



NORTH DAKOTA
DEPARTMENT *of* HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



October 14, 2013

Mr. John Walstad
Code Revisor
North Dakota Legislative Council
State Capital
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Mr. Walstad:

The Notice of Intent to Amend Administrative Rules Relating to the Standards of Quality for Waters of the State and a copy of proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

Dennis R. Fewless
Director, Division of
Water Quality

Enclosures

**NOTICE OF INTENT TO
AMEND ADMINISTRATIVE RULES
RELATING TO STANDARDS OF QUALITY FOR WATERS OF THE STATE**

TAKE NOTICE that the North Dakota Department of Health will hold a public hearing to address proposed amendments to the Standards of Quality for Waters of the State, N.D. Administrative Code Chapter 33-16-02.1 at:

**North Dakota Department of Health Training Center
2639 East Main
Bismarck, ND 58501
Monday, December 2, 2013
7:00 p.m. CST**

The purpose of the proposed amendments is to complete the Department's triennial review of the Standards of Quality for Waters of the State, as required by 33 U.S.C. § 1313(c). Specifically, the Department is proposing the following amendments to N.D. Admin. Code ch. 33-16-02.1:

1. Revise N.D. Admin. Code § 33-16-02.1-04(10)(c) to clarify the definition of recreation as it relates to primary and secondary activities.
2. Revise the heading of N.D. Admin. Code § 33-16-02.1-09(1) from "Classifications" to "Surface Water Classifications" to more accurately reflect the waters being classified.
3. In N.D. Admin. Code § 33-16-02.1-09(1)(e), revise the section 33-16-02-08 reference to section 33-16.02.1-08.

Revise the N.D. Admin. Code § 33-16-02.1-09(3)(e)(2) guideline for use in a lake improvement or maintenance program from nutrient goals of 0.25 mg/L (milligrams per L) of NO₃ (nitrate) as N (nitrogen) and 0.02 mg/L of PO₄ (phosphate) as P to a seasonal average Chlorophyll-a concentration of 20 µg/L (micrograms per liter).

4. Revise N.D. Admin. Code ch. 33-16-02.1, Table 2, Water Quality Criteria, by adding water quality criteria for carbaryl and acrolein based on toxicological information provided by the U.S. Environmental Protection Agency.
5. Revise the format of Table 2 ch. 33-16-02.1, Water Quality Criteria, to include lines and borders to improve the ease of reading.
6. Revise N.D. Admin. Code ch. 33-16-02.1, Appendix II, Lake and Reservoir Classification, by adding South Buffalo Gap Dam (Golden Valley County) and Harmon Lake (Morton County); correcting the spelling of Fettim Lake (Kidder County); and upgrading Round Lake (Kidder County) from a Class 3 to a Class 2.

The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.

The proposed amendments and supporting material may be viewed at the North Dakota Department of Health, 918 East Divide Ave. Bismarck, ND 58501 or on the Department's website at www.ndhealth.gov. A copy of the proposed amendments and supporting material may be requested by writing the above address or by calling the Department at 701-328-5210. Written or oral comments on the proposed amendments received by December 12, 2013 will be fully considered. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Department at the above address or telephone number at least seven days prior to the public hearing.

Dated this 7th day of October 2013.

Dennis R. Fewless
Director, Division of
Water Quality