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**02. Water Bodies Not Fully Supporting Beneficial Uses.** After following the process identified in Subsection 055.01, water bodies not fully supporting designated or existing beneficial uses and not meeting applicable water quality standards despite the application of required pollution controls shall be identified by the Department as water quality limited water bodies, and shall require the development of TMDLs or other equivalent processes, as described under Section 303(d)(1) of the Clean Water Act. A list of water quality limited water bodies shall be published periodically by the Department in accordance with Section 303(d) of the Clean Water Act and be subject to public review prior to submission to EPA for approval. Informational TMDLs may be developed for water bodies fully supporting beneficial uses as described under Section 303(d)(3) of the Clean Water Act, however, they will not be subject to the provisions of this Section. (3-18-11)

**03. Priority of TMDL Development.** The priority of TMDL development for water quality limited water bodies identified in Subsection 055.02 shall be determined by the Director in consultation with the Basin Advisory Groups as described in Sections 39-3601, et seq., Idaho Code, depending upon the severity of pollution and the uses of the water body, including those of unique ecological significance. Water bodies identified as a high priority through this process will be the first to be targeted for development of a TMDL or equivalent process. (3-18-11)

**04. High Priority Provisions.** Until a TMDL or equivalent process is completed for a high priority water quality limited water body, new or increased discharge of pollutants which have caused the water quality limited listing may be allowed if interim changes, such as pollutant trading, or some other approach for the pollutant(s) of concern are implemented and the total load remains constant or decreases within the watershed. Interim changes shall maximize the use of cost effective measures to cap or decrease controllable human-caused discharges from point and nonpoint sources. Once the TMDL or equivalent process is completed, any new or increased discharge of causative pollutants will be allowed only if consistent with the approved TMDL. Nothing in this section shall be interpreted as requiring best management practices for agricultural operations which are not adopted on a voluntary basis. (3-20-97)

**05. Medium and Low Priority Provisions.** Until TMDLs or equivalent processes are developed for water quality limited water bodies identified as medium or low priority, the Department shall require interim changes in permitted discharges from point sources and best management practices for nonpoint sources deemed necessary to prohibit further impairment of the designated or existing beneficial uses. Nothing in this section shall be interpreted as requiring best management practices for agricultural operations which are not adopted on a voluntary basis. (3-20-97)

**a.** In determining the necessity for interim changes to existing activities and limitations upon proposed activities, the Department, in consultation with basin and watershed advisory groups, shall evaluate the water quality impacts caused by past regulated and unregulated activities in the affected watershed. (3-20-97)

**b.** Consideration of interim changes shall maximize the use of cost-effective and timely measures to ensure no further impairment of designated or existing uses. (3-20-97)

**06. Pollutant Trading.** Development of TMDLs or equivalent processes or interim changes under these rules may include pollutant trading with the goal of restoring water quality limited water bodies to compliance with water quality standards. (3-20-97)

**07. Idaho Agriculture Pollution Abatement Plan.** Use of best management practices by agricultural activities is strongly encouraged in high, medium and low priority watersheds. The Idaho Agriculture Pollution Abatement Plan is the source for best management practices for the control of nonpoint sources of pollution for agriculture. (3-20-97)

**056. -- 059. (RESERVED)**

**060. MIXING ZONE POLICY.**

**01. Mixing Zones for Point Source Wastewater Discharges.** After a biological, chemical, and physical appraisal of the receiving water and the proposed discharge and after consultation with the person(s)

responsible for the wastewater discharge, the Department will determine the applicability of a mixing zone and, if applicable, its size, configuration, and location. In defining a mixing zone, the Department will consider the following principles: (7-1-93)

- a. The mixing zone may receive wastewater through a submerged pipe, conduit or diffuser. (7-1-93)
- b. The mixing zone is to be located so it does not cause unreasonable interference with or danger to existing beneficial uses. (7-1-93)
- c. When two (2) or more individual mixing zones are needed for a single activity, the sum of the areas and volumes of the several mixing zones is not to exceed the area and volume which would be allowed for a single zone; (7-1-93)
- d. Multiple mixing zones can be established for a single discharge, each being specific for one (1) or more pollutants contained within the discharged wastewater; (7-1-93)
- e. Mixing zones in flowing receiving waters are to be limited to the following: (7-1-93)
  - i. The cumulative width of adjacent mixing zones when measured across the receiving water is not to exceed fifty percent (50%) of the total width of the receiving water at that point; (7-1-93)
  - ii. The width of a mixing zone is not to exceed twenty-five percent (25%) of the stream width or three hundred (300) meters plus the horizontal length of the diffuser as measured perpendicularly to the stream flow, whichever is less; (7-1-93)
  - iii. The mixing zone is to be no closer to the ten (10) year, seven (7) day low-flow shoreline than fifteen percent (15%) of the stream width; (7-1-93)
  - iv. The mixing zone is not to include more than twenty-five percent (25%) of the volume of the stream flow; (7-1-93)
- f. Mixing zones in reservoirs and lakes are to be limited to the following: (7-1-93)
  - i. The total horizontal area allocated to mixing zones is not to exceed ten percent (10%) of the surface area of the lake; (7-1-93)
  - ii. Adjacent mixing zones are to be no closer than the greatest horizontal dimension of any of the individual zones; (7-1-93)
- g. The water quality within a mixing zone may exceed chronic water quality criteria so long as chronic water quality criteria are met at the boundary of any approved mixing zone. Acute water quality criteria may be exceeded within a zone of initial dilution inside the mixing zone if approved by the Department. (3-23-98)
- h. Concentrations of hazardous materials within the mixing zone must not exceed the ninety-six (96) hour LC50 for biota significant to the receiving water's aquatic community. (7-1-93)

**02. Mixing Zones for Outstanding Resource Waters.** An ORW mixing zone will be downstream from the discharge of a tributary or segment immediately upstream which contains man caused pollutants as a result of nonpoint source activities occurring on that tributary or segment. As a result of the discharge, the mixing zone may not meet all water quality standards applicable to the ORW, but shall still be protected for existing beneficial uses. The Department, after consideration of input from interested parties, will determine the size, configuration and location of mixing zones which are necessary to meet the requirements of these rules. (8-24-94)

**061. -- 069. (RESERVED)**

**070. APPLICATION OF STANDARDS.**