motor vehicle inspection program.

The majority of these rules are in our State Implementation Plan for Idaho and are not broader in scope nor more stringent than federal law, nor do they pose to regulate an activity not regulated by the federal government, meeting the requirements of Idaho Code § 39-107D. DEQ is looking at a few older sections that were not addressed under 39-107D requirements and will be back before the board to present them as proposed rules for the board's review, discussion, and approval. There were no questions or comments from the board or public.

- Motion: Ms. Carol Mascareñas moved that the board adopt as temporary rules the rules presented under Docket No. 58-0101-1904F, with an effective date of June 30, 2019. This temporary rule adoption is for a previously approved codified fee rule chapter under IDAPA 58, rules of the Department of Environmental Quality: IDAPA 58.01.01, Rules for the Control of Air Pollution in Idaho.
- Second: Dr. Randy MacMillan
- Voice Vote: Motion carried unanimously.

**Agenda Item No. 12: Temporary Rule Adoption – Rules Regulating Swine Facilities, Docket No. 58-0109-1901F – Fee Rule**  
(Action item)

*Adopt and re-publish existing and previously approved codified fee rule chapters under IDAPA 58, rules of the Department of Environmental Quality*



Mr. Barry Burnell presented Docket No. 59-0109-1901F-Fee Rule, Rules Regulating Swine Facilities. These rules establish the procedures and requirements for the issuance of a permit to construct, operate, close, or expand swine facilities of a defined capacity. The intent of these rules is to ensure animal waste from swine facilities are properly controlled so as not to adversely affect public health or the environment.

These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws.

Temporary adoption of these rules is necessary to ensure that DEQ is able to continue to offer services such as permit issuance for swine facilities. Idaho Code § 39-104A specifically authorizes DEQ to promulgate rules regulating large swine feeding operations. These rules regulate an activity regulated by the federal government, but could potentially be considered broader in scope. DEQ will address any requirements under subsections 107(D)(2) and (3) upon proposal of the rule chapter. This rule includes a permit application fee under Idaho Code § 39-119. Mr. Burnell stood for questions from the board. There were no questions from the public.

- Motion: Dr. Randy MacMillan moved that the board adopt as temporary rules the rules presented under Docket No. 58-0109-1901F, with an effective date of June 30, 2019. This temporary rule adoption is for a previously approved codified fee rule chapter under IDAPA 58, rules of the Department of Environmental Quality: IDAPA 58.01.09, Rules Regulating Swine Facilities.
- Second: Mr. Kermit Kiebert
- Voice Vote: Motion carried unanimously.

**Agenda Item No. 13: Temporary Rule Adoption – Ground Water Quality Rule, (Action item) Docket No. 58-0111-1901F – Fee Rule**

*Adopt and re-publish existing and previously approved codified fee rule chapters under IDAPA 58, rules of the Department of Environmental Quality*

Mr. Barry Burnell continued with Ground Water Quality Rule, Docket No. 58-0111-1901F – Fee Rule. This rule was developed as directed by the Legislature via the adoption of the Ground Water Quality Plan in 1992. This rule establishes minimum requirements for protection of ground water quality through standards and an aquifer categorization process. The requirements of this rule shall serve as a basis for the administration of programs which address ground water quality. This rule does not intrinsically create a permit program.

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws.

Temporary adoption of these rules is necessary to ensure that DEQ is able to continue to offer services such as establishing Points of Compliance for mining operations under Section 401 of the rule.

Idaho Code §§ 39-102, 120, and 126 specifically require DEQ to develop a ground water quality plan and rules necessary to prevent ground water contamination and clean up actions necessary

to meet the goals of the state. The federal government does not regulate ground water. DEQ will address any requirements under subsections 107(D)(2) and (3) upon proposal of the rule chapter. This rule also includes a permit application fee under Idaho Code § 39-119. There were no questions or comments from the board or public.

- Motion: Mr. Mark Bowen moved that the board adopt as temporary rules the rules presented under Docket No. 58-0111-1901F, with an effective date of June 30, 2019. This temporary rule adoption is for a previously approved codified fee rule chapter under IDAPA 58, rules of the Department of Environmental Quality: IDAPA 58.01.11, Ground Water Quality Rule.
- Second: Dr. Randy MacMillan
- Voice Vote: Motion carried unanimously.

**Agenda Item No. 14: Temporary Rule Adoption – Ground Water Individual/Subsurface Sewage Disposal Rules, Docket No. 58-0103- 1902 – Non-Fee Rule**  
(Action item)

*Adopt and re-publish existing and previously approved codified fee rule chapters under IDAPA 58, rules of the Department of Environmental Quality*

Mr. Barry Burnell resumed with Docket No. 58-0103-1902 – Non-Fee Rule for Individual/Subsurface Sewage Disposal Rules. The provisions of these rules establish limitations on the construction and use of individual and subsurface sewage disposal systems and establish the requirements for obtaining an installation permit and an installer’s registration permit. These temporary rules apply to every individual and every subsurface blackwaste and wastewater treatment system in Idaho, and they are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws.

