

Introduction to Ground Water Quality Protection Laws in Idaho

In Idaho, ground water is protected by federal and state laws regulating activities that either directly or indirectly affect ground water quality.

Important ground water quality protection legislation in Idaho includes:

- Environmental Protection and Health Act (Title 39, Chapter 1, Sections 102, 120, 126)
- Health and Safety: Aquifer Protection Districts (Title 39, Chapter 5)
- Local Land Use Planning Act (Title 67, Chapter 65, Section 37)
- Ground Water Quality Protection Act of 1989 (Title 39, Chapter 1)

This brochure highlights some of the state laws that protect Idaho's ground water quality. These laws are enforced by state and local governments. However, it is ultimately the responsibility of Idaho's citizens to protect Idaho's ground water resources.

Idaho Ground Water Quality Rule IDAPA 58.01.11

In accordance with the Environmental Protection and Health Act, the Ground Water Quality Rule was promulgated in 1996. This rule establishes requirements for protection of ground water quality through standards and an aquifer categorization process.



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Web Resources

Ground Water in Idaho

www.deq.idaho.gov/ground-water

Ground Water Quality Plan

www.deq.idaho.gov/media/462972-idaho_gw_quality_plan_final_entire.pdf

Idaho Statutes

www.legislature.idaho.gov/idstat/Title39/T39CH1.htm

Idaho Administrative Rules

www.adminrules.idaho.gov/rules/current/58/index.html



Printed on recycled paper, DEQ July 2013. PID 0205, CA 30060. Costs associated with this publication are available from the State of Idaho Department of Environmental Quality in accordance with Section 60-202, Idaho Code.

Overview of Idaho Ground Water Quality Protection Laws

IDAHO GROUND WATER QUALITY PLAN



Idaho Department of
Environmental Quality
www.deq.idaho.gov



Environmental Protection and Health Act (39-102)

This statute recognizes the importance of protecting ground water quality and identifies the goals of the Ground Water Quality Protection Act.

These goals include maintaining the high quality of the state's ground water, protecting ground water from contamination, and restoring degraded ground water when feasible. In addition, the statute stresses the necessity of educating Idaho citizens about ground water issues, so that all Idahoans can help protect ground water.

Environmental Protection and Health Act (39-120) State Government Responsibilities

Three Idaho state agencies have specific statutory responsibilities regarding ground water quality. While specific responsibilities are divided among the three agencies, they work jointly toward the common good.

- The Idaho Department of Environmental Quality is designated as the primary agency to coordinate and administer ground water quality protection programs for the state.
- The Idaho Department of Water Resources is responsible for maintaining the natural resource Geographic Information System (GIS) for the state and collecting baseline data for the state's water resources.
- The Idaho State Department of Agriculture is responsible for regulating the use of pesticides and fertilizers and for licensing applicators.

Environmental Protection and Health Act (39-126) Local Government Responsibilities

This statute mandates that state and local governments incorporate *Idaho Ground Water Quality Plan* polices into their programs.

Cities, counties, and other political subdivisions are also authorized and encouraged to implement ground water quality protection policies within their jurisdictions.

Health and Safety Act (39-501 through 39-508) Aquifer Protection Districts

This statute authorizes counties overlying a sensitive resource aquifer (currently only the Spokane Valley-Rathdrum Prairie aquifer is designated as a sensitive resource aquifer) to hold an election to establish an aquifer protection district. An aquifer protection district is a political subdivision subordinate to the county or counties in which it is formed. The governing board of the aquifer protection district is authorized to provide coordination and funding for aquifer protection activities.



Local Land Use Planning Act (67-6537) Use of Surface and Ground Water

This statute requires local governing boards to consider the impact on ground water quality when considering amending, repealing, or adopting a comprehensive plan.



Ground Water Quality Protection Act Idaho Ground Water Quality Plan

The Ground Water Quality Protection Act of 1989 authorized development of the *Idaho Ground Water Quality Plan* by the Ground Water Quality Council. The plan was adopted by the Legislature in 1992 and was published in 1996.

The plan is Idaho's master plan to protect ground water quality, prevent ground water contamination, and remediate contaminated ground water. The plan contains two distinct parts. The first part of the plan describes six ground water quality management activities with 22 policies. The second part outlines the Agricultural Ground Water Protection Program for Idaho. It describes how agricultural activities are to be managed for ground water protection.