

LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 197

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO ENVIRONMENTAL QUALITY; AMENDING SECTION 39-102, IDAHO CODE, TO
ESTABLISH PROVISIONS RELATING TO GROUND WATER AND MINE OPERATORS; AND
DECLARING AN EMERGENCY AND PROVIDING FOR RULEMAKING.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-102, Idaho Code, be, and the same is hereby
amended to read as follows:

39-102. STATE POLICY ON ENVIRONMENTAL PROTECTION. ~~(1-)~~ It is hereby
recognized by the legislature that the protection of the environment and the
promotion of personal health are vital concerns and are therefore of great
importance to the future welfare of this state. It is therefore declared to
be the policy of the state to provide for the protection of the environment
and the promotion of personal health and to thereby protect and promote the
health, safety and general welfare of the people of this state.

~~(2-)~~ The goal of the legislature in enacting the ground water quality
protection act of 1989 shall be to maintain the existing high quality of the
state's ground water and to satisfy existing and projected future beneficial
uses including drinking water, agricultural, industrial and aquacultural
water supplies. All ground water shall be protected as a valuable public re-
source against unreasonable contamination or deterioration. The quality of
degraded ground water shall be restored where feasible and appropriate to
support identified beneficial uses.

~~(3-)~~ In enacting this law, the legislature intends to prevent contam-
ination of ground water from point and nonpoint sources of contamination to
the maximum extent practical. In attaining the goals enumerated in subsec-
tions ~~(1)~~ and ~~(2)~~ of this section, the legislature wishes to enumerate the
following ground water quality protection goals:

~~(a-)~~ It is the policy of the state to prevent contamination of ground
water from any source to the maximum extent practical.

~~(b-)~~ The discovery of any contamination that poses a threat to existing
or projected future beneficial uses of ground water shall require ap-
propriate actions to prevent further contamination. These actions may
consist of investigation and evaluation or enforcement actions if nec-
essary to stop further contamination or clean up existing contamination
as required under the environmental protection and health act.

~~(c-)~~ All persons in the state should conduct their activities so as to
prevent the nonregulated release of contaminants into ground water.

~~(d-)~~ Education of the citizens of the state is necessary to preserve and
restore ground water quality.

(4) It is the policy of the state to protect ground water and to allow
for the extraction of minerals above and within ground water. A mine opera-
tor shall protect current and projected future beneficial uses of ground wa-

1 ter at a point of compliance designated pursuant to rules of the department.
2 Degradation of ground water is allowed at a point of compliance if the mine
3 operator implements the level of protection during mining activities appro-
4 priate for the aquifer category.

5 SECTION 2. An emergency existing therefor, which emergency is hereby
6 declared to exist, this act shall be in full force and effect on and after its
7 passage and approval. The Board of Environmental Quality shall promulgate
8 temporary rules by June 1, 2015, to implement the provisions of this act.