The DEQ would not be able to fulfill its statutory obligations without these rules. These rules are central to DEQ’s mission to protect human health and the quality of Idaho’s air, land, and water.

Idaho Code §§ 39-102, 105(2), 115, 118, and 3637 authorizes DEQ to promulgate these rules. The federal government does regulate subsurface sewage under the Safe Drinking Water Act – Underground Injection Control (UIC) program as a type of Class V injection well, but these rules are broader in scope. DEQ will address any requirements under subsections 107(D)(2) and (3) upon proposal of the rule chapter. He responded to questions from the board. There were no questions or comments from the public.

- Motion: Mr. Kevin Boling moved that the board adopt as temporary rules the rules presented under Docket No. 58-0103-1902, with an effective date of June 30, 2019. This temporary rule adoption is for a previously approved codified rule chapter under IDAPA 58, rules of the Department of Environmental Quality: IDAPA 58.01.03, Individual/Subsurface Sewage Disposal Rules.
- Second: Mr. Kermit Kiebert
- Voice Vote: Motion carried unanimously.

**Agenda Item No. 15: Temporary Rule Adoption – Rules Governing the Cleaning of Septic Tanks, Docket No. 58-0109- 1901 – Non-Fee Rule**  
(Action item)

*Adopt and re-publish existing and previously approved codified fee rule chapters under IDAPA 58, rules of the Department of Environmental Quality*

Mr. Barry Burnell moved on to Docket No. 58-0109-1901 – Non-Fee Rule, Rules Governing the Cleaning of Septic Tanks. These rules establish general requirements for the handling, transportation and disposal of septic tank wastes and for obtaining a septic tank pumping permit and are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws.

Idaho Code §§ 39-102, 105(2), and 115 authorize DEQ to regulate the cleaning of septic tanks. These rules have been in place since 1960. The federal government does regulate the land application of septage; however, these rules are broader in scope. DEQ will address any requirements under subsections 107(D)(2) and (3) upon proposal of the rule chapter. There were no questions or comments from the board or public.

- Motion: Mr. Mark Bowen moved that the board adopt as temporary rules the rules presented under Docket No. 58-0115-1901, with an effective date of June 30, 2019. This temporary rule adoption is for a previously approved codified rule chapter under IDAPA 58, rules of the Department of Environmental Quality: IDAPA 58.01.15, Rules Governing the Cleaning of Septic Tanks.
- Second: Mr. Kermit Kiebert
- Voice Vote: Motion carried unanimously.

**Agenda Item No. 16: Temporary Rule Adoption – Recycled Water Rules, Docket No. 58-0117- 1901 – Non-Fee Rule**  
(Action item)

*Adopt and re-publish existing and previously approved codified fee rule chapters under IDAPA 58, rules of the Department of Environmental Quality*

Mr. Barry Burnell went on to present Recycled Water Rules, Docket No. 58-0117-1901 – Non-Fee Rule. These temporary rules establish the procedures and requirements for the issuance and maintenance of pollution source permits for reuse facilities, also referred to in these rules as “reuse permits.” They are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws.

The DEQ would not be able to fulfill its statutory obligations without these rules. Idaho Code §§ 39-102, 105(2), 115, and 118 authorize DEQ to promulgate these rules. The federal government does not specifically address recycled water land application. Many of the rule sections post-date the requirements of Idaho Code §§ 39-107D(2) and (3). DEQ will address any requirements of 107(D)(2) and (3) upon proposal of the rule chapter. There were no questions or comments from the board or public.

- Motion: Dr. Randy MacMillan moved that the board adopt as temporary rules the rules presented under Docket No. 58-0117-1901, with an effective date of June 30, 2019. This temporary rule adoption is for a previously approved codified rule chapter under IDAPA 58, rules of the Department of Environmental Quality: IDAPA 58.01.17, Recycled Water Rules.
- Second: Ms. Carol Mascareñas
- Voice Vote: Motion carried unanimously.

**Agenda Item No. 17: Temporary Rule Adoption – Rules of Idaho Public Health District #1, IDAPA 41-01- 01**  
(Information item)

*Existing rules, with a few deletions, adopted as temporary rules (submitted to the Idaho Board of Environmental Quality for internal review pursuant to Idaho Code §39-416(3))*

Deputy Director Jess Byrne explained why the Rule of Idaho Public Health District #1, IDAPA 41-01-01, with a few deletions, is coming before the board. The board does not need to approve the rule, but has the opportunity to disapprove the rule. A letter was provided to the board from Ms. Lisa Carlson of the Attorney General’s Office stating these rules are not in conflict with state laws or rule. Ms. Carlson and Deputy Director Byrne responded to a question from the board. There were no questions from the public.

This agenda item did not require action from the board. Chairman Elroy asked if there were further comments from the board or public. There were none.

**Agenda Item No. 8: Contested Case and Rule Docket Stat Report**  
(Revisited)

Once all dockets were presented, Ms. Paula Wilson gave her Contested Case and Rule Docket Status Report.

**Agenda Item No. 18: Local Reports and Items Presented by Board Members**

There were no items to present.

**Adjournment**

Chairman Beth Elroy declared the meeting adjourned at 12:26 P.M.