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SCOTT L. CAMPBELL

May 31, 1996

Mr. Mark Limbaugh
Executive Director
Payette River Water Users Association, Inc.
102 Main Street
Payette, Idaho 83661

Re: Proposed Rule Making for Water Quality Standards
and Wastewater Treatment Requirements,
Idaho Department of Health and Welfare

Dear Mark:

I have enclosed a copy of the proposed rules for Water Quality Standards and Wastewater Treatment Requirements, recently promulgated by the Idaho Department of Health and Welfare.

I recently reviewed the rules to determine if they would have any adverse impact upon the members of the Association. A number of new provisions have been added to the existing regulations by this proposed rule making. The provisions which have the greatest potential to adversely impact water delivery entities begin on page 19, and continue through page 21. Section 054.01 through 054.06 constitute a dramatic change from the existing water quality standards and wastewater treatment regulations. These additional regulations basically require the tightening of "best management practices" in those areas where a water quality limited segment has been designated. Under these new rules, the Department of Health and Welfare can determine that the existing "best management practices" are not adequate to correct water quality limitations, at which point the Department can order additional treatment measures or management practices to correct the adverse impacts to beneficial uses. This is a dramatic departure from the existing mechanism, and has the potential to substantially increase the costs of operation for water delivery entities, agricultural and other land based operations which produce run-off into canals and drainage ditches which eventually discharge into the water quality limited streams.

Since the Lower Payette River has already been designated a water quality limited segment, these new regulations will definitely have a significant impact.

Mr. Mark Limbaugh
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I recently spoke with Lynn Tominaga of the Idaho Water Users Association about this issue. He was also concerned and discussed the need to provide written comment to the Department of Health and Welfare on these items prior to the deadline of June 17, 1996.

Today, I contacted Paula Saul, a paralegal with the Environmental Quality Section. She indicated she is the contact person for receipt of any written comment. Her address and phone number is as follows:

Ms. Paula Saul
Office of the Attorney General
Environmental Quality Section
1410 North Holden
Boise, Idaho 83706-1255
Tel: 373-0418
Fax: 373-0481

I believe that it would be advisable to provide written comment to the Department of Health and Welfare concerning the adverse impacts of these proposed rules upon water user entities. Please advise me if you wish me to assist you in preparing these comments.

Very truly yours,

ELAM & BURKE
A Professional Association


Scott L. Campbell

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Enclosure

cc: Wilber "Brick" Andrew (with enclosure)
Steve Dobson (with enclosure)
Mike Bankhead (with enclosure)