

**BEFORE THE BOARD OF ENVIRONMENTAL QUALITY
STATE OF IDAHO**

IDAHO RURAL COUNCIL, INC., Petitioner <hr/>) Docket No. 0117-08-01)) ORDER REGARDING PETITION) FOR INITIATION OF) RULEMAKING
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On September 19, 2008, Idaho Rural Council, Inc. ("IRC") filed a Petition for Initiation of Rulemaking pursuant to Idaho Code § 67-5230 and IDAPA 58.01.23.800. The Petition seeks an amendment of IDAPA 58.01.17, Rules for the Reclamation and Reuse of Municipal and Industrial Wastewater, that would eliminate the present exemption for dairy/feedlot lagoon wastewater that is land applied through pressurized irrigation systems or other devices.

The IRC Petition was reviewed by the Board at the October 9 and November 12, 2008 Board meetings. The Board continued its review of the Petition until the November 12, 2008 Board meeting with the agreement of the Petitioner. The Board heard testimony from the Petitioner, the Idaho Department of Environmental Quality, and the Idaho Department of Agriculture. The Board also reviewed and considered written comments and other information that was received before the November 12, 2008 Board meeting.

Based upon the above described testimony and information, the Board by unanimous vote passed a motion to deny the IRC Petition. The Board's denial is based upon the following reasons.

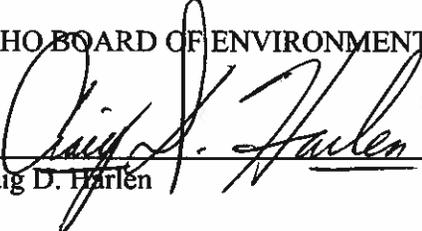
The Board is concerned with the potential effects to public health and the environment from the land application of dairy and feedlot wastewater by pressurized irrigation systems. The Board, however, denies the IRC Petition, because:

- a. the land application of wastewater from dairies and beef cattle feedlots is regulated by the Idaho Department of Agriculture;
- b. the Deputy Director of the Idaho Department of Agriculture testified regarding the agency's regulation of the land application of wastewater and the Department's current and future efforts to address the issues raised in this Petition; and
- c. the Board believes that the Idaho Department of Agriculture is in the best position to, and should, address the issues raised in this Petition before any action is taken by the Board to adopt rules under the jurisdiction of the Idaho Department of Environmental Quality.

This denial of the petition is a final agency action. Pursuant to Idaho Code §§ 67-5230 and 67-5270 and IDAPA 58.01.23.800.02, any person aggrieved by this Order may seek review of the Order by filing a petition for judicial review in District Court within twenty-eight (28) days of the date of this Order.

DATED THIS 21ST day of November, 2008.

IDAHO BOARD OF ENVIRONMENTAL QUALITY



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Kermit V. Kiebert

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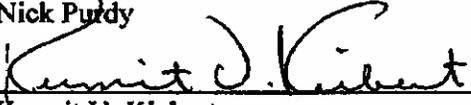
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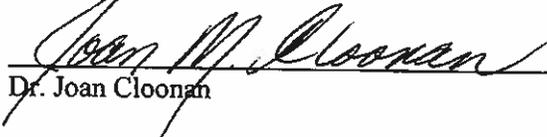
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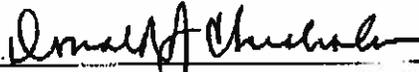
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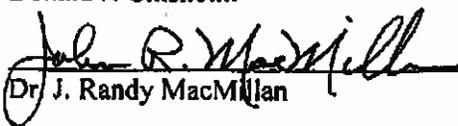
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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of November, 2008, a true and correct copy of the **Order Regarding Petition for Initiation of Rulemaking** was served on the following:

Richard A. Carlson
Attorney at Law
P.O. Box 21
Filer, ID 83328
First Class U.S. Mail



Paula J. Wilson
Hearing Coordinator