

DEC 28 2009



**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



December 23, 2009

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

Dear Mr. Walstad:

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

Sincerely,

A handwritten signature in blue ink, appearing to read "L. David Glatt".

L. David Glatt, P.E. Chief  
Environmental Health Section  
ND Department of Health

Enclosures

Environmental Health  
Section Chief's Office  
701.328.5150

Division of  
Air Quality  
701.328.5188

Division of  
Municipal Facilities  
701.328.5211

Division of  
Waste Management  
701.328.5166

Division of  
Water Quality  
701.328.5210

NOTICE OF INTENT TO  
AMEND ADMINISTRATIVE RULES  
RELATING TO STANDARDS OF WATER QUALITY

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. Admin. Code Chapter 33-16-02.1, at the Environmental Training Center, 2639 East Main Ave., Bismarck, N.D. on Wednesday, February 17, 2010, at 1:00 p.m.

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). The Department is proposing amendments to N.D.C.C. § 33-16-02.1-09, Table 1, Table 2, and Appendix II, as part of this triennial review. The proposed amendments are as follows:

1. Revise N.D.C.C. § 33-16-02.1-09(1)(b) classification of Class IA streams to clarify that softening or other treatments may be considered in determining whether the ambient water quality meets the Department's requirements and to remove the municipal and domestic use designation for the segment of the Sheyenne River from its headwaters to 0.1 mile downstream from Baldhill Dam. Revisions to Appendix I, Stream Classifications, were also made to reflect this change in the Sheyenne River's designated use.
2. Revise N.D.C.C. § 33-16-02.1-09(3)(b) numeric standards for Class IA streams to add a site-specific sulfate standard for the Sheyenne River from its headwaters to 0.1 mile downstream from Baldhill Dam.
3. Revise N.D.C.C. § 33-16-02.1-09(3)(e) numeric standards for lakes and reservoirs to clarify that reservoirs located on Class 1A, Class II, or Class III streams have the parameter limitations for that class stream.
4. Revise Table 1, Maximum Limits for Substances in or Characteristics of Class I Streams, to remove the fecal coliform maximum limit and make editorial changes to the nitrates maximum limit.
5. Revise Table 2, Water Quality Criteria, to update numeric criteria based on toxicological information from the U.S. Environmental Protection Agency.
6. Revise Appendix II, Lake Classification, to clarify that it applies to reservoirs and to clarify that a default classification of Class 4 applies to lakes not specifically listed in Appendix II. Editorial corrections were also made to certain lakes or reservoirs.

The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000, so a regulatory analysis was not required.

The proposed amendments may be reviewed at the North Dakota Department of Health, 918 East Divide Ave., Bismarck, ND, or on the Department's website at [www.ndhealth.gov](http://www.ndhealth.gov). A copy of the proposed amendments may be requested by writing the above address or calling the Department at 701-328-5210. Written or oral comments on the proposed amendments sent to the above mailing address or telephone number and received by March 1, 2010, 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 telephone number at least one day prior to the public hearing.

Dated this 24<sup>th</sup> day of December 2009.

A handwritten signature in black ink, appearing to read "L. David Glatt". The signature is fluid and cursive, with a large loop at the end.

L. David Glatt  
Environmental Health Section